

ANEM Workshop for members:
Investigative Journalism – the legal aspects, benefits and risks

The year 2009 was characterized by a series of changes of regulations influencing the work of the media, the most important – amendments to the Law on Public Information and to the Criminal Code. They changed the media legal framework in a restrictive manner, which directly caused a lesser practice of investigative journalism. Journalists are no longer sure which information they are allowed to disclose to the public and that it is not considered as a violation of freedom of information. Also, the self-censorship is evident, recognized by journalists themselves and the media as a result of these amended regulations.

Having in mind the importance of investigative journalism for fulfilling the social role of media and development of society's democratization, but also the fact that it is necessary to know and understand the regulations, rights and obligations arising from them for journalists and media, ANEM organized a workshop for its members on January 27, 2010 in Belgrade. Guests – workshop panelists were: *Brankica Stankovic* journalist, RTV B92; *Tomo Zoric*, spokesman and adviser to the Republic Public Prosecutor's Office; *Bruno Vekaric*, spokesman for the Office of the War Crimes Prosecutor; *Djordje Padejski*, CINS journalist and *Slobodan Kremenjak*, ANEM lawyer from the law office *Zivkovic&Samardzic*. Thirteen representatives of 12 ANEM stations attended the workshop: *Radio CITY from Nis*; *Radio Luna from Uzice*; *Radio EMA from Bujanovac*; *RTV Kragujevac from Kragujevac*; *RTV Panon from Subotica*; *Radio Sports Plus from Pirot*; *RTV Pancevo from Pancevo*; *TV Jedinstvo from Novi Pazar*; *Radio Boom 93 from Pozarevac*; *Radio Ozon from Cacak*; *RTV Krusevac from Krusevac* and *TV Valjevo from Valjevo*.

Brankica Stankovic, *TV B92* journalist, author of the TV program “Insider” and laureate of many prestigious journalism awards, talked about her research methods, benefits and risks of this kind of journalism, in the first part of the workshop. Presenting the procedure of making of the TV program “Insider”, the journalist explained to the participants of the workshop how to choose topics, how to investigate on certain topics, how acquire information and evidence, both written and oral; how important is the choice of right interlocutors for the topic; how the preparation for the interview should look like; how to verify the information collected and how the recording of interviews and final editing of the program should be done. She stressed that the essence of investigative journalism lied in the proper analysis of the collected information and evidence, as well as their evaluation by journalists through correlation of all relevant data. These procedures require a lot of time, patience and persistence, and the support of the editorial team, which is particularly important.

Elaborating on the causes of under-developed investigative journalism in Serbia, the journalist explained that one of the reasons probably was the fact that this kind of journalism was expensive, as it required several months of cost-covered preparation, although the end result of this work would be visible several months later. However, certainly the most important reason for the lack of investigative journalism is that it carries great risks. Journalists come across all kinds of information in the course of the research, thus getting themselves and the media exposed to different kinds of pressures of politicians, tycoons and other interest groups. She also pointed out that the problem that hampered the investigative journalism was often a lack of adequate response of the public and the unwillingness of other media to follow up on further investigation of

topics initiated by these kinds of programs such as “Insider” and put pressure on the relevant instances of the state and affect the achievement of positive effects for the entire society. However, there are examples that show that there are positive effects of these programs and certain progress in the society, which is actually the real reason for practicing this form of journalism (e.g. the reaction of competent authorities, as a result of broadcast programs on the action “Network”).

All information, which journalist obtained during a course of investigation of a topic, must be supported with evidence at the time of their publishing. In this sense, the role of a lawyer who forecasts possible scenarios and warns authors of the possible legal consequences of such programs is of great importance for journalists. ANEM lawyer Slobodan Kremenjak explained that it was very important that the programs be “clean” from a legal point of view. This reduces the risk to journalists of possible criminal charges and high fines that recently amended laws, both Criminal Code and Law on Public Information, prescribe; this however does not mean that a lawyer should be the editor of the programs.

In the second part of the workshop, **Bruno Vekaric**, *spokesman for the Office of the War Crimes Prosecutor* and **Tomo Zoric**, *spokesman for the Republic Prosecutor's Office* talked about the limits of investigative journalism. Vekaric has confirmed positive effects of some series of the TV program “Insider”, which directly influenced the efficiency of some state bodies and institutions to combat crime and negative phenomena in society. *Tomo Zoric* explained to journalists/participants of the workshop the frequent mistakes made by journalists in their reporting on criminal proceedings and sanctions for such errors. He said that journalists ought to take into account whether the information they possessed was official or not, whether they could be released, and whether their premature announcing would endanger the stage of the investigation or the course of a criminal proceeding. In this sense, journalists reporting from the courtrooms must be familiar with the terminology, stages of the court proceedings as well as who filed a criminal complaint and who filed the request for investigation, so as not to come in the situation to provide false information out of ignorance and to bear the consequences. Therefore, journalists who deal with these topics are recommended to consult with a lawyer and obtain strong arguments for what they publish.

Zoric also informed journalists that amended Law on Public Information, as quite rigorous one and providing for high and harsh fines, must be respected as long as in force. He however said that the prosecution took more liberal position regarding this law, except in cases of serious violations of regulations. He stressed that a journalist ought to take into account what he/she was reported and must have evidence on which he/she actually believed in the authenticity of his/her statements. Freedom of expression must not be abused and principles and standards of the journalistic profession must be respected. On the other hand, if a journalist, out of moral principles, publishes information that he/she considers that the public has an interest to know, though violating any of the provisions of the law, he/she must be ready to face and deal with the risks of such decision/action.

Journalist **Djordje Padejski** from IJAS (NUNS) Center for Investigative Journalism presented the journalists at the workshop with investigative skills and available research tools, used in investigative journalism to collect the necessary data and documentation for a particular topic or story.

General opinion of the journalists-participants of the workshop is that all panelists have significantly contributed with their presentations and answers to questions to clarifying of the most common dilemmas that journalists have in their work, especially when it comes to investigative journalism.

Conclusion of the workshop participants is that further education is required for journalists providing information, particularly those dealing with investigative journalism and reporting on courts proceedings, so as to enable them to perform their job at a higher professional level, to the benefit of citizens, but without consequences for them or the media they work for.

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