



**International Federation of Journalists**

**Report June 2002**

# **The Miro Petek Case**

**A Threat to Press Freedom in Slovenia**

by Alexander Sami,

IFJ-Expert group-Member and Central Secretary  
of the Swiss Federation of Journalists SVJ-FSJ-FSG

Brussels, 14<sup>th</sup> June 2002

## Index

Introduction	page 3
I. Basic Facts of Slovenia	page 4
1. Country Law System and Organisation	
a) <i>Constitution and Law-Regulation</i>	
b) <i>Parliamentary and electoral systems</i>	
c) <i>Civil Service and State Administration System</i>	
2. Media Landscape	
a) <i>General Economic Overview</i>	
b) <i>Written Press</i>	
c) <i>Audiovisual Media</i>	
d) <i>National media policies</i>	
II: The Miro Petek-Case	page 13
1. Circumstances	
2. Interview Summaries	
a) Meeting with General State Prosecutor Mrs. <i>Zdenka Cerar</i> and together with the Supreme State Prosecutor Mr. <i>Mirko Vrtacnik</i>	
b) Meeting with the General Director of Police Mr. <i>Marko Pogorevc</i> and the Director of the Criminal Investigation Sector Mr. <i>Stjepan Kovacevic</i>	
c) Meeting with the <i>Local Police Investigators</i> and the <i>Local Prosecutor</i> of Slovenj Gradec who are in charge of the Miro Petek Case	
d) Meeting with Minister of Interior <i>Rado Bohinc</i> , <i>Miha Molan</i> , state secretary and <i>Peter Jeglic</i> , chief of cabinet	
e) Meeting with the <i>Parliament Investigation Commission</i> for the Miro Petek Case	
f) Meeting with Counselor to the President of the Republic of Slovenia for Public Relations Mrs. <i>Spela Furlan</i>	
III. Conclusions	page 21
IV. Actions done by the Slovene Association of Journalists DNS	page 26
1. Summary (by the Article of Rok Kajzer)	
2. Strategy of the DNS in the Case of Miro Petek	
V. Literature	page 33

## Introduction

The International Federation of Journalists (IFJ) invited Alexander Sami, Central Secretary of the Swiss Federation of Journalists, to write a report on the issue of Press Freedom in Slovenia, and to enquire into the "Case of Miro Petek". Miro Petek, a well known Journalist was brutally assaulted last spring after publishing a series of reports on corruption. The IFJ decided to launch an enquiry into the failure of the police investigation after they were asked for help by the Slovene Association of Journalists (DNS). After more than 14 months the Case still remains unsolved.

The starting point for this work was first of all to gather information from the Newspapers during the period of the attack against Miro Petek. General information concerning the country- and media-situation, which were gathered from various sources such as NGO's and governmental and international Organisations, also helped to shed light on the situation. In addition to that, interviews have been made with several authorities of the country.

The Report is divided into four parts. The first part is a general survey of the country including an insight into the political and administrative system and review of the economic and media situation. The second part shows the circumstances of the Case of Miro Petek and a summary of the interviews with the relevant authorities in charge of the case. After careful consideration the third part should allow us to form an opinion into the methods needed to guarantee Press Freedom in Slovenia. Finally, with these results further recommendations can be made. The last part will show a survey taken recently which illustrates the actions recommended by the Slovene Association of Journalists.

This report is not a personal opinion. It is an evaluation of accessible papers and reports including interviews and statements given between the 10<sup>th</sup> and 12<sup>th</sup> of April, 2002 from various authorities. The Report concentrates mainly on the Miro Petek-Case, although further to that some general conclusions can be made. Last but not least the Author wishes to thank Miro Petek who offered his time and energy to speak with me about the case, and also the Slovene Association of Journalists (DNS) with its President Grega Repovz, its Project manager Rok Kajzer and all its members who made this report possible through their efforts in helping me collect information.

## I. Basic Facts of Slovenia

### 1. Country Law System and Organisation

#### a) Constitution and Law-Regulation

A referendum on independence was held on 23 December 1990. Slovenia dissociated itself from Yugoslavia a half year later, on 25 June 1991. Actual independence was declared on 7 October 1991<sup>1</sup>. The new constitution was adopted on 23 December 1991. It states that Slovenia is a democratic republic and that the state is based on the rule of law and the provision of social services<sup>2</sup>. The Constitution provides the freedom of thought, speech, public communication and expression<sup>3</sup>.

In March 1994, the Slovenian Parliament adopted a new media law regulating print, radio and television broadcasting. Public radio and television, is not covered under this piece of legislation. It is



governed by a special law, also accepted in March 1994<sup>4</sup>. In spring 1999 by the culture Ministry a project was submitted. The officially indicated reason for it was the adjustment of the national laws to conditions in the European union. The second reason for a reorganization of the media laws was situated in the inefficacy of the up to then valid law, which became 1994, when there still were no commercial media, to issue. The recently submitted bill caused a strong negative reaction under individual journalists as well as the organization of professional journalists<sup>5</sup>.

<sup>1</sup> <http://www.us-rs.si/basis/consten.html>

<sup>2</sup> <http://www.europeanforum.bot-consult.se/cup/slovenia>

<sup>3</sup> However as the Country Report on Human Rights Practices - 2001 Released by the Bureau of Democracy, Human Rights, and Labor on March 4, 2002 remarked, "some lingering self-censorship and occasional indirect political pressures continued to occasionally influence the media. The press is a vigorous institution although major media do not represent a broad range of political or ethnic interests. In theory and practice, the media enjoyed full journalistic freedom; however, for over 40 years the country was ruled by an authoritarian Communist political system, and reporting about domestic politics may be influenced to some degree by self-censorship and occasional indirect political pressures"; see also:

<sup>4</sup> <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8341.htm>

<sup>5</sup> <http://www.ejc.nl/jr/emland/slovenia.html>

<sup>5</sup> <http://www-qewi.kfunigraz.ac.at/csbsc/ostwest/11-1-99-Petrovic.htm>

### *b) Parliamentary an electoral systems*

Legislative power lies in the hands of the Parliament. The Parliament (Drzavni Zbor) consists of 90 seats and is elected every four years (next to be held in October 2004). Two appointed members come from the Italian and Hungarian minorities. The National Council (Drzavni Svet) is an advisory body with limited legislative powers. It may propose laws and ask to review any National Assembly decisions. The National Council's role is mainly an advisory one, but it is also able to veto decisions of the National Assembly. It's elected every five years (next to be held in fall of 2002). Twenty-two are chosen directly and represent commercial and non-commercial interests, whilst eighteen members are elected by an electoral college representing local councillors.

The government<sup>6</sup> is to be approved by the National Council. Following the National Assembly elections, the leader of the majority party or the leader of the majority coalition is usually nominated to become next prime minister<sup>7</sup> by the president. He is elected by the National Assembly (next to be held in 2004). The president of the Republic of Slovenia has a ceremonial role and is elected through general elections (next to be held in 2002).

The Supreme Court Judges are elected by the National Assembly on the recommendation of the Judicial Council. The Constitutional Court Judges<sup>8</sup> are elected for nine-year terms by the National Assembly and nominated by the president<sup>9</sup>.

### *c) Civil Service and State Administration System<sup>10</sup>*

The status of public servants is regulated by the Law on Workers in State Organs (LWSO 1990) and some secondary legislation, regulations, issued on the basis of this law. LWSO covers all persons employed in state administration, in services of other state organs (Parliament, Ombudsman, Court or Auditors, etc.) and in local government administrations. There is a strict distinction between a public servant and a functionary. In state administration not only ministers but also state secretaries and

---

<sup>6</sup> [www.gov.si/vrs](http://www.gov.si/vrs)

<sup>7</sup> [www.gov.si/pv](http://www.gov.si/pv)

<sup>8</sup> [www.us-rs.si](http://www.us-rs.si)

<sup>9</sup> <http://www.europeanforum.bot-consult.se/cup/slovenia> ; <http://www.odci.gov/cia/publications/factbook/>

<sup>10</sup> <http://www.oecd.org/pdf/M00026000/M00026243.pdf>

heads of some governmental agencies attached directly to the government serve as functionaries. There are no public servants performing political functions<sup>11</sup>.

Public servants are selected by the head of the body of an administration (minister, head of a semi-independent administrative body within a ministry, head of an administrative unit; administrative units are deconcentrated bodies of state administration)<sup>12</sup>. Senior officials are formally appointed by the government on the proposal of a minister or head of another administrative organ<sup>13</sup>. Other officials are directly appointed by a minister or another head of an administrative organ<sup>14</sup>.

The overall responsibility for matters related to the personnel management of public servants is divided between Personnel Service<sup>15</sup>, Personnel Commission<sup>16</sup> and Ministry of Interior<sup>17</sup>. Regulations governing personnel management (LWSO, governmental decrees, and ministerial regulations) are common to all branches of the administration. The Ministry of Interior is responsible for preparing regulations on personnel matters. Regulations are mainly issued in the form of governmental decrees. A central plan of new employment, issued by the government as part of the "budgetary memorandum", determines the exact number of new posts for each ministry and for administrative units. There are in existence two governmental decrees regulating staffing procedures and internal organisation and schema of typical posts. Each ministry and administrative unit has its own "act of systemisation", which is a list of posts required to fulfil all functions.

To insure legal competence, accountability mechanisms and proficiency, the following has to be noted: Constitutional authorisation and enabling powers are given only to the government and administrative organs and not to public servants. The minister is responsible for making decisions in the name of the ministry (e.g.

---

<sup>11</sup> There is a category of contractual public servants whose tenure is dependent on the tenure of the minister. Contractual public servants are employed without a public competition procedure. Their jobs are attached to the cabinet of the minister.

<sup>12</sup> DPEPT, Art. 17 - The new 'Governmental Decree on Procedure of Employment for Permanent Tenure' in State Organs (DPEPT, 1998) (Decrees are issued by the government (collective political executive body and supreme organ of state administration)).

<sup>13</sup> By "another administrative organ" it is meant: semi-independent organs within a ministry (bureau, inspectorate, agency...) and administrative units (deconcentrated organs of state administration). It has to be stressed that state functions are not executed by local government; there is a strict distinction between local matters governed by local (municipal) councils and state administrative matters.

<sup>14</sup> LWSO, Art. 19 and 21.

<sup>15</sup> Attached directly to the government: personnel databases, opinions on acts of systemisation (except for administrative units).

<sup>16</sup> Composed of ministers, chaired by the Deputy Prime Minister: opinions on appointment of senior officials (formally appointed by the government accords) regarding acts of systemisation.

<sup>17</sup> Bureau of Organisation and Development of Administration: preparation of primary and secondary legislation, opinions on acts of systemisation of administrative units, responsibility for execution of LWSO.

regulations). He is able to empower particular public servants within the ministry to adjudicate (to issue concrete administrative acts). The only public servants having direct authority arising from the Law on Administration are Inspectors (to adjudicate and decide upon rights and obligations of legal subjects). Policemen are empowered by the Law of Police to take measures in the field of public traffic and public order.

A provision in Art. 45 of LWSO is relating to disciplinary sanctions for requirements to carry out government policy and to obey orders. The law designates as a severe breach of disciplinary rules the "refusal of the order of the head or senior official"<sup>18</sup>. It is not clear what the law means by an order of a "senior official". Thus, the duty to obey orders is implicitly included in the law. This duty is enforced in the disciplinary procedure.

There are no such safeguards except in the field of adjudication<sup>19</sup>. The General Administrative Procedure Law establishes the "principle of independence". According to this principle, when adjudicating in a concrete administrative matter, an official is only bound by laws and regulations and not obliged to follow the orders of his superior or even of a hierarchically superior organ.

A clause in the Slovene parliamentary system states that ministers are individually accountable to parliament. Ten members of parliament can request a discussion (interpellation) on the work of a minister. Parliament can discharge a minister by a vote of no confidence on the proposal of ten members of parliament, or on the proposal of the Prime Minister (President of the Government).

Political (parliamentary) control is exercised only in the relationship between parliament and the government. In principle, there is no direct parliamentary control of administrative actions executed by public servants. Political accountability of the government and ministers is exercised in the form of (constructive) vote of no confidence, interpellation, discharge of a minister, parliamentary questions, constitutional impeachment<sup>20</sup>. Parliamentary inquiry is provided for by the Constitution but only for fact-finding on which political decisions are based. A

---

<sup>18</sup> It is not clear what the law means by an order of a "senior official".

<sup>19</sup> Safeguards for public servants who are asked or required to take administrative actions which they consider to be in conflict with constitutional/legal provisions.

<sup>20</sup> A form of semi-political and semi-criminal responsibility.

parliamentary inquiry commission has the same inquiry powers as the courts. In practice, parliamentary inquiry does not work as an efficient mechanism of parliamentary control of the executive branch of power<sup>21</sup>.

The Ombudsman<sup>22</sup> and the Court of Auditors<sup>23</sup>, as independent institutions, play an important role in controlling actions taken by public servants. The Ombudsman is elected by parliament and serves as an independent institution, investigating alleged infringements to human rights by state and local community organs. The Court of Auditors is an independent institution as well, having the role of "supreme organ of control over state accounts, state budgets and the entire public expenditure". The Ombudsman can take no direct action with legal effects but has the right and duty to propose measures to the organ concerned in order to abolish any irregularities. The Ombudsman also has the right and duty to propose disciplinary measures on a public servant. The organ must inform the Ombudsman on measures taken within 30 days. If no measures are taken, the Ombudsman can report to a superior organ or to parliament or publish the report in the media. The Court of Auditors reports to the government and to parliament. It has the right to propose the discharge or dismissal of responsible persons, including public servants.

Judicial accountability is possible for general abstract and individual concrete acts, contracts, damages and criminal acts. No special legal aid is available for individuals or groups of individuals challenging administrative decisions<sup>24</sup>.

## 2. Media Landscape

### a) *Economic overview*<sup>25</sup>

Among the transition economies of Central Europe Slovenia enjoys one of the highest GDPs per capita. The country still needs to speed up the privatization process and the dismantling of restrictions on foreign investment. About 45% of the economy remains in state hands, and the level of foreign direct investment as a percent of GDP is the lowest in the region.

<sup>21</sup> It is usually blocked by political quarrels between the ruling party/coalition and the opposition. There are seldom any parliamentary reports finding fault with public servants. This only happens in the rare cases when a minister is discharged by a vote of no confidence. In such cases, the new minister usually takes measures against the public servants who were found at fault.

<sup>22</sup> <http://www.varuh-rs.si/cgi/teksti-eng.cgi/Index?vsebina>

<sup>23</sup> <http://www.gov.si/racs/>

<sup>24</sup> <http://www.uvi.si/eng/slovenia/facts/political-system/#10>

<sup>25</sup> <http://www.odci.gov/cia/publications/factbook/>



## b) Written Press<sup>26</sup>

High concentration, monopoly of a single newspaper company, decline of total sales and readership<sup>27</sup>, commercialisation and tabloidisation, strong dependence on advertising income and the lack of any foreign investment in the print media dominates the Slovene newspaper market.

The change in the media system in Slovenia was a highly politicised argument during the early years of the "transitional" period. Market competition seen as a basic right governing the freedom of the media, was a dominant issue when discussions about the reorganisation of media landscape were held<sup>28</sup>. The written press were finally left without any kind of government regulation or financial support. Several attempts to establish new newspapers as political projects failed during this time. Four daily papers remained on the market. One was a tabloid, without any real competition in its field and with the highest circulation in Slovenia (ca. 100.000), whilst the others were already in existence before 1990. All these papers have managed to keep their market share, their readers and their advertising revenue.

Today two dailies with the highest circulation *The Delo*<sup>29</sup> and the tabloid *The Slovenske Novice*<sup>30</sup> are owned by the same holding company. Delo Revije company – not connected to The Delo newspaper - publishes 17 magazines<sup>31</sup>. The Delo 'controls' the Slovenian newspaper market either by sales or by advertising income. The two other dailies are both regional with almost the same market share on newspaper market. In Ljubljana *The Dnevnik*, also publishes a very popular weekly tabloid *Nedeljski dnevnik*<sup>32</sup> and in the north-east region *Vecer*. The two biggest political weeklies with different political background and readership are *Mladina* and *Mag*. There are also more than 500 different publications devoted to niche sectors of the market.

<sup>26</sup> <http://www.ejc.nl/jr/emland/slovenia.html>

<sup>27</sup> Except for tabloid dailies and weeklies.

<sup>28</sup> See also <http://217.75.196.2/mediaupite/clanak.html?sifra=5129>

<sup>29</sup> average circulation 90,000 copies

<sup>30</sup> average circulation 110,000 copies

<sup>31</sup> The two biggest magazines have a 15% market share and together they control more than 50% of the magazine market.

<sup>32</sup> average circulation around 250,000

### c) Audiovisual Media<sup>33</sup>

The dual broadcasting system is also a reality in Slovenia. Public radio and television coexist with private commercials. *RTV Slovenia*, the public television network started to broadcast 40 years ago as a part of the Yugoslavian public broadcasting system. Very soon it was funded not only by license fee, but also by advertising. Today *RTV Slovenia*, with more than 2.000 employees is divided in six separate operating units: *Radio Slovenia* which operates three national channels in the Slovene language, *Radio Maribor* for regional programme in the north-east, *Radio Koper/Capodistria* with one regional programme in Italian and another in Slovene. *Television Slovenia* with two national channels; *Television Koper/Capodistria* with a regional programme in the Italian and Slovene language and the *Unit Transmitters* which provide technical infrastructure for the national public service company and the private broadcasters.

In November 1990 the first Slovenian private commercial television station *Kanal A* began its broadcasts. Many other private television stations received broadcasting licenses, but all remained limited to a relatively small broadcasting area. Starting with limited financial resources and broadcasts they were mostly showing cheap American soaps and films, with some local production. In December 1995 *POP TV* started. Its programming consists mainly of American films and series, its own quiz and talk shows, together with music shows and a news programme. It is backed by the Central European Media Enterprises (CME), a powerful US firm that invested in a number of Central and Eastern European countries. *POP TV* is registered only as a trademark instead of a television broadcaster. It acquired broadcast frequencies from other local stations that cover around seventy percent of the country. Another private commercial television *TV3* also started in December 1995. The biggest share in *TV3* is owned by the Catholic Church but up until now it has achieved only low ratings. Instead *POP TV*, due to an aggressive strategy, gained an important and increasing share of viewers and advertisers. In October 1997, they started a second successful programme entitled *Gajba TV* (Box TV). Meanwhile in 1997 Scandinavian Broadcasting System (SBS) bought a 1/3-share of *Kanal A* and began to manage the stations. Its share of the market increased to 10%, at the same time Slovenian Television saw a loss in its advertising revenue. *POP TV* and *Kanal A* are now

---

<sup>33</sup> <http://www.ejc.nl/jr/emland/slovenia.html>

connected because of business cooperation between CME and SBS. RTV receives a small viewer fee of 10 Dollars from each and every one of the 500,000 television owners in the country, however this income isn't enough for a broadcaster with thousands of employees and freelancers on its payroll. The tensions between the commercial stations and the public<sup>34</sup> one increased. In 1999 there were four commercial TV stations with national coverage and 41 with local coverage. Among them only six television stations have a status of non-commercial programming. There are 58 different radio stations. About 20 local non-commercial radio stations offer local news, cultural and educational programmes produced by approximately 100 journalists. Commercial radio stations are financed exclusively through advertising. *Radio Slovenia*, which is part of *RTV Slovenia*, has three stations broadcasting news, music, cultural and educational programs. The first station of the national public television and commercial programme POP TV has the largest audience amongst all television broadcasters in Slovenia, in general and also during the first half of prime time<sup>35</sup>.

#### d) National media policies<sup>36</sup>

Only a few restrictions and requirements were imposed in the new media law of 1994, regarding private television broadcasting. Ownership of private radio and television broadcasting was restricted to no more than 1/3 of capital for a single shareholder, with no more than 10% of ownership in another station. The same restrictions were made for foreigners. The law requires that 10% of programming is devoted to in-house productions. Advertisements are forbidden during news programmes, documentaries and children programmes lasting for less than 30 minutes, and also during religious programming. There must be at least 20 minutes between two commercial breaks. These were all the restrictions and regulations regarding private television<sup>37</sup>. Slovenian public television was much more strictly regulated.

<sup>34</sup> According to the law there are three types of broadcasting channels or station: national, non-commercial-local and commercial. Four key conditions discriminate the non-commercial from commercial channels: at least 40% of the total broadcasting time of the former should consist of news, cultural, arts and educational programming; broadcast at least one hour of own productions each day, (10% in commercial stations); advertising programmes should not exceed 15% of daily programming (or 20% if 'TV-sale' programmes are broadcast); the region to which local non-commercial station broadcast should not exceed one half of the state territory (no limitation for commercial stations).

<sup>35</sup> Between 6.30 p.m. and 8.00 p.m.

<sup>36</sup> <http://www.ejc.nl/jr/emland/slovenia.html>

<sup>37</sup> No domestic and European production quotas, no restriction on the total amount of advertising or the amount of advertising per hour, no demands for news and current affairs, education, children's or cultural programme and coverage were regulated.

In the beginning of 1998, POP TV began to promote the idea of a pure dual system, where public television would receive a license fee only, while commercial televisions would receive all of the advertising.

It seems impossible that the revenue, raised only by license fee, would be enough to deliver the quantity and quality of public televisions existing programme<sup>38</sup>.

---

Broadcasting licenses and frequencies were given for free and were not sold to the most suitable bidder. Some of these points will be changed in the new Media Act which is being prepared by the Ministry of Culture. The exact nature of this changes is still not known as the debate about this new law is still going on.

<sup>38</sup> see also <http://217.75.196.2/mediaupite/clanak.html?sifra=5129>

## II: The Miro Petek-Case

### 1. Circumstances<sup>39</sup>

Miro Petek was assaulted on the evening of 28 February 2001, after parking his car out the front of his family home. There were no witnesses to the crime and the police only found a few traces of evidence, some of which led them to conclude that two people may have been involved in the attack. However the police did not properly secure the scene and these traces vanished after a snowplough cleared snow off the street.

Petek was treated at the intensive care unit of the hospital in the city of Slovenj Gradec, in northeastern Slovenia, and then later at the Klinicni center, Slovenia's main clinic based in the capital of Ljubljana. The attack left



his face almost beyond recognition: his nose was crushed, as well as his jaw

*Miro Petek was treated in intensive care in Slovenj Gradec, and then later in the capital of Ljubljana. He was lucky to survive the attack which has permanently robbed him of his sense of smell and almost left him blind.*

and both cheekbones. Several cracks were also discovered on the skull. He was lucky to survive the attack which has permanently robbed him of his sense of smell and almost left him blind. The investigation into the Petek case was assigned to local prosecutors and police.

The daily Vecer, one of the leading Slovene dailies, wrote on the front page that the shadow of doubt has fallen onto two important directors, as Petek wrote about wrongdoings in companies in the Korosko region of Slovenia prior to the incident. Responses to these accusations also were published. Janko Zakrsnik<sup>40</sup>, manager of

<sup>39</sup> Jancic Peter & Kajzer Rok: "They Can Beat Up. They Can Sue. We Won't Keep Quiet"; Vecer, 15 December 2001.

<sup>40</sup> Janko Zakrsnik is one of the largest and one of the six majority owners of Prevent, a car seat-covers producer. The company has some 30 subsidiaries in Slovenia and abroad, and its exports total around 300 million euros. Zakrsnik is the owner and manager of Eurocity, a company with some 200 lorries and one plane. One of the richest Slovenes, Zakrsnik is an owner or co-

Eurocity, and Andrej Skutnik, who had just been replaced as head of the Dravograd branch of the bank Nova KBM in Korosko, both denied having anything to do with the attack. Zakrsnik and Skutnik were not the only ones in the region of Korosko who were not pleased with the facts Petek was uncovering. The Director General of the Slovene Police, Marko Pogorevc said after the attack that the police were “breathing down the necks” of the perpetrators. An unofficial source was also quoted later saying that investigators “are not completely in the dark”. However after more than 14 months no charges have been filed against either those committing the attack or against those who ordered it. Zakrsnik, on the other hand has already pressed charges against several journalists who wrote about the Petek case.

The reaction of the Slovene media was similar to the response given by Vecer, and the case has been investigated along similar lines to the police investigation, trying to pinpoint the motive that led to such a brutal attack and to make sure that the local or state moguls did not try to cover up the case. The police claim they have investigated all possible motives, going so far as to study copies of Petek’s articles at Vecer. But as no charges have been filed yet it is not possible to talk about any findings in the case.

The Journalist *Peter Jancic* drew in his Article in *Vecer* on the 15th December 2001 following picture by collecting the facts: *“Just before the attack, Petek published an article in which he highlighted that Janko Zakrsnik received a special award from the Chamber of Commerce and Industry, noting how criminal investigators “four years ago suspected four associates of Eurocity, including Zakrsnik, of grand tax evasion: some 54.8 million tolars (245,000 euros)”.* This case was later handed new evidence and the group of prosecutors for special affairs, headed at that time by Barbara Brezigar, also dealt with Eurocity<sup>41</sup>.

*Zakrsnik’s name popped also up in the media when irregularities in business operations of the Korosko branch of Nova KBM came to light. When Zakrsnik made foreign-currency deposits, Nova KBM Korosko head Andrej Skutnik did not observe legal provisions that determine how and when it is necessary to communicate such*

---

owner of several companies: Avto Kocevje, Koroski Holding, Zaga Mislinja, Letalisce Slovenj Gradec, Smerka Gornji Grad, Avtoservis Slovenj Gradec, etc.

<sup>41</sup> The case were after the General State Prosecutor changed handed over to local Prosecutors. The investigation at the local level was abruptly wrapped up. (see also III.)

*information to the person responsible at the bank's main office in Maribor and on to the office for the prevention of money laundering. This bank case was handed over by the police to the competent State Prosecutor. Petek outlined in the article how during the past decade Zakrsnik had managed to create a large and influential company starting with only a few lorries, and that although a member of the management board of the regional Korosko Chamber of Commerce and Industry, Zakrsnik felt he had not been publicly rewarded for his work. Although his son nominated him for the title of honorary citizen, he was to receive only a diploma. Before the attack on Petek, Zakrsnik dropped by the company SPEM, where he is said to have been irate at Petek and what the media had been writing about him. SPEM is a company that advises politicians and companies in helping them build their public image. The day Petek was attacked, news was published that a new acting manager of the Nova KBM Dravograd branch was assuming the post. This change however had most likely nothing to do with criminal investigations or with Petek's articles.*

*Although Zakrsnik refused to take a polygraph test after the attack, the aforementioned information is simply an outline of events and is not meant to incriminate either Zakrsnik or Skutnik. Someone else may well be behind the attack on Petek, someone who did not like his writing, or someone with an altogether different motive. A month prior to the attack, Petek wrote an article on how the Korosko branch of Nova KBM pursued political motives in trying to solve the financial difficulties of entrepreneur Dusan Kudrnovsky, who was then head of the Slovene People's Party (SLS) Korosko branch, and had permanent access to the then SLS president and vice-prime minister Marjan Podobnik. Kudrnovsky tried to intervene with the bank to grant a 75 million tolar (335,000 euros) loan to the company Mentis Trade, enabling it to purchase the building that once housed the Merx Hotel. Mentis however was considered not viable to receive such a big loan.*

*As it exceeded the limit up to which a branch office can approve a loan, the loan was decided upon at the Maribor headquarters, which resisted the deal at first. Manager of Nova KBM Korosko, Skutnik, addressed in writing a member of the Nova KBM management board Matjaz Kovacic: "As the head of the SLS for the Korosko region, he has a certain influence on state institutions. The damage he could cause the*

*company following a possible rejection of the loan request might be very abstract, but on the other hand it could also be very substantial, and he could, by voicing his opinions publicly, dissuade some important businesses from doing business with our bank (for instance Slovene Steelworks).” At the end of 1998, the bank approved the high-risk long-term loan.*

*Petek published other similar stories on various companies and influential individuals from Korosko before he was attacked, and since interests in the country are often intertwined, especially with regard to the banking system (which is controlled by the state), there could be virtually anything lurking in the background leading up to the attack, including matters involving high-level state politics”.*

## 2. Interview Summaries

Between the 10<sup>th</sup> and 12<sup>th</sup> of April 2002 the following official interviews have been made by the independent Expert of the IFJ. The interviews were held in the offices of the different authorities. These authorities firstly explained their interpretation of the case and then answered questions posed by the author based on his research of the case<sup>42</sup>.

### a) Meeting with General State Prosecutor Mrs. *Zdenka Cerar* and together with the Supreme State Prosecutor *Mirko Vrtacnik*

The officials explained that the Miro Petek Case is still in the pre-trial procedure and that nobody has as yet been prosecuted for the attack. Due to the independence of every local state prosecutor the General State Prosecutor has only restricted possibilities to influence an individual investigation. However, the importance of the case leads to certain questions and special measures. The General State Prosecutor verified that the local state prosecutor had no conflict of interests in the case<sup>43</sup>, and therefore didn't think it necessary to recommend appointing a new prosecutor to the case. In addition to this she explained that if a local state prosecutor, feeling overburdened with a case, asks for further assistance, then the General State

---

<sup>42</sup> Translations were mostly made by Miha Granada (professional translator of the authorities).

<sup>43</sup> The Petek case has been handed to state prosecutor Stumberger-Mlakar from Slovenj Gradec. Her husband is one of two notary in the Koroška Region, and his work is inevitably closely linked to the circles which are controlled by Zakrznik. The entire region of the mountainous Koroška has only a population of some 700,000.



Prosecutor can send additional support. Also, the transfer of one regional State prosecutor to another region is only possible if there are concrete facts showing that the prosecution can pursue the case more competently. In the actual case of Miro Petek the State Prosecutor found no such evidence. The general State Prosecutor also explained that due to an Agreement of Cooperation with the General Police Director, several meetings had been held with the Police and the State Prosecutor in order to coordinate their forces in the case. The General State Prosecutor was thereby led to believe that the evidence relating to the Miro Petek Case, was in her opinion, not sufficient to allow a special investigation into organised crime. On the legal side, the Special Investigation Group are the only ones capable of investigating organised crime, and in her opinion there are no signs of organised crime so her hands are bound. Finally she pointed out that any proposal from her to change the law in that way was not appropriate, and that the General State Prosecutor has already sent to parliament a request allowing them the possibility to create as many special investigation groups as they see necessary<sup>44</sup>.

b) Meeting with the General Director of Police Mr. *Marko Pogorvec* and the Director of the Criminal Investigation Sector Mr. *Stjepan Kovacevic*

The General Director of Police<sup>45</sup> assured me that they were still doing everything to solve the case. The investigation into the Petek case was being handled by local prosecutors and police, although a special Agent from the Homicide and Sexual Offences Division was sent to help the local police in their investigations. The General Director of Police meets regularly with the General Prosecutor's team to discuss various ways for obtaining better results. The Director of the Criminal investigation stresses that there are only probable suspects at present, and that no hard evidence has been found with which to begin prosecution proceedings. The investigations are continuing it was stated, and this should also serve as notice to people considering assaulting Journalists in the future. The General Director of Police also pointed out that the Korosko-Region is a relatively small place where people are familiar to one another. For that reason he invited all police inspectors to admit to any connections between the suspects and themselves. Meanwhile a person close to the

---

<sup>44</sup> The law-project previews that the General Prosecutor has the power under some circumstances who are open to a large interpretation to order several Special Investigators.

<sup>45</sup> The General of the Police is from the Korsko-Region.

local police office management, who has no access to the investigation, admitted to contact with one of the possible suspects<sup>46</sup>. In order to protect the employee, the General Director of Police decided to transfer him to another region. It was also explained that several lines of enquiry have already been completed, especially those with a focus on economic crime. The protocols and results are currently being evaluated to find any link to the Miro Petek case. The General Director of Police also states quite clearly that it is only the local police who are investigating the case whilst the General Director of Police together with the Director of the Criminal Investigation take a coordinating role in the task. The local team is monitored and directed by the local state prosecutor.

c) Meeting with the Local Police Investigators and the Local Prosecutor of Slovenj Gradec who are in charge of the Miro Petek Case

The Director and Counselor to the Government *Srecko Krope* and his Team (a Taskforce of more than three people) together with his spokesperson *Bostjan Polutnik* and an Inspector for blood and sexual injuries from the national Homicide and Sexual Offences Division and the District State Prosecutor and Head of Office *Jelka Stumberger-Mlakar*<sup>47</sup> were all in attendance at the interview. The local police also invited a television crew to film the meeting. For most of the interview the Director spoke for the whole team. He asked for understanding, and stated that he was not prepared to divulge the names of the investigating team-members who were present at the interview for fear of disrupting the investigation. At the same time though the invited television crew filmed all of those present, and so these faces anyway turned up on television later that same evening. The Director then explained that since the beginning of the case on the 3rd December 1999, the police have attempted to investigate all of the cases about which Petek wrote. The Director admits however that there are several difficulties facing them when trying to collect information. He mentioned that family members of Police Officers or State Prosecutors working at Factories under the control of Korosko-Enterprises were fired from their jobs without any reasons given. It was assumed that it was simply because they were relatives of the authorities. The Director also stressed that time was needed in order to analyse

---

<sup>46</sup> As far as the author is informed, an employee of the local police asked Zakrsnik for a sponsorship of his municipality.

<sup>47</sup> Her husband is one of two notary in the Koroška Region, and his work is inevitably closely linked to the circles which are controlled by Zakrsnik.

such a large amount of information and to do this work efficiently. Aware of the special situation in Miro Petek's Case a Task Force has been assembled. The Task Force consists of experienced local experts<sup>48</sup> and is overlooked by an Inspector belonging to the national Homicide and Sexual Offences Division. The Director carefully monitors the work of the Task Force, and whilst he pointed out that no oversights had been made, he also couldn't tell exactly when the investigation might meet with some success. The local State Prosecutor explained that she has supervised the investigations from the beginning and commented on the professional approach taken by the authorities and praised their teamwork with the *group of prosecutors for special affairs (!)*. In closing she underlined that there was no need of any additional help by external State Prosecutors.

d) Meeting with Minister of Interior *Rado Bohinc* and *Miha Molan*, state secretary and *Peter Jeglic*, chief of cabinet

He started by condemning the attack on freedom of the press which he said was one of the capital bases of a democratic society, but then stressed that political pressure alone cannot lead to better results if it influences the professional procedures. He repeated what he already explained in his letter to the IFJ on 10<sup>th</sup> October 2001: *"The Slovene police have under the existing valid legislation the status of an independent body within the Ministry, and therefore an absolute professional independence. Investigation of criminal offences, detection and arrest of their perpetrators is also a police task governed by the Law on Police. Under the existing legislation the Minister of the Interior is not involved at all during the preliminary penal procedure and has, therefore, no competence whatsoever to decree individual measures to be taken for discovery of a perpetrator of a criminal offence or anything else that could influence the success of an investigation. Under the provisions of the Criminal Procedure Act it is the competent public prosecutor who is directing the work of the police during the investigation of a concrete criminal offence and detection of a perpetrator during the preliminary penal procedure"*. He explained that already three times in 2001, on the 4<sup>th</sup> June, the 6<sup>th</sup> September and the 14<sup>th</sup> November respectively, the General Director of Police reported to the Minister of Interior about the Miro Petek Case. Showing up the number of measures and the way in which the investigation was lead removed any doubts about professionalism. He was then informed that a special local Police

---

<sup>48</sup> Anyhow the head of the Task-Force looked very young.

Task Force together with analytical support from the Department of the General Director of Police would work exclusively on the case. Unfortunately all efforts so far have not uncovered enough substantial proof to enable them to enter an indictment or to bring the perpetrators to the judicial authorities. It is likely that a new Report will soon be requested.

e) Meeting with the President of the Parliament Investigation Commission for the Miro Petek Case Mr. Mirko Zamernik and the vice-president Leo Kremzar and the following Commission Members Roberto Battelli, Sonja Areh Lavric and Janez Podobnik<sup>49</sup>

The Parliament Division started at the end of last year. It is still in the stage of collecting information. They first interviewed Miro Petek, followed by the Prosecutor and then the Police. A List of documents and witnesses are prepared. In the meantime the commission interviewed several witnesses (management of NKBM, Andrej skutnik, Dusan Kudrnovsky...). The Commission had at that time not reached any conclusions.

f) Meeting with Councelor to the President of the Republic of Slovenia for public relations Mrs. Spela Furlan

The Councillor explained the strong concerns voiced by the President in regard to the brutal attack on Miro Petek and his condemnation of the attack against journalism in Slovenia. The Councillor explained that Slovenia, as a young country in a transitional phase, is very sensitive to powers influencing its democratisation, and that international economic and non-economic powers as well as organised crime have a vested interest to hinder the process.

---

<sup>49</sup> Folowing Commision-members were not on the meeting Danica Simsic, Vojko Celigoj, Alojz Sok and Peter Levic.

### III. Conclusions

The fact that the case remains unsolved after nearly one and a half years and that the perpetrators are still at large is very alarming. As *Rok Praprotnik* wrote in *Delo's Saturday Supplement of 11<sup>th</sup> July 2001*: "This is not just about an extremely brutal attack against a person. It is about an attack against a journalist because of his writing, which puts the whole situation into a new perspective. Disagreeing with what he has written, those who ordered the beating should have discussed the issue with *Petek* in court, instead of literally smashing his head. (...) Such physical attacks are not inconsequential. The beating of *Miro Petek* was not only an attack against one journalist, it has no doubt affected the work of all Slovene journalists. The fact is that journalists working for different media outlets in *Korosko* feel somehow uneasy when *Petek* is mentioned. And when they are asked if they would write about any new alleged wrongdoing of *Zakrsnik* or *Eurocity*, they are unable to give an answer. They are very cautious." In the meantime journalists working in other regional areas are constantly reminded of the *Petek-Case* and feel a subsequent pressure. The result is a form of self-censorship!

After the interviews a lot of questions still remain open: The police have been reproached for having made mistakes at the beginning of the investigation<sup>50</sup>. The police carried out the investigation in a bid to locate suspects and evidence with the help of house searches. However, different information indicates that some of those visited by the police were very well prepared for the house search, which leads us to believe that some of the suspects may have connections within the *Korosko* prosecutor's office or at the court<sup>51</sup>, and were therefore well informed about house searches beforehand.

The authorities involved deny any wrongdoings and stressed the professional manner in which the investigations were held. However, doubts still linger especially after the meetings: for example it is not understandable how a local Director of Police explaining to an IFJ-expert how he is unable to release the names of Task Force members for fears of disturbing the investigations then invites a Television Crew to film the entire proceedings! The Director General of Police *Marko Pogorevc* said very soon after the attack that "the police are breathing down the perpetrators' neck". It

---

<sup>50</sup> see II.1

<sup>51</sup> The State Prosecutor needs the permission by the Court to use special investigation manners.

could be interpreted that the police had supposedly already gathered enough evidence to arrest the perpetrators, but still no progress has been made in the case<sup>52</sup>. Nevertheless he did send an expert nearly one year later from the Homicide and Sexual Offences Division to give “*analytic support*” to the local police. The question remains however why support is not given in a broader sense, like the setting up of a national independent commission for analysing the complex case and any traces of organized crime?

The meeting with the General State Prosecutor proved an unsatisfying experience. She tried to explain that she has no possibility of manoeuvre to get the Group of prosecutors for special affairs on the case due to the law being very restricted<sup>53</sup>. As *Peter Jancic* in his Article in *Vecer* on the 15th December 2001 stated: “*An interesting element of the story is that right after the State Prosecutor General was replaced, when Zdenka Cerar succeeded Anton Drobnic, the role of the group of prosecutors for special affairs was changed. Under Drobnic, the group was led by Barbara Brezigar, during which time the prosecutors investigated at least a part of the cases which Petek was writing about, cases that are considered extremely complex. After the top-level change, Brezigar resigned, one of the reasons being the “taking-away of cases”. At least some of the cases her group examined were handed over to local State Prosecutors. It was not a seldom occurrence (this also goes for suspected tax evasion by Zarksnik) that an investigation at the local level was abruptly wrapped up*”<sup>54</sup>. However, the local State Prosecutor denied the complexity of the Miro Petek Case and explained that she is also working together with the *group of prosecutors for special affairs* !

All authorities involved underlined that they did their utmost to solve the Case. However all of these guarantees do not hide the fact that innumerable coincidences and inconsistencies are present which have grave consequences for the case of press freedom. Although it may have been wiser if the case had been taken over by specially trained prosecutors, or even police officers who were less exposed to “local”

---

<sup>52</sup> Furthermore on September 3, the police accused the media of being responsible for the inefficiency of the police.

<sup>53</sup> The Question came up, if the case is also used to get a political support to enlarge the power of the General Prosecutor.

<sup>54</sup> Jancic also constated: “*The “Ranc case” in Ljubljana cast a shadow of doubt on these overturns. Just before she stepped down, Barbara Brezigar had already prepared charges against two criminal investigators who had, prior to the court order, found out who TV journalist Tomaz Ranc from Korosko was talking to when he investigated the Vic-Holmec affair, which had swept away Interior Minister Mirko Bandelj. One of the investigators, too, was from Korosko – Drago Kos, a candidate at the time for the post of State Prosecutor in Ljubljana. State Prosecutor General Cerar handed the case to the Attorney’s Office in Ljubljana, which ended the procedure abruptly. The journalist would not have it this way and took the procedure to court himself, proving that his rights had been violated. It does not seem that the prosecutor who – as the outcome of the trial showed – clearly made the wrong decision, faced any measures within the prosecution system.*”

pressures, the investigation into the Petek case was left up to local prosecutors and police. The attack on Petek was not only a threat to him and the community of journalists he is associated with, the threat was also directed at the wider community: police officers, prosecutors, judges, and their families. There is no chance of assessing the work of the police and prosecutors, as there is no access to information on how the investigation was and is conducted. In fact there is no knowledge of what the police have discovered so far. This very time consuming investigation has, however, prompted rumours that there is a political interest at work in not seeing the case solved. These rumours have been fuelled by a period of change in the economic market and also because several elections are planned for the year 2002<sup>55</sup>. Even if finally a Parliamentary Investigative Commission for the Miro Petek Case was to begin investigations, reasonable doubts remain that the Commission will be an efficient mechanism of parliamentary control of the executive branch of power<sup>56</sup>.

The question remains who were the perpetrators and the persons behind this attack and what avenues are available to parties not satisfied with police proceedings in the case? Aleš Butala, deputy Ombudsman explained as follows: *“The task of the police includes detection and investigation of penal acts as well as uncovering and apprehension of perpetrators of these acts. During the pre-penal proceedings the police in accordance with the criminalist profession has to conduct a number of operative and technical jobs which enable uncovering and apprehension of a perpetrator, gathering of information and securing the leads and objects which might prove that a certain person committed a criminal offence. The police (internal affairs office) has to do whatever is necessary to track down a perpetrator of a criminal offence, to discover and secure evidence of a criminal offence together with the objects that might prove it, and to collect all information that might contribute to the successful execution of penal proceedings.*

*During the pre-penal proceedings the wronged party or the victim of the criminal offence has no special legal means at his/her disposal to demand greater efficiency and success at establishing decisive facts, securing evidence and uncovering and apprehension of a perpetrator of a criminal offence from the work executed by the*

---

<sup>55</sup> see 1.1.b)

<sup>56</sup> see 1.1.c)

*detecting agencies, especially the police. Yet, on the other hand, he/she can, by providing information needed, contribute to the faster and successful execution of police tasks at investigating a criminal offence and uncovering and apprehension of a perpetrator.*

*The Law on the police force in the article 28 enables an individual to file a complaint to the police if he/she believes that a police action or its omission violated his/her rights or liberties. This could possibly provide the victim of a criminal offence with a legal means which would enable him/her to draw attention to the insufficiently conscientious and attentive treatment of the circumstances of the criminal offence which victimized that individual”.*

It is therefore understood that an individual has no possibility to intervene in the pre-penal proceedings. That means that there is no possibility of control (except by the Police itself) of the pre-penal proceedings by another legal adjudicator. In the view of the author this is a severe loss of right for the individual that needs to be taken in consideration by the parliamentary commission.

The media have been paying systematic attention to the brutal attack and the background in Korosko. Withdrawal and silence are indications that those who committed the attack have somehow managed to realise their goals – to intimidate the public in order to be able to violate the law and gain advantages and benefits. All major media outlets have since published articles that have attempted to highlight the event and possible backgrounds. One of the consequences are systematic charges filed against journalists. The courts are dealing with compensation claims against six journalists who have investigated the Miro Petek Case and thereby stirred up the Slovene public.

But the journalists and the public have the right to be informed about all of the details and possible motives that lead to the brutal attack on the journalist Petek. The Author urges the authorities to ensure that the police redouble their efforts to bring the attackers to justice and to fully investigate any leads linking the attackers to the articles published. He also urges the state to recognise and protect investigative journalism as an essential for democracy. The guarantee for real press freedom can only be given if journalists are able to work unhindered. The Miro Petek case shows



again that the duties and responsibilities divided between the Police, the Minister of the Interior and the State Prosecutor, especially for preliminary procedures, are still not clear enough<sup>57</sup> and that efficient procedures are lacking. However, journalists are more limited in their possibilities than the authorities. They cannot use special means and methods. However public attention can be directed toward an event, thereby influencing the way the state institutions choose to react.

As Aidan White already wrote in his letter to the President of the Republic of Slovenia on 1<sup>st</sup> of October 2001: *“In a democracy investigative journalists play a crucial role in exposing corruption and the forces that undermine that democracy. In doing so they also expose themselves to great personal risk. For this reason it is essential that the authorities give proper protection to journalists receiving threats and fully investigate any attack against a journalist that may be linked to their investigative work”*.

An attack on journalists is a form of censorship, and this is exactly what the broader and more dramatic implication of the attack against Petek is. Ironically, the freedom of the press in Korosko and the rest of Slovenia is in the hands of police<sup>58</sup>. Should the police fail to do its job properly in the Petek case, smashing the heads of journalists could well become routine procedure for Slovene criminals. This however should not be possible in a country mentioned as a likely candidate for admission to the European Union in the near future .

---

<sup>57</sup> Already criticised at the GRECO-Report adapted the 12-15 December 2000;  
<http://www.greco.coe.int/evaluations/cycle1/GrecoEval1ReportSloveniaE.pdf>

<sup>58</sup> Remark the police themselves were implicated in the corruption scandals published by Miro Petek!

#### IV. Actions taken by the Slovene Journalists' Association DNS

##### 1. Summary (Article of Rok Kajzer<sup>59</sup>)

###### *In short: Perplexed and distressed*

*The task of the media is not to hinder the police, but to show it how important the Petek case is. Acronyms such as DNS, SNS, IGJ, EFJ, IPI-SEEMO, CPJ or ZeuG Do not tell the reader much. They have two things in common: they are professional associations of journalists (including the most important ones), and ever since the day Petek was attacked, they voiced nothing but perplexity and distress. The International Federation of Journalists (IFJ) was prompted by the non-investigated case to address a letter of protest to the highest-ranking Slovene politicians and civil servants (President of Slovenia Milan Kucan, Prime Minister Janez Drnovsek, Parliament Speaker Borut Pahor, Interior Minister Rado Bohinc and Police Director General Marko Pogorevc). And what was the result?*

“We have received no answer. There may be a reason for that, however I am surprised nevertheless... This also shows that the authorities have not been taking the case seriously,” IFJ Secretary General Aidan White recently told Vecer. He is the executive head of an organisation that unites more than half a million journalists worldwide which has its main office in Brussels, home to many European institutions.

And IFJ, which is considered the most important organisation, was not the only one to voice its concerns. First came Zagreb, where an international conference of the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe was taking place just before the attack. The conference adopted a statement which sharply condemned the attack and also expressed deep concern. The statement was backed by 120 participants from 17 countries. The participants were surprised that the most abject form of pressuring a journalist had happened in Slovenia, a country which is considered an example of democracy and freedom of speech. The Slovene Journalists' Association (DNS), headed at the time by Branko Maksimovic, protested as well. In a harsh news release, the DNS wrote that those who think this was a way of silencing journalists were gravely mistaken. The Trade Union of Slovene Journalists (SNS) labelled the attack a “gangster-like method of intimidation”. Journalists from the Korosko region protested as well. They speculated that those who ordered the attack must have “ran out of arguments”. In the first few months after the attack, the Slovene media trusted that the criminal investigators would wrap up the investigation quickly and successfully. However when nothing

---

<sup>59</sup> published the 15 December 2001 in Vecer.

happened after almost six months – whereby the Slovenj Gradec police, which has been heading the investigation, tried to put part of the blame for the failure of the investigation on the media – even the most composed journalists had enough.

*The first solution: internationalising the case*

The association and trade union of journalists issued a joint statement, sharply condemning the words of the Slovenj Gradec Police spokesperson *Bostjan Polutnik* that the media have been exerting pressure on the police with incomprehensible and unacceptable commentaries. Both organisations expressed the conviction that police have not done enough and that such statements are an “inexcusable pressure on journalists”. The DNS and the SNS notified journalistic associations of the attack, the problems and the (dead-end) investigation. Protests in which professional international journalistic associations are expressing perplexity and distress at the situation are working. Slovenia has – in the case of the IFJ – found its way onto lists that host the ill-reputed violators of human rights. The Slovene politicians thought it unnecessary to answering these charges even though half a million journalists were behind it. The IFJ urged the police to double their activities and immediately bring the culprits to justice.

The branch for SE Europe (SEEMO) from the International Press Institute (IPI) in Vienna protested at the same time. This organisation unites leading editors, heads of media outlets and journalists. They took their protest right to the head of state. The content: deep concern and the conclusion that the authorities are leading the investigation unprofessionally (blaming the media for the failure). Slovene President Kucan replied that he had forwarded the letter to the police and prosecutors, voicing the expectation that the case would be solved in due time. The Petek case has also made it to newspapers such as Journalists Online (the project Media for Democracy in SE Europe), and it was talked about regularly at various meetings held by journalists. The annual meeting of the Central European group (Die Zentraleuropagruppe – ZeuG) of the European federation of Journalists (EFJ) in Croatia’s Opatija demanded that the Slovene authorities should immediately explain the attack on Petek, especially as police has failed to find the attackers after so many months.

### *A lawsuit against the state too?*

Why the internationalisation? “The reaction of the association and the internationalisation of the case is a duty of the DNS and a result of concerns, not just about Miro but about all Slovene journalists,” DNS president *Grega Repovz* said. The DNS understands the protests of journalistic associations as “assistance to authorities dealing with the case, as this will help them realise the reverberations of the event and its importance, especially if it remains un-investigated, for the state.” The DNS admits the actual problems faced by criminal investigators. If the investigation does not bring progress soon the DNS is also considering a lawsuit against the state. The IFJ, too, has announced it would launch an independent investigation and produce a special report<sup>60</sup> (the last extensive report was drafted by the federation during the crisis at the Czech public TV), and another influential organisation, the U.S. Committee for the Protection of Journalists (CPJ) is expected to get “involved” shortly.

The CPJ is already looking at what is happening in Slovenia. The list is getting longer by the day. The DNS has also notified the European Commission of the case, as well as Journalists without Frontiers (RSF) and the Dutch European Journalist Centre (EJC). The journalists’ efforts to bring the investigation to an end are also backed by Slovenia’s Ombudsman Matjaz Hanzek: “This is an attack on the public and the people who want the truth.”

The victim, Miro Petek, says that the internationalisation of his case is particularly important because the international journalistic and other publics will “keep a close eye on the matter so that it cannot be covered up”. It is not the task of the media to obstruct the police, Aidan White reiterated in an interview for *Vecer* in November, but to support it and show how important the case is. “Not a single action by the Slovene journalists and media was anything but a warning to the authorities and the police that this is a very important issue,” White said. The authorities have (apparently) not yet come to this conclusion. *Vecer* editor in chief *Majda Struc* said recently that she cannot understand that there are no greater pressures than those coming from

---

<sup>60</sup> Already presented 15<sup>th</sup> June 2002 in Brussels.

people who believe that freedom of speech and a professional attitude in journalism are two of the basics of democracy.

### *Politics gets involved in the case*

“Problems” surrounding the Petek case had political dimensions as well. There was trouble at national public TV (TVS) when, after a press conference of the DNS which presented responses from abroad, a journalist wanted to record a statement of Marko Pogorevc, who, as head of the Slovene police, became the lightning rod for media criticism and protests from abroad. The editor in chief of the news and education programmes at TVS, *Uros Lipuscek*<sup>61</sup>, prohibited the recording which the journalist had arranged previously. After cries of outrage by TV journalists, who saw the prohibition as an interference with the autonomous journalistic work, Lipuscek tried to correct the mistake. However Pogorevc refused the subsequent TV shoot as well as an appearance on *Odmevi*, a late-night news broadcast, which was offered the following day. Pogorevc was allegedly considered not to have been politically appropriate, which indicates that political propriety of civil servants or ministers is more important than the case itself. Lipuscek was later “saved” by the attack on Afghanistan, as the working group of journalists on TVS was to examine his interference shortly after.

The last one to take part in the “action” of solving the Petek case was parliament. Lawmakers of the opposition Social Democratic Party (SDS) headed by MP *Mirko Zamernik*, started collecting the 30 signatures required for the parliament to launch an extraordinary parliamentary investigation into the political responsibility of public figures, the background and motives for the attack, and the reasons precipitating threats to journalistic freedom in the country. “The formation of the commission is not a vote of no-confidence to authorities dealing with the case, but a way of helping with the investigation,” said Zamernik, who announced an extensive conversation with Petek and hearings from “some of the most famous entrepreneurs from the Korosko region”. Were the ambitions of the initiators of the parliamentary investigative commission too big for some?

---

<sup>61</sup> Lipuscek resigned few months ago after he lost support of whole journalist news-desk at TVS .

The proponents of the commission, who were joined by another opposition party, Andrej Bajuk's New Slovenia (NSi), had quite a few problems initially as coalition lawmakers showed no particular enthusiasm to contribute their signatures. The necessary signatures were collected eventually, and the parliament ordered an investigation in October (!).

*Will the reputation of well-known people suffer?*

The first problems were only just beginning to show. When the parliamentary commission responsible for appointments was expected to name the investigators and their chiefs, things started to get complicated. Was it because of the claims of the proponents that the public image of well-known people could suffer (as there was supposedly a connection between the transition tycoons and top-level politics)? Whatever the case, the senior coalition partner Liberal Democracy (LDS) immediately nominated its candidate for commission head. *Leo Kremzar*, an ex-journalist, got more votes than Zamernik, who was to get the post according to unwritten parliamentary rules. The SDS proposed the establishment of the commission and collected the necessary signatures; what is more, the SDS is an opposition party (minority investigation). In addition, coalition lawmakers were not particularly thrilled with the investigation. "This is the first case where parties, which have not been among the proponents of the commission, have nominated candidates for commission heads," the SDS was amazed to note. SDS President Janez Jansa was even harsher, calling upon the LDS to denounce the "intention of investigating itself". The SDS and NSi later decided to "freeze" their participation in the commission and ask both the Slovene Journalists' Association and the IFJ how they felt about the issue. However, the DNS refused to take sides on political issues such as the composition of the commission, a view supposedly shared by the IFJ in Brussels.

We now know the result, which the LDS took particular care in arriving at: the commission was established in October; it currently has a president but no members and the who-will-get-what game has been going on for the past month. The parliament's Standing Orders supposedly provide for a chance to set up the commission without the SDS and the NSi, however it seems that nobody wants to take this step. Kremzar admits to that: "It would be a shame to work without the SDS

and the NSi, as the commission would appear to be what it is not – an incomplete investigative commission.” Kremzar has tried to settle things down, as he proposed himself for the post in the LDS deputy group. “Because I am an ex-journalist and I know Petek,” he told Vecer recently, rejecting allegations that the LDS “wants something” by making this move. Kremzar’s main argument for claiming that he is best suited to head the parliamentary investigators is his desire to lead the investigation towards results, not towards political ends and sensationalism. The journalists’ fear that the investigative commission might turn into a showdown between the parties (and bargaining behind the curtain) is coming true<sup>62</sup>.

## 2. Strategy of the Slovene Journalists’ Association (DNS) in the Case of Miro Petek

Date	Action	Remarks
28.2.2001	Day of attack	
29.2.2001	First protest of the DNS	In a harsh news release, the DNS wrote that those who think this was a way of silencing journalists were gravely mistaken.
29.2.2002	Protest of Union of Slovene Journalists	The Union of Slovene Journalists (SNS) labelled the attack a “gangster-like method of intimidation”.
29.2.2002	Statement about the attack from the International conference of OSCE and COE in Zagreb	The conference adopted a statement that sharply condemned the attack and expressed deep concern. The statement was backed by 120 participants from 17 countries
After the attack the director of the police Mr. Marko Pogorevc said, that attackers will soon be arrested.	<ul style="list-style-type: none"> <li>•No actions of DNS (»Let's give the police some time«)</li> <li>•A lot of newspaper articles about the case – the case is regularly in the media and on the frontpages (especially in Večer and Delo)</li> </ul>	
4.9.2001	PR officer of the Slovenj Gradec police blame media for pressure on the police investigation	The Slovenj Gradec police, which has been heading the investigation, tried to put part of the blame for the failure of the investigation on the media
4.9.2001	Protest of DNS and Union about this police statement	The association and union issued a joint statement, sharply condemning the words of the Slovenj Gradec police directorate spokesperson that the media have been exerting pressure on the police

<sup>62</sup> The president of commission is now Mirko Zamernik (SDS), after Leo Kremzar (LDS) resigned as a candidate for president. Kremzar is now vice-president of commission.

September 2001	DNS decision to bring the case to the international level – to IFJ and other international journalists organizations (SEEMO, CPJ, SPJ, EJC, RSF...)	The DNS notified IFJ of the attack, the problems and the (dead-end) investigation
October 2001	Protests of IFJ, SEEMO (IPI), Canadian Journalists for Free Expression and other international journalists associations	Protests to all involved state officers and politicians (from President of the Republic to the police director)
10.10.2001	The annual meeting of the Central European group (Die Zentraleuropagruppe – ZeuG) of the European federation of Journalists (EFJ) in Croatia's Opatija	Demand that the Slovene authorities should immediately explain the attack on Petek
10.10.2001	Parliament opposition: proposal to establish special parliamentary investigation commission	At the end of year commission was established
October 2001	The IFJ announces it would launch an independent investigation and produce a special report	
October 2001	Committee to Protect Journalists (CPJ) asking about the case	
November 2001	Nothing new in Miro Petek Case; no (or few) answers from government on recent protests	
29.11.2001	Days of Slovene journalists in Izola: DNS started »poster-campaign«: »If Petek is a bad beginning...«	(poster with picture of Miro in Clinical Centre Ljubljana); part of action »DNS against brake-in of capital in journalistic space«
December 2001	DNS invited to IFJ seat in Brussels because of »no-progress« in M.P. Case; Aidan White announced the special investigation	New »pressure« of DNS and IFJ
October – December 2001	M.P. Case on front pages of newspapers and RTV (in December because of special investigation of IFJ)	
January – February 2002	Small investigation of DNS in police and political circles: DNS is convinced, that police investigation has hit a dead-end and is not being lead professionally President of DNS guest in national radio and some local radio stations about M.P. Case Major articles in newspapers about M.P. Case	
March 2002	Preparing visit of IFJ special investigator	
10.4.2002 – 13.4.2002	Special investigation of IFJ	Talks with government officials and politicians
12.4.2002	Press Conference about Special investigation of IFJ	
3. 5. 2002	World Press Freedom Day: Special statement of DNS including Miro Petek Case (»a threat to press freedom in Slovenia«)	
14 .6. 2002	Presentation of the Report of the special IFJ investigator including the Strategy of DNS	



## V. Literature

**Amnesty International Report 2001; Slovenia**, [www.amnesty.org](http://www.amnesty.org)

**Comité Européen pour les problèmes criminels (CDPC) du Conseil de l'Europe; Premier Rapport d'Evaluation sur la Slovénie** ; Strassbourg 5 juin 1998 ; **PC-R-EV (98) 10 Rés.**

**CIA – The World Factbook - Report Slovenia** <http://www.odci.gov/cia/publications/factbook/geos/>

**Constitution of the Republic of Slovenia**; <http://www.us-rs.si/basis/consten.html>

**Country Reports on Human Rights Practices - 2001**; Released by the Bureau of Democracy, Human Rights, and Labor; March 4, 2002 <http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8341.htm>

**GRECO Group of States against corruption DG I ; 1st Evaluation on Slovenia**; adapted by GRECO 12-15 December 2000;  
<http://www.greco.coe.int/evaluations/cycle1/GrecoEval1ReportSloveniaE.pdf>

**Hrvatina Sandra B & Milosavljevic Marko: "The Slovenian media landscape"** University of Ljubljana, Faculty of Social Sciences;; <http://www.ejc.nl/jr/emland/slovenia.html>

**Jancic Peter & Kajzer Rok: "They Can Beat Up. They Can Sue. We Won't Keep Quiet"**; *Vecer*, 15 December 2001

**Morgunov Robert: "Medienrecht und Medienwirklichkeit in Osteuropa"** Internationale und regionale Regelungen des Medienrechts mit Bezug auf Osteuropa; Documentation to the Workshop of 9th July 2001; <http://www.juristischer-dienst-osteuropa.de/html/workshop/international.html>

**Petrovic Brankica & Mocnik Rastko: Slowenien: Kommerzialisierung und Ent-Politisierung der Medien**; <http://www-gewi.kfunigraz.ac.at/csbsc/ostwest/11-1-99-Petrovic.htm>

**Plahutnik Andrej: "Protecting Competition in the Media Arena"**; paper based on the conference paper presented at the international workshop on the Legislation in the field of Broadcasting held in Bled 11/12 May 2001; <http://217.75.196.2/mediaupite/clanak.html?sifra=5129>

**Praprotnik Rok: "They Smashed His Head. Will Journalists Keep Quiet Now?"**; *Delo's Saturday Supplement* 14.07.2001

**Trstenjak Vera: "Zivilrecht in Slowenien: Entwicklung und Stand der Dinge heute"**, *Zeitschrift für europäisches Privatrecht ZEuP* 2000, p. 77.

**Virant Grega: "Civil Services and State Administration"** Institute of Public Administration, Law Faculty, University of Ljubljana; Country Report: Slovenia 31 March 1999:  
<http://www.oecd.org/pdf/M00026000/M00026243.pdf>

**Volcic Demetrio: „(SPE, I)Regelmäßiger Bericht 2000 der Kommission über die Fortschritte Sloweniens auf dem Weg zum Beitritt“** Doc.: **A5-0260/2001** Procedure: non-legislative Statement (Art. 47 GO) Pronouncement: 04.09.2001;  
<http://www2.europarl.eu.int/omk/OM-Europarl?PROG=REPORT&L=DE&PUBREF=-//EP//TEXT+REPORT+A5-2001-0260+0+NOT+SGML+V0//DE&LEVEL=1&NAV=S>