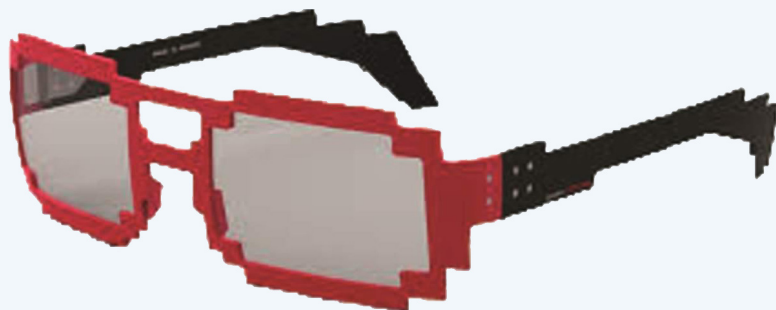




OSSIGENO
PER L'INFORMAZIONE

*New lenses
to see
censorship*



*The “Oxygen Method” to uncover covert censorship
in Italy shown more of two thousand threats
that cannot be seen with the naked eye*

NEW LENS TO SEE THE CENSORSHIP

The Ossigeno Method to uncover covert censorship, combat threats and subtle intimidations, fight rights' abuse and the restrictions on freedom of expression, on participation in public life in democratic countries. A set of experiences and proposals

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“Safety Net for European Journalists” project supported by the European Commission.*

*The English edition has been produced with the support of
the Office of the OSCE Representative on Freedom of the Media*

The “Ossigeno Method” presents the theoretical and practical foundations of the complex system for monitoring threats and intimidation against journalists and other media workers, created by the Observatory “Ossigeno per l’Informazione” in Italy.

The text provides concrete examples of the application of the method that allowed us to verify and disclose the names of over two thousand media workers, mostly journalists, affected by intimidations between 2008 and 2014. It illustrates the essential results and effects of the monitoring in a country where the systematic use of intimidation is a common practice, but where at the same time the phenomenon is almost unacknowledged and openly denied.

The document lists the steps taken by the Observatory and the strategic arrangements that have resulted in acceptance of the method, and it explains the proposed application of the method to other countries, in the framework of projects recently launched by European institutions for the creation of an international network for the early warning and rapid response to serious violations of freedom of the press and expression.

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A BROKEN NET

by Alberto Spampinato

In democratic systems, the freedom of the press is not optional: it is an essential component of democracy, because the freedom of information is what allows a full and conscious participation in public life.

Every citizen has the right to be informed about facts of relevant interest and the press must be free to inform without undue constraints or influence. These principles are enshrined in Article 19 of the Universal Declaration of Human Rights, Article 19 of the Charter of Fundamental Rights of the European Union and several other treaties; they inspire constitutions of democratic countries, and the approach given to laws that prohibit censorship and abuse and punish violations. But the world is changing, and so are violations. Those wanting to circumvent and evade the prohibitions will always find new and different ways to do so, and technological and social changes offer many opportunities to access what before could be kept behind a safety net. Therefore, an effective protection of the freedom of the press requires institutions to follow this evolution and to close the loopholes that gradually open up in the security system, through the necessary updates of the law.

There must therefore be specific and active monitoring of violations and abuses, a permanent system of detection that can signal new forms of censorship, and expose the ambiguous behaviours that allow the hampering of the freedom of the press beyond the current controls and bans in force.

It is strange that free Europe hasn't already implemented a similar system of surveillance, but it is important that, while thousands of big fish are able to break through the net, the issue is raised. Although institutions have been late catching up, there already are some examples of monitoring carried out by non-governmental organizations in various countries. It is worthwhile to examine them one by one, to study them, and to determine whether and how they can contribute to the creation of an effective monitoring method that can be applied everywhere; one that can provide reliable information and give a picture of what is happening in each country, with homogeneous and objective data, qualitative and quantitative assessments and guidance for those who want to intervene in defence of the victims, as much as for those who have the task of updating the legislation.

Until now, the need for monitoring of this kind has not been felt at the institutional level. But the situation is changing. The OSCE Representative on Freedom of the Media has proven for some time to be very sensitive to the

problem. The European Commission in 2013 promoted four monitoring projects, including “Safety Net for European Journalists”, coordinated by the Observatory on the Balkans and the Caucasus, to which “Ossigeno per l’Informazione” participates with weekly reports and the publication of this document. But the most interesting development is the recent decision by the Council of Europe to devote special and continuous attention to the repression of intimidation against journalists, involving other European institutions and inviting NGOs from different countries to participate in a project for the monitoring of threats on a continental scale. The Council of Europe aims to obtain accurate and timely information that will enable it to act quickly on the most important cases of violations of press freedom, threats to journalists, bloggers and other media workers. This platform could also be used to assign each country a “press freedom index” which, according to the on-going discussions in Strasbourg, could become one of the identification parameters for the reliability of each country, similar to a GDP or Per Capita Income.

This report takes up the fight. With it, “Ossigeno per l’Informazione” shares its unique experience and explains in detail the method used for monitoring intimidations against journalists: a new, original and very precise method, developed specifically for this purpose. It has been applied in Italy since 2008, and it has proven able to reveal what the official statistics do not tell, bringing an unknown problem before the public and showing the alarming dimensions of the issue through data that has been proven credible and beyond any possible objection. The monitoring carried out with this method has shown without question how widespread are cases of assault, threat, intimidation, property damage, harassment, retaliation and abuse of libel suits against information operators, the use of improper methods of censorship taken to limit or prevent the lawful activities of those who work with the aim of informing the public in a free and democratic country like Italy.

It was difficult to believe that all this happened in an Italy that ostentatiously denied it. With this method, *Ossigeno* has shown that these episodes did indeed occur, and that they were numerous, frequent and systematic. This was demonstrated by a list with the names of more than 1,800 media workers who have been the victims of this kind of violence and abuse. The list also indicates the modality and the origin of each attack on the right to information, showing that – contrary to what is commonly believed – the intimidations from the mafia are less than a third of the total, and that the

phenomenon is not concentrated in the regions where the mafia's roots are greatest, but rather it has spread all over the country and to larger cities too.

The Ossigeno Method has allowed us to collect conclusive data and classify the intimidations, analyse the causes, identify the weak points of the system of protection of journalists and the loopholes in the regulatory system designed to protect the freedom of the press. It has also allowed the activation of forms of support and solidarity for the victims of intimidation. It has allowed us, among other things, to establish through statistical data, that in Italy intimidation and abuse of the law are the most widespread and unchallenged limits to freedom of the press, and are thus a new form of censorship: a violent and covert censorship. The observation has revealed that over a third of these intimidations are implemented by an abuse of the laws on defamation. It has allowed us to hypothesize that in countries similar to Italy, similar forms of censorship in disguise may be carried out widely. The classification of intimidations in 32 different types and the journalistic reconstruction of the single episodes have highlighted some methodologies for blocking the information that would not be indictable in any European country under the current legislation.

Other points that need to be highlighted are:

- Most of the intimidation is intended to prevent the circulation of relevant news, including information unwelcome to the powers that be, i.e. reports of negative behaviours of public figures, revelations of corruption scandals or other dirty business;
- By blocking journalists, the intimidation prevents citizens from knowing important information. Therefore it would be necessary to have everyone know the names of the victims, and the information that was trying to be repressed through violence and abuse. A wide distribution would have a deterrent effect;
- In Italy the incidents of intimidation are high in proportion to the journalistic population;
- It would be appropriate to create a one-stop-shop national office to which report violations to;
- The phenomenon escapes the public notice because there are no official statistics, the media do not give space to intimidations, the authorities give importance only to the episodes of the utmost gravity, the mistaken belief that journalists are victims of violence only in

authoritarian countries or in war prevails, and when they are affected in countries at peace then this must be due to their recklessness;

- The isolation of victims goes hand in hand with the spread of self-censorship;

- What weakens the victims is the lack of legislation, the extremely meagre wages, the lack of responsibility of the editors for the legal fees related to trials sprung from the publication of articles, the criminal libel law that, among other things, prevents insurance coverage for property damage.

These data confirm the report by the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, according to whom the threats and intimidations, the breaking of rules and other devious methods spreading across Europe as “censorship under disguise”, are creating a modern gag as effective as those adopted in traditional authoritarian systems.

In the face of all this it is urgent to raise the guard across Europe, open our eyes and enhance oversight, acquiring sharp and piercing observation tools.

THE *OSSIGENO* COUNTER
AND THE PHENOMENON'S DIMENSIONS

Ossigeno is an observatory on information, threatened journalists and news overshadowed by violence. It was founded in 2008 by a group of volunteers following the initiative of some experienced journalists, including: Alberto Spampinato, an adviser to the FNSI and the brother of Giovanni Spampinato, one of the eleven journalists killed by the Mafia and terrorism in Italy; Lirio Abbate, an investigative journalist who has been living under police protection since 2007; Angelo Agostini, director of the journalism school at the IULM University of Milan; Roberto Natale, president of the FNSI, the unitary union of Italian journalists. The Observatory was established with the support of the FNSI and the Order of Journalists and has the support of other organizations representing Italian journalists. Since 2014, it is also an advisory body to the Parliamentary Anti-Mafia Commission.

The thermometer that measures the fever in Italy every day is known as the Threats Counter, and it is published on the homepage of the Observatory and continuously updated. It shows three numbers: the number of journalists who faced intimidations from the beginning of the year; the number of journalists who have suffered intimidations in previous years but were disclosed in the current year; the total number of journalists who, according to the findings of the Observatory, have been intimidated since 2006. The journalists who faced intimidation in 2006-2007 reached one hundred. In 2008, the Counter departed from that figure, which has since increased as more journalists suffered intimidations, believed to be true by the Observatory on the basis of improved verification procedures perfected during operations and now codified. On 1st April 2014, the *Ossigeno* Threat Counter exceeded 1800. This means that, on average each year, the Observatory reported 210 new threatened journalists. But the average of recent years is much higher and continues to rise. In the first five months of 2014, 200 journalists have been threatened. This leads to a projection of 480 threatened journalists throughout the year, and a 50% increase from the previous year. This alarming outlook is realistic and refers only to the part of the phenomenon that is known; the true number is at least ten times larger. The vast majority of Italian journalists who suffer intimidations and threats do not want it to be known. This attitude can be explained by the erroneous assessment of the phenomenon by the public and the position of weakness from which the majority of journalists do their job. These factors contribute to obscuring the phenomenon and represent just

a part of the problem. In view of all this, *Ossigeno* discloses only the episodes that have a public notoriety and those that can be revealed with the consent of the victims. Therefore, the counter indicates only the tip of the iceberg. With over 1,800 established episodes, it is reasonable to speak of at least 18,000 intimidations of media workers made in Italy from 2006 to 2014. Comparing this figure with the number of reporters registered with the Order of Journalists who receive income from professional work (see details in the *Ossigeno* Annual Reports on the website <http://www.ossigenoinformazione.it> and statistics in the “Data” section of the website) it is possible to note that the impact of the phenomenon on the total number of active journalists is very high: above 30%.

MEASURING THREATS BY THE SAME YARDSTICK

The intimidation of journalists may occur with variations and nuances, in different ways from country to country, but are always characterized by some common features and aspects that need to be understood and noted when the phenomenon is being observed at the European level. The *Ossigeno* Method, developed to observe and classify all these aspects and obtain the necessary information to observe the phenomenon, to assist the victims, and to identify the most appropriate protection measures, can be the basis of a discussion for the realization of a European Monitoring according to a common standard, so as to obtain reliable and homogeneous data. The definition of this standard has become urgent because many European projects aim to strengthen the protection of journalists based on a timely and accurate knowledge of what is happening in different countries.

A standard is needed to synergistically connect the activities of all those who, in every corner of the world, are fighting for true freedom of expression and allow citizens full and conscious participation in public life.

WHAT TO MONITOR FOR USEFUL INFORMATION

In order to present a picture of the intimidations against media workers occurring in Italy, *Ossigeno* has developed an *ad hoc* monitoring method which pursues the following main objectives:

- measure the extent of the phenomenon and its progress
- describe all its possible variants
- publish the names of the victims and of those who threaten
- demonstrate that intimidations do not come only from the Mafia
- ascertain the truth of each episode
- publish only verified intimidations
- spell out all the specific details of any intimidation (date, place, news agency, blog, author of the intimidation, characteristics of the threat)
- classify intimidations by type of threat
- disseminate timely and detailed information on ascertained incidents
- build publicly the list of the victims
- involve the victims in the monitoring
- interact with similar associations
- discuss the data in public meetings
- talk about the results with journalists, politicians, institutions
- create a specific and searchable archive free of charge
- obtain the consent of the journalistic world for an internal investigation
- operate with independence and financial autonomy
- carry out its main activities through volunteering

PRACTICAL HANDBOOK TO USE THE *OSSIGENO* METHOD

THE NEWS, THE COUNTER, THE TABLE NAMES, THE STATISTICS

In this chapter, the *Ossigeno* Observatory describes in detail its method of monitoring, explaining how to collect information, how to verify incidents of intimidation, how to rank them, how and with what tools to publish the cases of threat, because the news of journalism is an essential part of monitoring.

Ossigeno works more or less like a newsroom, and for the most important functions it makes use of journalists and experts.

It actively and systematically collects information on intimidation against media workers by consulting multiple sources, using reports and doing its own reporting.

It evaluates the reports, dividing them into three categories: cases with compelling evidence, cases worthy of attention, cases manifestly unfounded. The latter are discarded.

The cases with compelling evidence are those considered the most serious intimidation and type of threat and, with the consent of the victims and accompanied by appropriate documentation, are reported to the authorities as cases of interference to the right of information. Some of these cases are reported by the victims themselves or by their colleagues, others come to the Observatory's attention through public knowledge news, or through declarations of solidarity by the representatives of journalists, or through news stories accompanied by clear and comprehensive, detailed statements from the victims. These cases are made known with priority.

Moreover, the cases deemed worthy of attention are verified through a journalistic investigation before being disclosed. To assess the most controversial cases, the Observatory relies on the advice of an attorney.

The verification requires the consultation of sources, the acquisition of statements from direct or indirect witnesses, articles, and documents. Whenever possible, along with the intimidation, the journalist's articles presumed to have given rise to the threats are also published.

The Observatory publishes each episode as soon as it passes the verification test: it promptly publishes a journalistic article on its website and disseminates the news through a newsletter. The most significant cases are reported to the media in a press release.

Whenever the *Ossigeno* staff believes that an incident merits a more extensive and in-depth investigation, it undertakes a journalistic inquiry and

publishes it in the same way as any other news. In some cases the Observatory takes a position expressing doubt, solidarity or recommendations. It also solicits and publishes expert commentary framing the incident in a local, legislative, and historical context. The serious cases are reported to the authorities and to international institutions.

Each episode is classified by the Observatory in one of the categories described in the “Type of threat”. The names of the threatened are added to the “Table of the names of the victims” (see below), which is interactive and freely accessible online. It lists all the victims in chronological order. Clicking a name on the table will link to the article relating to the story.

For each episode, observers estimate the number of victims involved, note them in the table and thus increase the “Victims of intimidation Counter” (see below). They also update the map of the Italian regions, which is an interactive map that displays the geographic distribution of threats in the current year.

The information deemed to be of international interest is translated into English and published in a special section of the site and distributed to an international mailing list.

The incidents of intimidation on which *Ossigeno* reserves a doubt are subjected to a more prolonged observation. When the margin of doubt is overcome, the news on the case is published, but no name is inserted in the table with the names of the victims. The victims’ names will be included in the Table only when the case has been clarified completely.

The evolution of the phenomenon is analysed in the Annual Report and discussed at public meetings attended by institutional authorities, experts, representatives of news organizations, parliamentarians, representatives of international institutions, and threatened journalists.

THE TABLE WITH THE NAMES OF THE VICTIMS

The Observatory has refined the criteria for assessment of the cases and has perfected the publication criteria for the relevant data being processed, making changes and updates to their display. The treatment of hundreds of episodes revealed the need for more comprehensive and homogeneous data. Furthermore, the number of types of classified threats has been enriched with new entries following episodes that would not otherwise have been recorded. After a long observation, a major innovation was introduced in 2012: the cases were subdivided into four main categories, allowing for a more accurate and meaningful presentation of the data. The threats that are currently the most

frequent are those in the macro category *Complaints and legal actions*, whose sub-categories have been defined with expert legal advice.

WHO IS UNDER OBSERVATION

Ossigeno records the intimidations directed against journalists, bloggers, reporters, video reporters, filmmakers, and anyone else who suffers from intimidation while engaged in an activity of journalistic information, or while operating in order to gather information to be disseminated for the public interest of citizens.

WHAT DOES THE TABLE OF NAMES INCLUDE?

The Table of names, which is freely accessible online, provides the most comprehensive and concise representation of the cases of intimidation occurring in Italy. It briefly presents all the essential data for each individual case. These data answer the five key questions of journalism: who, where, when, how and why. Each row of the table contains the name of the intimidated journalist, the place and the date on which the intimidation took place, the news outlet involved, the nature of the threat, and the number of threats previously received.

NAMES AND OMISSIONS

The first and last name of the intimidated journalist are omitted from the table if the reporter justifiably asks to remain anonymous. In these cases, the entry in the Table is marked as *undisclosed*. On top of the names of the direct victims, the Observatory records the number of journalists involved indirectly. That number, which is evaluated with those directly interested, is noted on the chart.

The threats addressed generically to “reporters” as a whole, to all journalists, or all reporters of a particular area or category, are not considered.

TYPES OF THREAT

The cases of intimidation are subdivided by *Ossigeno* in five categories:

- Physical assault,
- Property damage,
- Warnings,

- Complaints and lawsuits,
- Obstacles to information.

The macro-category allows us to identify in broad terms what path was followed to intimidate the reporter. The classification includes 31 sub-categories.

The first two major categories include the intrusions into the private lives of the reporter and the destruction of property and working tools.

The macro category *Warnings*, on the other hand, includes all types of injunctions in written or spoken form, including serious personal insults in public.

The *Complaints and legal action* category groups the attempts at abuse of the legal actions permitted by the law for purposes of intimidation.

In 2013, in order to obtain more significant and disaggregated statistical data, the Observatory decided to classify each episode of threat with a single type of intimidation, choosing the one considered to be the most serious and important in terms of effects of the different types of threats that can be encountered in the same episode. This has necessitated a reclassification of cases already included in the table names, since the Observatory's prior objective was to record the plurality of types of intimidation.

Most types of intimidation adopted by *Ossigeno* correspond to specific offenses envisaged by the Criminal and the Civil Codes. Other types correspond to violations of rights that our codes do not punish, but which should be sanctioned nonetheless to ensure the full protection of journalism, as an activity in the public interest, and freedom of information and expression, as a fundamental right that cannot be abridged.

What follows is a detailed list of the types of threat as classified by *Ossigeno*, with the respective abbreviations used in the concise notation in the table names:

- **Physical assaults**
 - *Agg.*: Light Aggression
 - *Abb.*: Serious Aggression
 - *Sp.*: Gun shots
 - *IC*: House Burglary
 - *ES*: Explosion or explosive
- **Property damage**
 - *Inc.*: Car or house burning
 - *Fur.*: Theft

- *Dan*: Damage to property and personal belongings or work tools
- **Warnings**
 - *Avv*: Spoken warning in the presence of third persons
 - *LM*: Threat letter or other intimidations in writing
 - *Pros*: Letter with active bullets
 - *BE*: Letter with empty cartridge
 - *All*: Discrimination and arbitrary exclusion
 - *St*: Stalking
 - *MM*: Death Threats
 - *MP*: Personal Threats
 - *TM*: Threatening phone call
 - *Hac*: Hacker Attack
 - *FB*: Threats on Facebook and other social networks
 - *Ins*: Insult
 - *Ex*: Banners and cardboard signs
 - *Ped*: Shadowing
- **Complaints and lawsuits**
 - *QD*: Lawsuit for defamation considered spurious
 - *QM*: Complaint by Magistrate considered spurious
 - *RRD*: Summons for damages considered specious
 - *FON*: Indictment for refusing to reveal a news source
 - *AbD*: Abuses of the law
 - *PAB*: Indictment for arbitrary publication of judicial papers
 - *Seq*: Judicial seizure of documents, archives and tools
 - *AG*: Notice of investigation for crimes related to the publishing of news
 - *Per*: invasive search
 - *BLG*: Blog blacked out (total or partial)
 - *Ver*: Reporting
- **Obstacles to Information**
 - *OI*: Obstacle to information

WHERE

In the columns related to the location, data is collected on the city, the province and the region in which an incident occurs or is reported, and where it is easy to identify it as an assault, damage or other physical threat. It is more difficult to locate the place of an intimidation if it occurs via web and through the threat of lawsuits or other legal actions. In these cases, usually the Observatory records the location of the notice or the city in which the notice application was filed.

WHEN

The date is inserted when the incident occurs and not on the day on which the Observatory comes to know about it. Also the collection of this data presents difficulties, especially for cases that remain distant in time. It happens, for example, that a journalist is acquitted of an old complaint of which there is no news. The Observatory records the date of the filing of the complaint to the court.

When there is no exact date for the day or the month, a double zero is inserted instead (e.g. 00/00/2014, 00/03/2011).

THE NEWS OUTLET

The column *Per chi scrive* (Writing for) includes the name of the newspaper, or the name of the website, for which the reporter writes, or the title of the book or the name of the association/institution to which the reporter belongs and for which the intimidations were sent. On another column, the type of media is specified.

Ten different types of media have been identified:

News agency: All news agencies

Print Media: Magazines and newspapers

Institutions: trades unions and associations

Book: Publishing houses and books

Radio: Radio Broadcasts

Service: Video agencies

Theatre: theatrical works and plays

Television: Television broadcasts, news broadcasts

Web: News and other websites

Various: All those cases that do not fall into the above categories, and cases in which more journalists (usually unnamed) from different news outlets are involved.

NOTES BY OSSIGENO

The notes briefly summarize the story. The episode can be appreciated in more depth by reading the news reached by the linking on the victim's name.

PREVIOUS THREATS

In the column marked previous threats, the number of previous threats against a journalist is shown.

If *Ossigeno* has reported earlier threats, next to the article a link is shown. If the reporter did not receive any previous threat, the column shows a zero.

REGISTRATION WITH THE ORDER OF JOURNALISTS

An X in this column indicates that the threatened reporter is registered with the Order of Journalists.

NUMBER OF THOSE INVOLVED

This column shows the number of victims of the same intimidation. This allows for an overall count of the intimidations reported by the Observatory in the current year. When it is not possible to have the exact number of those involved in an incident of intimidation, an approximate number is given, usually rounded down.

INTIMIDATIONS OCCURRED IN PREVIOUS YEARS

When the Observatory becomes aware of incidents that occurred years in the past, it records them in the table the day on which it becomes aware of them, indicating in the column the year in which the incident occurred. This allows

us to keep a separate count of the victims relating to the current year and to prior years. For example: 10 + 5 implies 10 in the current year and 5 from preceding years. This distinct data is accounted for and explained clearly in the introductory note to the table. This allows us to clearly say how many cases in the system have occurred in the current year, and how many occurred before. Therefore, also the historical data is updated following such dual notation. This allows us to keep the historical observation for one year and to update it by showing how many victims of intimidation for that year have been subsequently established.

STATISTICS

The statistical, graphic and territorial area representation of intimidations occurring in Italy has been essential for giving a clear picture of what is going on, providing an immediate view of an ignored reality. The overview provided by the statistics and the graphical presentation proved to be very useful in convincing the greatest sceptics, and also in allowing us to follow the trends of the phenomenon and to study its various aspects in greater detail.

SEVERE AND LESS SEVERE EPISODES

There are many unjust ways in which the work of a reporter can be hindered. The most frequent way aims to dissuade the journalist from intending to report certain facts or to stop him altogether by instilling the fear, causing harm through threats, attacks, destruction of working instruments, burning of cars, theft of documents and so on.

In its early years, the Observatory almost exclusively reported the most severe and bloody episodes, and in particular, threats coming from criminal mafia groups, death threats and assault cases that seriously put at risk the life of the journalist or compromised journalistic activity. Subsequently, *Ossigeno* felt the need also to report those incidents that appeared less severe, implemented through less violent means of intimidation, but with just as important a final outcome.

INTIMIDATION THROUGH COMPLAINTS

An important step was made by examining the intimidations via the legal process, implemented through the abuse of legal institutions such as libel suits, or the failure to respect professional secrecy, inappropriately invoking the secret investigation or the state secret.

The Observatory has taken up the responsibility to include among the intimidations those legal initiatives that are clearly intimidating for the way they are presented (for example, the complaints and lawsuits with claims for damages from libel that are manifestly unfounded or have been advanced without a prior request to publish a correction, or rejected by the judge who has deemed them unmotivated).

Another problem in the overall representation of the kinds of intimidation was summing more serious cases, such as death threats, with less violent types, such as public insults by people in power, gratuitous and insinuating denigrations, warnings disguised as good advice, cases of discrimination that prevent access to public events or meetings to which other reporters are allowed, and also those behaviours that avoid sanctions because no law envisages them, but which nonetheless prevent freedom of the press as recognized by Article 21 of the Italian constitution. This problem was overcome by specifying the type of each intimidation.

HOW *OSSIGENO* APPLIES HIS METHOD

A FEW EXAMPLES

To understand how *Ossigeno* applies its method, the following practical examples have been set out below for each type, and linked to the free-access public database published on the site www.ossigenoinformazione.it.

PHYSICAL AGGRESSIONS

Aggression (initials Agg or Abh)

A violent action against a journalist in reaction to his work. It often occurs while the journalist is doing his job or as a “punishment” or reaction to investigations or articles that have already been published. There is a distinction between light aggression (a shove or a slap) and serious aggression (punching, kicking or otherwise) that forces the journalist to seek medical attention.

Some cases:

- Gabriel Picardo, 10th October 2012. Assaulted in a park while he was filming and forced to delete the videos.
- Unione Sarda Photographer, 28th July 2013. Approached and assaulted by two men who destroyed the photographic equipment.(ENG)
- Ivo Iannozzi, 20th June 2013. In the hospital with a 10 day prognosis. A man punched him repeatedly because he resented an article from ten years prior.

Gun shots (Sp)

Gun shots against the house, the office, or the car of the reporter in his presence or as a warning.

Some cases:

- Daniela Braccani, 31st December 2012. Gunshots in the journalist's house while the family was celebrating New Year's Eve dinner.

- Newsroom “I Cordai”, 31st December 2012. On the last night of the year, the intimidations culminated with three shots fired inside the headquarters of the association.
- Francesca Santolini, 29th January 2013. Gunshots were fired at her car.(ENG)

House Burglary (IC)

When someone illegally enters the journalist’s home or office and goes away without taking anything or merely removing items of no value.

Some cases:

- Rosaria Capacchione, 27th April 2010. Unidentified persons entered the house without taking anything of value (occurred first in 2009).

Explosion or explosives (ES)

Intimidations with the use of explosives. This category includes the discovery of explosives, unexploded paper bombs, time bombs and explosions at the homes or workspaces of journalists.

Some cases:

- Massimo Numa, 2nd October 2013. Bomb sent to the newsroom of the journalist, who had been covering issues from the Val di Susa and TAV. In April, another explosive was sent to the newsroom.(ENG)
- Nino Panella, 25th August 2012. Molotov cocktails hurled at journalist’s house
- Rosaria Malcangi, 10th November 2011. A paper bomb exploded outside the journalist’s home.

PROPERTY DAMAGE

Car or house burning (Inc)

The burning of the car or the house of a journalist or a member of his family is a serious act of arson made with the aim of intimidating the reporter and pushing him not to continue in his reporting or investigative activities.

Some cases:

- Ilario Filippone, 4th April 2012. The car of journalist torched

- Lucio Gambera, 21st June 2013. Car parked near the house of journalist torched.
- Luigi Centore, 10th July 2013. Car of a journalist torched.(ENG)

Theft (Fur)

The unlawful appropriation of documents, computer files, audio or video support, tools and other useful items for the journalist and his work.

Some cases:

- Riccardo Orioles, 15th August 2012. Someone broke into the house and looked at the journalist's personal papers and other material, and then left them in the house.
- Alessandro Iacueli, 14th March 2013. Hard disk drives, videocassettes, computer, memory card and USB with documents worth four years of work stored in the apartment, have been stolen from the journalist's home.(ENG)
- Alberto Nerazzini, 14th July 2013. Taken from journalist's home two cameras, five computers, microphones, and video material.(ENG).

Damage to property and personal belongings or work (Dan)

The destruction or damage of personal property and tools of the reporter in order to frighten him or prevent him from continuing his work or limit his operational ability.

Some cases:

- TeleJato collaborators, 29th March 2011. Damage to car, theft of computer and mobile phones in the homes of some collaborators of TeleJato.
- Peter Longo, 22nd March 2012. Assaulted while filming the scene of an altercation between motorists and Gesip protesters who had blocked traffic.
- Matteo Lauria, 10th September 2013. Journalist's car damaged.

WARNINGS

Spoken warning in the presence of third persons (Mr)

Includes veiled threats and allusions to possible negative consequences of news work. Includes direct warning to an entire newsroom or to a specific

newspaper in its entirety. Threats addressed generically to reporters or the category, are not counted.

Some cases:

- Adriano Pagano, 9th March 2012. During press conference, mayor of Formia publicly stated: “To do the job of a journalist is dangerous”.(ENG)
- Rosario Cauchi, 28th July 2011. He found a warning in his garage telling him to stop doing his job.
- Rosaria Capacchione, 14th April 2011. Accused by boss’s lawyer of influencing judge’s decision with her articles.

Threat letter or other intimidations in writing (LM)

Anonymous letter containing explicit threats against the journalist for the work done or for on-going investigations. It is often written on the computer or composed with newspaper scraps, with phrases like: “you are a dead man walking”, “we’ll cut your hands off”, etc. In some cases the threats refers to the habits of the reporter or his family and reveals observation and shadowing.

Some cases:

- Antonio Loconte, 17th September 2013. Receives letter with death threats in his home. He reported on the emergency 118 service in Bari and in other provinces of the Apulia region. (ENG)
- Michele Inserra, 27th July 2012. Received an anonymous threat letter in the newsroom.
- Enrico Bellavia, 29th June 2012. Threat letter against journalist delivered to the office.(ENG).

Letter with active bullets (Pro)

To attach active bullets enhances the intimidating effect of a threat letter. It signals the ability of the author of the threat (often a criminal) to hit the journalist with firearms.

Some cases:

- Giovanni Taranto, 12th March 2013. Intimidating message with 2 bullets sent to the newsroom. (ENG)
- Ersilio Mattioni, 20th December 2012. Envelope with a bullet delivered to the newsroom. (ENG)
- Giuseppe Bianco, 14th July 2011. Intimidation due perhaps to articles on municipal police competition.

Letter with empty cartridge (BE)

Also in this case the evocative force of bullets served to strengthen the intimidating power of the missive.

Some cases:

- Katia Giannotta, 28th January 2012. She was threatened and reported the facts to the police, but an investigation is unlikely due to lack of evidence.

Discrimination and arbitrary exclusion (All)

These cases concern those journalists arbitrarily expelled or excluded from press conferences, public meetings, and those journalists who are denied the needed accreditation to follow an event (sports, politics, etc.) without plausible reason, often challenged by hypothetical bureaucratic obstacles. The arbitrary exclusion is often decided as a gesture of disapproval for the job of the journalist, who is thus prevented in this way from doing his job, in violation of his rights.

Some cases:

- Roberto Ventre, 21st July 2011. The Naples Football Club denies him press accreditation for an article disliked by the club's president.
- Giulio Mancini, 1st September 2012. Forbidden entry into the council of the XIII sub-municipality of Rome
- Cortocircuito newsroom, 30th July 2013. Threatened and moved away from the scene of a fire by the owner of the field and some workers.

Stalking (St)

These are the cases in which the journalist is literally persecuted by someone. Episodes of threat in this case are on-going in various forms: stalking, threatening phone calls, letters.

Some cases:

- Letizia Tassinari, 23rd August 2012. Victim of constant harassment since August, 20th after news of a strange incident in her building. She found her car damaged.
- Danila De Lucia. Since October 2009 she has received a series of phone calls, threatening letters, insults by an anonymous "unsatisfied reader".

Death threats (MM)

These are cases of serious threats that intimate the journalist to stop researching and writing the facts, and to stop investigating or risk being killed.

Some cases:

- Gianfranco Criscenti, Giuseppe Pipitone, Giuseppe Lo Bianco, 8th July 2011. Threatened in an anonymous letter for having written about Bishop Miccichè and the on-going investigations on the diocese of Trapani.
- Gennaro Manzo, 12th May 2012. Provoked and threatened with death by member of a local association
- Giovanni Tizian, 1st December 2011. Lives under police protection after in a wiretapped phone call, the mafia talk about killing the “pain-in-the-neck” journalist.(ENG)

Personal threats (MP)

These are the cases in which the journalist is approached and threatened and informed that as a result of his work and of his inquiries he may suffer direct damage to his person or to people close to him or to his property.

Some cases:

- Salvo Cutuli, Rosario Nicolosi, 29th February 2012. Approached and threatened by supporters of a priest accused of paedophilia
- Carlo Ceraso, 12th May 2012. A man approached him, provoked him, insulted him and threatened him.
- Michele Oggiano, 21st November 2013. Threatened by a stranger while trying to set off a fire in an industrial area.(ENG)

Threatening phone calls (TM)

These are the cases in which the reporter is contacted by telephone, usually by someone anonymous who tells him to stop working or else suffer severe retaliation.

Some cases:

- Federica Sciarelli, 16th May 2012. Threatening calls on live TV.
- Alessandra Vaccari, 1st February 2012. Threatened because of an article on a kidnapping in a store
- Giornale di Sicilia Newsroom, 13th September 13, 2013. Mute phone calls received, and a cross with plastic rods was found (ENG)

Hacker Attack (Hac)

These are the cases where there is intervention on the websites of newspapers, magazines and blogs to block the disclosure of unwelcome news.

Some cases:

- Articolo21 newsroom, 13th December 2012. On the eve of the Forum of Assisi, the website Articolo21 was hacked. It is the fourth time this has happened before a public event organized by the association.

Threats on Facebook and other social networks (FB)

These are the case including the threatening expressions and insults published with real or fake profiles, or the creation of groups specifically created to conduct a hostile campaign against an operator of information in sign of retaliation for his work.

Some cases:

- Claudio Pappaianni, Andrea Postiglione, 1st October 2011. Insulted on Facebook and subjected to “warnings” in the district of Barra.
- Marco Pasqua, 26th August 2011. Threatened for having reported on the racist and homophobic program of the nationalist party Gaetano Saya.
- Gigi Capasso, 7th November 2013. Attacked on Facebook for an article on the incarceration of the President of the Savoia Football club.(ENG)

Insult (Ins)

These are cases in which the journalist is insulted in public or insulted or denigrated by people with power or the ability to influence.

Some cases:

- Paolo Moretti, Stefano Ferrari, Mauro Peverelli, Anna Campaniello, 2nd June 2012. Were called “cannibals” and “shit-eaters” for having reported on events related to the investigation of a priest accused of paedophilia
- Lucio Musolino, Giuseppe Baldessarro, Guido Ruotolo, 10th October 2012. Attacked by the governor Scopelliti as part of a small circle of journalists who have no interest in the greater good of Calabria

- Francesca De Simone, 20th October 2013. Insulted and offended by the president of the Lazio and co-owner of Salerno football clubs Claudio Lotito.

Banners and cardboard signs (Ex)

These are cases in which threats are made with insulting banners displayed on the street, in a stadium, or during a demonstration. These include graffiti and wall writings offensive to the journalist.

Some cases:

- Daniele Genco, 3rd December 2011. Written threat in Aosta underpass.
- Stefania Petyx, 13th May 2012. First warned by stranger, then the troupe's car is damaged, and eventually a written threat outside her home
- Virman Cusenza, Petronilla Carillo, 9th October 2013. Hanging on the walls, posters with slogans against the former editor of the newspaper and the judicial reporter. Journalists accused of writing lies about the former president of the Province of Salerno

Shadowing (Ped)

These are cases in which the journalist is followed, stalked, filmed during his daily activity so as to intimidate him and study his habits and his family.

Some cases:

- Lirio Abbate, 12th November 2013. Stalked by a man suspected of being linked to organized crime in Rome, after the publication of an investigation in December 2012. (ENG)
- Massimo Numa, 7th January 2014. He received an email containing a video showing his movements and those of his wife in the last two years: a sign that the journalist and his family were followed and stalked (ENG)

COMPLAINTS AND LAWSUITS

Lawsuit for defamation considered spurious (QD)

These are cases where a lawsuit has been either filed or announced, without the complainant first requesting a correction, retraction or clarification of the information deemed wrong or harmful to the reputation, as prescribed by law.

Some cases:

- Journalists from *Il Giornale* and *Libero* 13th-14th March 2011. 36 and 18 reporters from the respective newspapers have been cited by Italo Bocchino.
- Giacomo Di Girolamo, 14th December 2012. The City Council authorised the mayor to sue him for libel, claiming that too much criticism has been expressed by *Marsala.it*.
- Milena Gabanelli, Giuliano Marrucci, 17th November 2013. The former minister Brunetta announced a lawsuit for a report which hasn't yet aired, and of which he has seen only the demo.

Complaint by Magistrate considered spurious (QM)

These cases are similar to the previous ones. However these are nonetheless noted separately in consideration of the role that a magistrate holds in society and in the administration of justice.

Some cases:

- Fabio Amendolara, Paride Leporace, 31st January 2008. The then Attorney General of Potenza Vincenzo Tufano, feeling harmed by an article, had asked for compensation of €130,000.(ENG)
- Michele Inserra, 2013. Magistrate filed 13 libel suits in a year
- Francesco Forgione, 2012. Asked for €20 million in libel damages libel for a book inquiry into the 'Ndrangheta.

Summons for damages considered specious (RRD)

These are the cases in which a citizen, politician, or entrepreneur, without having asked for a correction, clarification or retraction from the news outlet, appeals to a civil court declaring himself vilified and seeks damages (often sums that are out of proportion) putting pressure on the individual journalist and publishing company that, until the case ends, must add the amount of potential liability to its budget.

Some cases:

- Leonida Ambrosio, 2011. The mayor of the municipality whose council was dissolved because of infiltration by the Camorra requested €200,000. The trial carried forward also by the prefectural commissioners

- Francesco Viviano, Alessandra Zinniti, Sebastiano Messina, 6th January 2012. The President of the Region of Sicily Raffaele Lombardo asked for €6.5 million from the three journalists
- Vincenzo Cimino, 3rd November 2013. Crisafulli (Democratic Party) has asked for €2 million in compensation for an article on his career and judicial affairs.¹

Indictment for refusing to reveal a news source (FON)

This option granted to the prosecutor contradicts the right recognized to the reporter, by the same law, to maintain the secrecy of his confidential sources. It mainly affects the licensed contributors of news², who are entirely excluded from the right to professional secrecy.

Some cases:

- Enna: Acquittal for journalist who refused to reveal source
- Potenza. Claps murder. Fabio Amendolara accused of breaching state secret.
- Professional secrecy. Piazza Fontana, Mister X and Cucchiarelli's "secret".

Abuses of the law (AbD)

These are the cases where a journalist is indicted or convicted in relation to the performance of his work, undergoes invasive investigations, is wiretapped by

¹ Tip: It may be useful, in the legislative proposals advanced by *Ossigeno*, to request that when commissioners and new administrators are chosen for the local government leadership, lawyers should be required to verify cases against the press before bringing them forward, in order to avoid the large number of legal cases that go on for inertia (and in the interest of the attorneys).

² In Italy, those who carry out journalistic duties on a paid, ongoing basis are required to enrol in the Order of Journalists, which has two different Registers, one for *professionisti*, or professional journalists, and one for *pubblicisti*, or licensed contributors of news. Professional journalists, to obtain registration, must attend special schools, pass an exam and cannot be part of other professional associations (doctors, engineers, architects, lawyers, etc.). *Pubblicisti*, or licensed contributors of news, by contrast, are those who may also be enrolled in another professional order, even if they provide articles to newspapers, occasionally or on a regular basis. To join the Order of Journalists, *pubblicisti* must show that they have published in newspapers and been paid for, a number of articles within a certain time, and they must also pass an interview-examination. Italian law does not recognize them the right to protect the confidentiality of their sources of published news.

authorities, has equipment taken and archives search, and is put under pressure so that the confidential source is revealed.

Some cases:

- Giuliano Foschini, 16th November 2012. Police searched Bari newsroom and home of journalist under investigation by prosecutors of Lecce for having received and published stolen documents from the courthouse of Bari.
- Orfeo Donatini, Tiziano Marson, 1st July 2012. Sentenced to four months' imprisonment and a fine for libel (ENG)
- Giovanni Pons, Vittoria Puledda, 8th November 2013. At Consob's request, the prosecutor's office of Milan makes available phone call records of the two reporters.(ENG)
- Lo Verso Case. Cancellation of order to seize computer and mobile phones.(ENG)

Indictment for arbitrary publication of judicial papers (PAB)

These are the cases where a journalist is charged with having published legal documents that have come into his hands, even though these are already formally known to the interested parties but not to the public.

Some cases:

- Alfio Sciacca, Ferruccio De Bortoli, 15th December 2011. Deferred judgment for the offense of arbitrary publication of criminal proceedings.

Judicial seizure of documents, archives and tools (Seq)

A judicial seizure of tools and documents issued to discover the source of a news article or become aware of data collected by the journalist that may have relevance for the prosecution of a crime.

Some cases:

- Attilio Bolzoni, Lirio Abbate, 30th September 2011. Seizure of several documents, including the minutes of meetings with Toto Riina, and charge of violation of investigative secrecy

Notice of investigation for crimes related to the publishing of news (AG)

These are cases in which a reporter received a notice of investigation related to offenses allegedly committed by the publication of news, surveys and reports.

Some cases:

- Antonio Condorelli, 2011. Notice of investigation for having published the report of a doctor who refused to sign a diagnosis of “aortic aneurysm” for the governor of Sicily Lombardo.
- Charles Ceraso, Massimo Sbardella, 20th December 2013. Notice of investigation for articles written on inquiry that has engulfed the former board and the management of Banca Popolare di Spoleto, also order to black out 3 articles on the website.(ENG)

Invasive search (For)

These are cases in which the homes of journalists or editors are raided, often following the seizure of work materials aimed at discovering the source of a news story.

Some cases:

- Newsroom of La Nazione, 1st November 2011. Search of newsroom following the charge of violation of investigation secrets.
- Fabio Amendolara, 23rd January 2012. Interrogation and search of the newsroom and house for the prosecution of the revelation of office secrets.
- Giuseppe Lo Bianco, Sandra Rizza, Riccardo Lo Verso, 12th October 2013. Police search homes of journalists, analysing personal computers, smartphones, storage drives, tablets and diaries in the search for documents.(ENG)

Blog blacked out (total or partial) (BLG)

The blacking out of a news site or a blog or deletion of specific news at the request of a judicial authority due to the publication of proceedings covered by secrecy, or following complaints of citizens, politicians, and businessmen.

Some cases:

- Antonio Brindisi, 27th February 2012. Blackout of blog following a complaint for defamation

Reporting (Ver)

These are the cases in which a journalist is presented with a report of alleged violations enacted during the course of their work.

WHY IS IT NECESSARY TO SPREAD NEWS ON INTIMIDATION?

Reports of intimidation are subjected to a thorough verification. *Ossigeno* publishes those episodes that are accurate and sufficiently documented through professional and self-produced news stories, which are published in a timely manner. The most significant cases are reported to news agencies and other media. Other newspapers and blogs reprint numerous articles by *Ossigeno*, taking advantage of the opportunity to reproduce the content for free, provided the source is quoted. This dissemination activity is closely linked to monitoring. The decision was taken to disclose the episodes to the public as they are established, so as to compile the list of victims through a public screening process, and be able to collect any objections to the assessment of individual cases and take them into account through a transparent process. This on-going public involvement prevents anyone from denying the veracity of the data set collected. The journalistic method of presenting the episodes, introducing the history and personality of the individual victims, helps to break their isolation and strengthens them, as has been recognized by the parties concerned. Each case is also counted in a regional tally. This allows an assessment of how widespread intimidations are in each geographical area. The regional maps consent to see how the episodes are spread throughout the country, and how their distribution shows that intimidations are not sporadic.

The news and maps produced by *Ossigeno* arouse interest because, on top of providing specific data on the phenomenon, they reveal a hidden face of Italy. The public's interest is confirmed by the progression of the distribution of data of the site on social networks and blogs, which are allowed to reproduce the news by *Ossigeno* as long as they mention the source. Regular readers are journalists, bloggers, writers, human rights activists, students, researchers, and representatives of social organizations, public institutions, universities, and research centres. The international attention has also been considerable, thanks especially to the news in English and the distribution of the Annual Reports in English, German, Spanish and Chinese, and which are still available online. The Chinese version of the 2010 Report was accompanied by the publication of video interviews, carried out in Beijing, of Chinese dissidents and journalists who have been censored. The report in Chinese and the video interviews were circulated on the net and presented in a public meeting at the University of Eastern Studies of Naples. Currently, the users who access the site from abroad are about 20% of the total.

The national media have ignored the majority of incidents reported by *Ossigeno*. Only some intimidations reached widespread notoriety and, thanks to

the input of the Observatory, also received attention from newspapers and television news.

In just a few years, *Ossigeno per l'Informazione* has achieved important results. It has become a known brand in the world of journalism, a landmark recognized by many institutions. The data collected by *Ossigeno* have broken the silence on the truth of intimidation of journalists in Italy. Their diffusion has paved the way to put on the political and legislative agendas the need for an increased and more effective protection of journalists.

Moreover, *Ossigeno's* activities have helped major representative organizations of journalists pay closer attention to the phenomenon and to recognize intimidation as a kind of interference on press freedom, like spurious complaints, whose systematic dissemination and severity was not yet clearly felt. Many journalists have discovered from the news and conferences of *Ossigeno* how in Italy, intimidation of journalists is endemic, frequent, numerous and follows repetitive dynamics. The incontrovertible data gathered by *Ossigeno* has led the most sensitive parts of public opinion and the political world to reflect on the effects of a climate of intimidation that is so prevalent in Italian public life. But as yet, we still cannot claim victory. Unfortunately, the public does not have a clear understanding of the right to inform and to be informed. Consequently, there is no common belief that when a journalist is censored or intimidated, harm is done to all citizens. There is no understanding that intimidation restricts or impedes the flow of information that is of relevant interest to all citizens, and thereby limits the participation of citizens in public life.

The monitoring by *Ossigeno* has affected the orientation of some important public institutions, as evidenced by three recent interventions.

In 2012, the data presented by *Ossigeno* led the Parliamentary Anti-Mafia Commission to carry out – for the first time in sixty years – a specific investigation on the intimidations against Italian journalists.

The investigation was based on interviews with ten managers of journalist organizations and with ten journalists who had been threatened while they were engaged in reporting activities in the three regions most directly hit by the phenomenon (i.e. Campania, Calabria and Sicily). After the hearings, the Commission presented a report to Parliament in which the ascertained facts were exposed and asked for urgent measures from Parliament and the government.

In October 2013, for the first time in the Chamber of Deputies, during the debate on the bill that aims to reform the rules on defamation, some parliamentarians cited data and analyses by *Ossigeno*, and proposed to sanction

the use of specious lawsuits for purposes of intimidation, and of excessive damage claims against journalists. The *Ossigeno* data has had similar success in the Senate, which is now considering new proposals on defamation that are still waiting to be approved before being signed into law.

In November 2013, the President of the Senate quoted data from *Ossigeno* and urged legal measures to protect investigative journalism.

In March 2014, for the first time since 1946, a government of the Republic made a similar admission, albeit informally, with a public declaration by the President of the Council of Ministers, Matteo Renzi. It was a small but important novelty, considering that so far all the presidents of the Council of Ministers have refused to address the issue or to answer explicit questions and detailed parliamentary interrogations.

There is therefore an increased public awareness, which confirms the effectiveness of the activities of the Observatory, giving hope for further positive developments.

THE TROJAN HORSE OF INTIMIDATIONS IN FREE COUNTRIES

Democratic countries recognize freedom of the press and of expression and their importance to social life. However in no country is the circulation of news of public interest entirely free. It is limited by constraints of various kinds. Some are well known, while others are almost unknown or underestimated, such as intimidations and abuses of the law. These kinds of constraints are not widely debated, although intimidations are already in various countries the most frequent method for limiting the freedom of the press. Even in those countries where the law enshrines the freedom of information, there are many journalists, bloggers, photojournalists, reporters and video reporters, and media workers in general who face intimidations because of their job of informing.

What has allowed this phenomenon to spread on such a large scale is the carelessness and underestimation of the subtle ways in which it makes headway. It spreads in the same way the mafia infiltrates legal institutions: i.e., by extending its tentacles in a subtle and silent way, relying on fear and acquiescence, so that even when the tentacles are clearly visible, it is possible to hear the usual shameless refrain: “the Mafia doesn’t exist”.

When considering the spread of threats and intimidations against journalists, a similar attitude arises: the evidence is denied as long as possible.

Only the production of a mass of objective data can break down the wall of denial that has so far prevented the development of appropriate measures to combat it. The denial of systematic intimidations is a reality that needs to change. As pointed out by the Representative on Freedom of the Media of the OSCE, Dunja Mijatović, in the various countries where the threats and intimidations of journalists occur frequently, the authorities continue to deny the existence of the problem. It is possible to this as long as the media look the other way, as long as there are no statistical data, as long a mistaken perception of the problem leads us to underestimate the issue. It is therefore necessary to turn on the light, everywhere, and demonstrate through active monitoring what is actually going on in every country.

HOW DID THE REGIME OF DENIAL END IN ITALY

The first step to take is to clearly spell out the terms of the problem. In Italy, the attitude of denial is still strong. But the detailed and irrefutable documentation of a high number of intimidations, threats, abuses and spurious lawsuits against journalists, has been a breakthrough in bringing down stereotypes and misconceptions. It has allowed us, for example, to demonstrate with facts that only part of the threats against journalists come from criminal circles, and, in particular, organized crime. It has shown that most of the intimidations come from entrepreneurs and public administrators who want to stop reporters from documenting corruption. It has revealed that many intimidations could be prevented by a better organization of journalistic work. It has shown that the so-called intimidations via the legal process result from inadequate legislation that allows serious abuses, such as not sanctioning the abuse of libel suits. It has revealed that many intimidations are made possible by legislative and regulatory gaps. It has pointed out that intimidations are effective because they largely remain unpunished.

The careful and prolonged observation of episodes has also shown the weaknesses of the current system. First, public solidarity with the victims of intimidation is weak. And, in the absence of intervention, social support will continue to waver, facilitating inurement and resignation.

In Italy, the most blatant and arrogant forms of denial became impossible only in 2010, thanks to the monitoring by *Ossigeno per l'Informazione*.

The turning point was reached on July 20th, 2009, when the Observatory delivered to the President of the Republic Giorgio Napolitano data from its

monitoring of 200 journalists intimidated in Italy in the three years between 2006 and 2009.

The attention given by President Napolitano helped to increase the visibility of the data, helping to spread them and to bring to the attention of the wider public. It also made it impossible for anyone to continue to deny the fact that in Italy there were a large number of threatened journalists. From that moment on, it became possible to talk about the issue as a serious and real question.

The data gathered by the monitoring activities has thus filled a vacuum. The knowledge held has enabled us to overcome the general disbelief. It triggered a virtuous process that, albeit slowly, has allowed the issue to have a place on the public agenda.

HOW TO UNCOVER HIDDEN CENSORSHIP

Electric current, electromagnetic waves, and other incorporeal phenomena escape sensory perception. But they exist and they produce effects. Similarly, hidden censorship escapes the control of traditional bodies charged with defending the freedom of the press, but it exists and it produces powerful effects. To study phenomena that cannot be perceived through the five senses, physics has developed indirect methods based on the observation of the effects these phenomena produce, and so as to learn more, it has created specific detection tools that are able to take measurements. Similarly, a specific monitoring system is required to find out all those intimidations that cannot be seen with the naked eye. It will not be enough to be able to count the number of victims. It is also necessary to classify the threats and allow study of the causes. It must be sensitive: it cannot simply report the most egregious cases of violence and denial of rights, but must detect less severe episodes, which are also the most common. It must be able to distinguish between intimidations that openly show the face of censorship, and intimidations that act behind a mask or behind lawful and legal appearances. It is not possible to give up identifying the insidious forms of intimidation, because these are the most restrictive and because these are the ones that most clearly show the holes in the safety net created to defend the freedom of expression, highlight the loopholes in the law, the inadequacies of the legal systems and of protection measures, and the omissions that undermine the right to information.

The monitoring carried out by *Ossigeno per l'Informazione* was created precisely for the identification of the less recognizable forms of intimidation.

THE FIRST RESULTS OF THE *OSSIGENO* METHOD

In Italy, the monitoring conducted for six years with the *Ossigeno* Method has produced considerable results.

It has revealed the insufficient legal protections to the right of citizens to be informed and the right of media professionals to report news events without suffering retaliation.

It has helped understand the benefits reaped by wrongdoers deriving from a lack of laws that recognize the positive social value of journalism and that punish those who obstruct it speciously.

It has made clear that Italian law governs journalistic activities solely to set limits on it, to constrain its range of action with respect to the prerogatives of the executive, legislative and judicial powers and of the rights of the individual; it has highlighted that the laws leave to journalism only a residual space to manoeuvre, giving precedence to other rights which should be secondary when contrasting the public interest in the dissemination of information.

Ossigeno has shown how difficult it is to inform while pursuing the public interest when the law does not recognize information from journalistic activities as in the public interest. For example, those who inform and are sued for libel, breach of confidentiality, breach of professional secrecy or other offenses of the same kind, must prove each time that the interference in the life or in the affairs of others is not improper. Even those who act clearly in the public interest, respecting the duties of loyalty and ethical norms, must prove this.

Ossigeno has highlighted how the weak legal status of media operators encourages bullies to deal with them as intruders and to abuse the legal process and the slowness of judicial procedures to punish them as such.

It has shown that a large number of public administrators, when facing the publication of truthful but unwelcome information, react with lawsuits and claims for damages, or discriminate against unwelcome journalists by excluding them from public events to which others are allowed.

It has revealed how unwelcome journalists can be removed by professional assignments on public television with a mere pretext; how other journalists

suffer from self-censorship because they would otherwise risk losing their jobs.

These and other episodes have shown how important the numerous conflicts of interests between politics and the publishing sector still are for the freedom of the press. A special case has been the one concerning Silvio Berlusconi, which has dragged on largely unresolved since 1994 and has had serious repercussions on the autonomy of the state broadcaster.

The set of episodes gathered by the monitoring of *Ossigeno* has attracted the public's attention with regard to the alarming nature and size of the specious use of complaints for defamation as means of intimidation: a widespread phenomenon, but which, until then, was barely felt even by the world of journalism. Now finally all admit to the presence of this kind of abuse, which, according to *Ossigeno* statistics represents more than 36% of detected episodes, although in reality it is a much more extensive phenomenon.

The monitoring has enabled us to ascertain that most of the journalists who receive a defamation lawsuit or a claim for damages for defamation considered unjust, do not want the news to be known. Caution prevails with respect to the unknown result of the trials and also the fear, which is partly founded, that other journalists from competing news outlets could exploit the incident to put the defendant in a bad light.

The observations by the Observatory showed that in Italy, with a few rare exceptions, specious libel suits are not rejected, but instead give rise to more serious charges and expensive trials that can last for over ten years and can result in prison sentences or the obligation to pay substantial compensation, with penalties that may be disproportionate to the actual damages and the economic capacity of the offender. The abuse of the lawsuit is easy and painless: even when the trial ends with the acquittal of the journalist and the recognition that the charge was unfair or unfounded, he is not entitled to any compensation, and sometimes does not even get reimbursement of the expenses incurred for the defence in court.

THE HISTORIC TANGLE OF THE PRESS LAW

The observation of these cases has allowed us to prove that in Italy the weakening of the right of information has deep roots. During the twenty years of fascist dictatorship, pre-emptive censorship on newspapers was in place. With the birth of the Republic, censorship was abolished. Two years later, in

1948, the Constitution decreed freedom of speech and expression, but at the same time it passed a press law to severely restrict that freedom. That law is still in force. Its inadequacy, its inconsistency with respect to European case law, and its punitive approach to the press have been reported numerous times by major European organizations and the UN. But Parliament has not been able to update it. The latest reform proposal did not advanced at all between between October 2013 and May 2014.

The public debate and the newspapers do not report these failures, while in the meantime the old law on the press continues to produce a large number of unjust prosecutions and convictions. The monitoring by *Ossigeno* reported these episodes one by one. The media, however, reported only the most egregious incidents, those relating to the indictment and conviction of prominent journalists, never giving the whole picture and the remarkable chain of episodes.

THE FRONT OF THE MAFIA AND OF JUDICIAL REPORTING

The monitoring by *Ossigeno* has devoted particular attention to the threats and intimidations against journalists who follow the stories on the mafia and the underworld and all the reporters who work in areas where organized crime is more deeply rooted. From this special attention, the Observatory has promoted support and solidarity initiatives for them, and has published analyses on the specific difficulties they face because of the weakness of the editorial system in these regions, the intolerant attitudes of local administrators, particularly invasive initiatives by the judiciary, the frequent disregard of professional secrecy, the conditions of insecurity and low incomes of these reporters, many of whom do not even receive legal assistance from the publishers. This has led us, among other things, to highlight these particular ways of influencing news reporting, and the difficulty journalists have in report these intimidations without losing their jobs.

Some dramatic cases have revealed pressures coming from inside the newspaper. Other cases have shown that mafia pressures occur throughout the country. The verified cases have confirmed that local correspondents and reporters who work in small towns are the journalists who are the most exposed to threats, intimidations and retaliation.

THE PROJECT FOR A SAFETY NET FOR EUROPEAN JOURNALISTS

Censorship under disguise that is realized through intimidations is not an exclusively Italian phenomenon. There are different signs, but no comparable data is available, nor are there other known monitoring experiences conducted in other countries with insightful methods of detection such as the one used in Italy. Therefore *Ossigeno* advances the proposal to apply its method on an international scale. The proposal was formulated for the first time on September 25th, 2013, in Warsaw, during the Human Dimension Implementation Meeting (HDIM), the annual OSCE conference attended by representatives of the governments of fifty countries, the highest international institutions, media experts and civil society representatives. At that meeting, *Ossigeno* put its method at the disposal of international organizations that protect the freedom of the press and expression. Moreover, the proposal was re-launched on May 19th, 2014, in Strasbourg, during the Round Table on the protection of journalists organized by the Council of Europe, which was attended by international institutions (UN, UNESCO, European Union, OSCE, OAS) and NGOs from different countries (Amnesty International, ICRC, Reporters Without Borders, Human Rights Watch, Committee to Protect Journalists, Index on Censorship, International Federation of Journalists, Natalia Project, Ossigeno per l'Informazione, Article 19, the Association of European Journalists, IREX, IFEX, International Pen, OSI-Media). In that occasion, *Ossigeno* illustrated the characteristics and impact of the method, asserting the readiness to put it at the disposal of the nascent European early warning network that the Council of Europe is building, and offered to illustrate the method to organizations in the countries interested in applying it. It has also proposed the method as a basis for discussion of research and the identification of a European monitoring standard.

The work by *Ossigeno* is known in various countries. Since February 1st, 2014, the data and news gathered by the Observatory are distributed both in Italian and in English in ten other countries (Bulgaria, Croatia, Cyprus, Greece, Macedonia, Montenegro, Romania, Serbia, Slovenia, Turkey), to the media partners of the pilot project “European Centre for Press and Media Freedom” promoted by the European Commission, coordinated by the Observatory on the Balkans and Caucasus OBC of Rovereto, of which *Ossigeno* is a co-partner with the South East European Media Observatory SEEMO, connected to the International Press Institute IPI in Vienna.

This pilot project, dubbed “Safety Net for European Journalists. A transnational network support for media freedom in Italy and Southeast

Europe” is specifically intended to promote throughout Europe a reliable monitoring of violations of press freedom and pluralism, and to provide concrete support to journalists who are victims of threats and intimidations.

The project will last for one year. It will end in January 2015. It is financed by the European Commission. *Ossigeno* participates with weekly reports on the most serious violations of press freedom in Italy, with the presentation to the partners of the specific characteristics of its monitoring method, by promoting the debate on the need to carefully monitor the individual cases that keep arising, by publishing only verified and reliable cases, and by classifying each intimidation based on the type of threat, beyond the mere numerical recording.

The Council of Europe is now creating, together with the organizations that protect the freedom of the media, a permanent system for early warning and rapid response to serious human rights violations against journalists. This decision marks an important step forward in addressing the problem, and provides the opportunity to develop and to practically use the results of the “Safety Net for European Journalists” project and to spread and deepen the experience of the Italian Observatory *Ossigeno per l’Informazione*.