

Reply by the Government of the Republic of Slovenia regarding the alert published on Platform to promote the protection of journalism and safety of journalists on 18 May 2020 titled "Prime Minister Janez Janša Denigrates Journalists".

To whom it may concern,

Freedom of expression and public appearance is a right that also belongs to the Government and its President and does not end with rhetoric. In its case law, the European Court of Human Rights has taken the view that freedom of expression is not limited to the mere uncritical expression of thoughts, speech and ideas, but may also include information given in the form of negative criticism and not merely ideas that are favorably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb.

To understand the gist of the Prime Minister's words, one must read the whole paragraph, not just a few selected quotations which have been slyly placed out of context. That is why at the end of our answer, we are providing the whole text that is being observed on the Council of Europe's platform.

To understand the context, it is important to first understand the specifics of the Slovenian media landscape. As was already examined in a note forwarded to the Council of Europe by the Government Communication Office (UKOM) (<https://rm.coe.int/slovenia-reply-en-slovenian-prime-minister-attacks-radiotelevizija-slo/16809e1dd2>), Slovenian media is heavily skewed towards the left side of the political spectrum, a large part even towards the radical left. This is also further elaborated in the Prime Minister's writings, which highlight issues such as media monopolies (concentration in the field of media) and internet freedom (internet neutrality) and other completely legitimate issues that concern Slovenia and the rest of the world, and call for a discussion on media freedom.

The Prime Minister's call to discuss these issues, even if expressed in a provocative manner, cannot constitute a threat or even contempt in a democratic society. On the contrary, it can only mean that there is an interest and will in the Republic of Slovenia to involve all stakeholders in the discussion on the future regulation of the media in a democratic way.

As you will notice if you digest the text in its entirety, his solution to solving the problem of an astonishing lack of plurality and a clearly pronounced political bias in Slovenian media is not by attacking media outlets financially or economically. The take-away message of his discourse is that it is in fact free-market competition in the field of media entrepreneurship, which is more important than any other aspect of society. So important in fact, that it is the prerequisite for a democratic social order and a free society in general.

The Prime Minister also notes that the internet has become the main platform for content distribution, a field which has been previously dominated by traditional media. As such the internet enables a greater role for media content users (making it possible for anyone to create, distribute and publish content in real time), which in turn leads to

a greater plurality of opinions. This can play a pivotal role in ensuring that media in a country such as Slovenia, which is heavily skewed towards one political denomination, will be held accountable for its content not by government intervention, but instead by the people. As the Prime Minister notes, the internet gives everyone a piece of power of the media, which, in conjunction with the possibility of immediate verification of information, severely limits the reach of media monopolies. The modern "remedy" for media monopolies is thus healthy competition in the media space and a free internet, as he puts it.

It is also important to note that the freedom of expression (which also encompasses the freedom of the media or freedom of the press) is a fundamental human right, protected by international conventions on the protection of human rights and freedoms, the Constitution of the Republic of Slovenia and, last but not least, the Media Act, the RTV Act and the STA Act. This right includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority. The new proposal of these laws that has been put forward to public debate must also – as a constitutional necessity – follow these internationally assured protections. These freedoms are protected not only by our constitution, but also by international agreements. Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms states that everyone has the right to freedom of expression.

Thus, these same protections that ensure freedom of the press and public media funding also ensure the Prime Minister, as well as any other members of the government to speak freely about their political standpoints on all societal matters. Negative criticism of an individual journalist, publisher or broadcaster by a prime minister, does not automatically render it an attack or an encroachment on media independence. In this case, also any negative criticism of the operation of RTV Slovenia or other media by the Prime Minister does not automatically mean that it is an attack on journalists or an interference with the institutional autonomy or editorial independence.

Freedom of expression is a right that belongs to every individual. As previously mentioned, this was also extensively confirmed in the case law of the European Court of Justice. At the same time, all members of the government are obliged to adhere to the constitution, domestic legislature as well as international agreements when putting their policies into executive acts.

Finally, the World Press Freedom Index, published annually by the international non-governmental organization Reporters Without Borders, ranks Slovenia 32nd, which is two places better than in 2019 and the same as in 2018. This places it in the circle of countries where the state of media freedom is assessed as good. Within our region, only Switzerland (8th), Germany (11th) and Austria (18th) rank higher.

Because we believe that the public should be fully informed on the text that Prime Minister wrote and that is being exposed at the platform, the part of the state's answer is the whole text that was published. Those, who posted on the platform, have provided just a part of the text that was written by the Prime Minister,

## War with the media

A fable of us as boiled frogs cooked in lukewarm water and of death threats

"There cannot be a war between one person and the media, just as there cannot be a war between one person and the army of a country."

You have probably heard many times that a war against the media cannot be won. This is one of the folk sayings people good-naturedly repeat without thinking of what they are actually saying. If you throw a frog into a pot of boiling water, it will quickly jump out. But if you throw it into a lukewarm water and heat it slowly, it will stay in the pot until the bitter end.

I used to be one of the people repeating this phrase on war with the media, until seven years ago in Berlin I ran into a wise man who was a long-time friend of the late Chancellor of Germany Helmut Kohl. While we were talking, waiting for a roundtable to start, I used this phrase and saw him raise his eyebrows.

"In ancient Rome, young legates were taught that the fear of Roman legions is a stronger weapon than their spears and swords," this wise man started to teach me. He continued with his lesson on ancient history (as summarised from notes). "They deliberately spread the word, through merchants and travellers, throughout the known world, that Roman legions were invincible. The legions were in fact extremely disciplined, well-trained and equipped, but certainly not invincible. They had been defeated by the Celts, Germans, Carthaginians, Parthians and many others, but their battles were persistently praised as victorious both at home and abroad. Many Romans still believed in their invincibility even when Praetorians started to install "barbarians" as emperors and the empire was rotting due to its decadence. But they did not have the internet.

The same applies to the media, or the media that are mostly propaganda tools instead of a mirror of truth," he came to the crux of the matter. "Such media give themselves the right to a monopoly on knowledge and judgement. They criticise but do not stand being criticised themselves. You must not contradict them and their owners or masters even less. You can only agree with them, otherwise they declare you insane, mock you and blacken your name. If you defend yourself and do not give up, they accuse you of attacking them. They turn it around. It is you who is attacking them, they suddenly claim. They even say that you are waging a war against them," he said and thought for a moment.

"My friend Helmut Kohl became their target when he said somewhere that he did not read newspapers," he continued. "He said in an interview that newspapers write about things that have already happened, while he was mainly interested in the future, not so much in the past, so he did not read them. They descended upon him, particularly the leftist Spiegel, and accused him of all sorts of things. His friends began warning him, telling him to let go, as you cannot win a war against the media. He responded with the question: Did they know anybody who won by running away?"

Later, at the roundtable which brought together many intellectuals from all over the world, we started the same topic and after hours of discussion came to the following conclusions:

A medium following the truth, which is a prerequisite for even considering a collection of articles or reports to be a medium, will never proclaim a criticism aimed at it to be an attack on the freedom of the press or even a war against the media. It will publish the criticism and try to refute it with facts. If no such facts exist, the editorial board will apologise and remedy the damage. However, if a medium acts differently, it is not a medium but an extension of a narrow, particulate interest. It is certainly not a pillar of freedom and democracy.

If a person is maligned and does not defend herself or himself believing that "there is no point in arguing with the media", she or he has lost the battle from the very start. If they rely on getting justice at court, they will notice with surprise, after a few months (months in some Western countries, several years in Slovenia and never in China) of litigation, that the media that had been most brutal towards them have published the judgment in the defendant's favour in the least noticeable place and in the smallest letters or at the least noticeable time in the shortest report, while most of the others have not mentioned it, as if it did not concern them.

They proclaim a critique of their false or manipulative reporting a war, and just the notion of it makes an ordinary person shiver. Then they accuse the person they are assassinating in the media of waging a war against them. The part of the "public" opinion that has been cooked in lukewarm water wisely nods thinking "a war against the media cannot be won".

Today, it is increasingly difficult to recognise the professional group that in Western civilisation initially called itself the seventh force, then the fourth (non-elected) branch of power, and finally the moral arbiter of political correctness, as something good, as in reality it is no longer the first nor the second nor the third. This is also becoming increasingly clear to the general public. The two historical equalisers of modern society – education and the internet – are drastically demolishing the evolving idols of Orwellian society thus bringing hope that Western civilisation will not meet the same fate as the Roman Empire. The world's libraries of knowledge, accessible in real time to hundreds of millions of people, make directing "knowledge" very difficult in a national, regional and global context. The internet gives everyone a bit of the power of a medium, which in combination with knowledge and ability to instantly verify information considerably limits the reach of media monopolies. The requisite competition among media and free internet remain to be a modern "cure" for media monopolies.

Such a discussion of media freedom and "the war against the media" would be more than welcome in Slovenia.

At the Republican Party Convention in July 2016, I met a colleague from the International Republican Institute (IRI), a renowned expert in analysing election campaigns. He was very pessimistic. He even said that their candidate Donald Trump had no real chance of winning the presidential elections and that his candidature would also be very damaging for their party at the congressional elections and elections in individual states. Of course, he did not forget to add that of the 300 largest media in the US, only three supported Donald Trump and that the most damaging for his candidature were his tweets. The majority of the leading members of the Republican Party I met during the convention were of the similar opinion.

As we know, not only did Donald Trump win the 2016 US presidential elections, the Republican Party was also victorious in the congressional elections and in more than one third of the states that held elections concurrently with the presidential elections. A few months later, I received an internal analysis of the elections, co-signed by the same expert. Among other things, the analysis stated that the most important reason for Donald Trump's victory in the presidential elections was his direct communication with voters, and in particular his quick, universally understandable reactions via Twitter, which prevented even worse manipulations by hostile media.

When media use their monopoly power to go after an individual or a minority group and this individual or group tries to defend themselves, this is not a media war. Not in Slovenia and not elsewhere in the world. This is but a mirage of a media war. In reality, in these attacks on the more vulnerable there is no moral superiority, only the crude abuse of the privileged monopolistic position and even of the taxpayers' money, abuse of the public and fear of the truth.

There cannot be a war between one person and the media just as there cannot be a war between one person and the army of a country. The expression "media war" would only be appropriate in situations where media of approximately equal power are competing among themselves. For centuries, Western societies were used to such wars that helped establish competition and prevent monopolies. Among reasonable persons – and journalists are supposed to be reasonable persons – there is no one with neutral values, as all normal people with a reasonable mind have their own set of values and convictions. Therefore, in a democratic society, different values should enjoy the equal opportunities of expressing and defending one's ideas to the greatest extent possible. Competitiveness of the media is a value above all others and a prerequisite of a democratic social system and of a free society in general.

Consequently, an individual may never win such a war with the media, as such war does not exist and has never existed anywhere. However, the monopoly of lies can be brought down. Not only this may be done, it is paramount for the future of any nation or country. To begin with, it is extremely good for our health not to read or listen to those "media" for which one knows in advance what their commentary will be. This is a waste of time.

In particular in Slovenia, where in 2020 the management of the national broadcasting service RTV Slovenia wrote:

"The national radio and television broadcasting company is one of the pillars of a free society, so any attack on RTV Slovenia is an attack on democracy."

Yet, 32 years ago, in May 1988, the same company broadcasted this message by the then presidency of the Central Committee of the League of Communists of Yugoslavia:

"The Yugoslav People's Army is one of the foundations of a free and independent Socialist Federal Republic of Yugoslavia, so any attack on it is an attack on the socialist self-government..."

Imagine that at the margins of demonstrations where the Communicable Diseases Act is violated en masse, where individuals dressed in uniforms of the aggressor Yugoslav Army wave flags of the authoritarian Socialist Federal Republic of Yugoslavia and leftist parties wear T-shirts with images of mass murderers and dictators (at the same time shouting against a dictatorship government) the government published the following press release:

"Slovenia's government, formed in accordance with the constitutional procedure and on the basis of a democratic expressed majority vote of the electorate, is one of the foundations of a free society, so any attack on the government and the government coalition an attack on democracy."

Can you imagine the reaction of the "public" broadcasting company? If you can, then it is perfectly clear to you where we stand and how deeply twisted are those who, without being confirmed in the elections or by a constitutional procedure shamelessly proclaim themselves as "the foundation of a free society".

In doing this they never ask how the victims, and the victim's families, of their media murders feel. They are publicly judged and discredited and assassinated in the media, before judicial action has even begun. Their numbers reach the hundreds, many do not even fight back, among them there are some notorious cases, from Novič to Radan and to certain, rare, judges that had the nerve to judge contrary to the aspirations of the media assassins. Lately, these are being mercilessly discredited in the very media that, without any shame, proclaim themselves to be the bastions of the stale-of-law and democracy.

In both broadcasting companies that receive the larger share of taxpayers' money and have the largest slice of the monopolistic advertising cake and, consequently, have the largest audiences, there are numerous capable, professional and ethical journalists and staff who, in a management and editorial atmosphere inciting hatred, have no voice. An atmosphere of intolerance and hatred is being created by a small circle of female editors, having both family and capital connections with the pillars of the deep state, as well as a small number of average and below average journalists, both women and men, or freelancers who, in a normal media company would not even be eligible to report from the local farmer's market.

The rich history of emergence of totalitarian regimes, from fascist to national socialist regimes, communist, Islamist to post-communist hybrids (Solženicin), is a warning to all intelligent people of the evident signs of danger:

The media monopoly that enables the establishment of double standards of state organs (for example money laundering of 1000 million euros for a totalitarian regime by a state bank is not being

investigated and sanctioned, while the president of the parliamentary commission that was disclosing this was under scrutiny);

Dissemination of a false picture of the state of a country, where one's own actions and intentions are being palmed off on others;

Attacking and discrediting everything that enables the democratically elected authorities to put up any kind of media, diplomatic or public defence and appealing to those who are attacked not to defend themselves;

Creating emergency situations at any cost.

For them Item C is of particular importance. In layman's terms it could be paraphrased as: "Throw away your weapons and we will treat you nicely."

Or: "Do not send any dispatches and there will be no problems." Do not nominate your member to the RTV Council, although you are entitled to, as a media pogrom will ensue. Stop tweeting, and you will not be attacked."

But is that true?

History teaches us, without mercy, that the result is normally just the opposite. Totalitarians have always first disarmed and then taken down their opponents. Both in the media and physically. They begin with the former and finish with the latter. First discreditation, then liquidation. Physical one, if need be. Perhaps while in the lukewarm water you did not notice that death threats and incitements to murder during left wing rallies are considered, by RTV Slovenia and other "media" from the same horde, as something "normal", even commonplace. In doing so they are assisted by many who are, deep down, good willing and god-fearing, who do not want to be exposed in public, and look for apologies for their lack of courage on both sides. Until they are caught up in the system – which happens sooner or later to anyone who wants to act in honesty and for the common good.

Do not wait, now is the time. The fire under the pot is burning strongly.

It is you that are getting boiled to death in there, not the government. We are in a time of a pandemic. Slovenia has, because of the extremely responsible actions of the majority of its population, the sacrifices of medical doctors and nurses and the urgent actions of the government, successfully overcome the first wave of the pandemic. Let us do everything to prevent further outbreaks. This is almost entirely dependent on our responsible actions. Irresponsibility, even slight, may be a threat to others. In addition, we are facing a further, much bigger, crisis wave. Recession. It's devastating consequences may only be prevented by joining forces. Slovenia can do it, but not if it remains divided. Therefore it is imperative to strive actively for the common good and speak in a strong, united voice, without false political correctness; the voice of each individual against incitement to hatred, against the creation of additional emergency situations and irresponsible action.

