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▲ Lvl. 2

Slovenia

Alert created on: 02 Apr 2015

Slovenian Investigative Journalist Anuška Delić Charged over "Intelligence Material"

Resolved

SOURCE OF THREAT ▶ State

CATEGORY  ▶ Other acts having chilling effects on media freedom

PARTNER: EFJ/IFJ

Anuška Delić, an investigative reporter for Delo, a leading Slovenian daily, has been charged with publishing classified state intelligence and faces up to three years in prison. In 2011, Anuška Delić wrote a series of articles, just before the Slovenian parliamentary elections, in which exposed alleged connections between the Slovenian neo-Nazi group Blood & Honour and members of the Slovenian Democratic Party (SDS). The Slovenian Intelligence and Security Agency (SOVA) claimed that information Delić used had been illegally obtained from its files. Anuška Delić is accused of violating Article 260 of the Slovenian Criminal Code on the dissemination of classified information and was formally charged in April 2013. The EFJ and its affiliate, the Slovenian Association of Journalists, have urged prosecutors to drop the charges against Anuška Delić. Both organisations believe that journalists should be protected from criminal liability for publishing information of public interest, regardless of whether or not it has been leaked to them.

RESOLVED

: On 20 October 2015, the Act amending Article 260 of the Slovenian Criminal Code entered into force. According to the amended Article, an individual disclosing classified information no longer incurs criminal liability provided that the public interest in disclosure outweighs that maintaining its confidentiality. On 15 December 2015, the partner organisations to the Platform declared this case to be "resolved", concluding it was no longer an active threat to media freedom.

UPDATES

19 Oct 2015: Slovenia adopted a new article 260 of the Penal Code (Disclosure of classified information). This provision entered into force following publication in the Official Gazette of the Republic of Slovenia, on 20 July 2015.

- ➔ Official Gazette of the Republic of Slovenia N. 54/2015, 20 July 2015. (in Slovenian)

13 Apr 2015: Slovenia drops charges against investigative journalist Anuška Delić

- ➔ Article on the EFJ website: 'Slovenia drops charges against investigative journalist Anuška Delić'

ADDITIONAL INFORMATION

- ➔ Press Freedom in Slovenia Embarking in a New Era' says Anuška Delić in an interview with EFJ
- ➔ Article on the EFJ website : 'Slovenian Journalist to Stand Criminal Trial: EFJ Calls for Charges to be Dropped'.

STATE REPLIES



15 Dec 2015 | On 20 October 2015, the Act amending article 260 of the Slovenian Criminal Code entered into force. According the amended article, an individual disclosing classified information does no longer incur criminal liability provided that public interest in disclosing classified information outweighs that in maintaining its secrecy.

- ➔ Letter from the Slovenian Minister of Justice to the Secretary General of the Council of Europe



21 May 2015 | Government approves the draft amendments to the Criminal Code

- ➔ Press Release from the Government of the Republic of Slovenia



13 Apr 2015 | Response by Slovenian Minister of Justice to Council of Europe Secretary General

- ➔ Letter by Slovenian Minister of Justice, Goran Klemencic

RELEVANT COE INSTRUMENTS

09 May 2016 | Factsheet on the Freedom to Impart Confidential Information and its Limits

- ➔ Overview of the ECHR case law and other relevant Council of Europe resources related to the Freedom to Impart Confidential Information

and its Limits

DISCLAIMER

This section presents a non-exhaustive selection of CoE instruments and ECHR case-law. This information is not a legal assessment of the alert and should not be treated or used as such.