

Johan Bäckman*

The Janša-Patria Case (or Chase): A Challenge for Mediacriminology**

Primer Janša-Patria (lov na čarovnice): izziv za kriminologijo medijev

- 1 INTRODUCTION
- 2 FINLAND AND TRANSPARENCY INTERNATIONAL
- 3 SCANDALS AROUND THE FINNISH PREMIER
- 4 THE BACKGROUND OF MOT
- 5 DISCUSSION
- 6 LITERATURE

Abstract: *This article, written by the Finnish scholar Johan Bäckman, explains the background of the Patria-Janša scandal in autumn 2008 when a Finnish television documentary claimed that the Slovenian Prime Minister Janez Janša had taken millions of euros in bribes from the Finnish military equipment company Patria. Bäckman explains the issue as being linked to the domestic policies of Finland, especially corruption and other scandals around the Finnish Prime Minister Matti Vanhanen, escalating towards the autumn of 2008. Similarly, the campaign, conducted by the Finnish peace activists against the Finnish company Patria, promoted noisy scandals about crime investigation against the Finnish company executives suspected of giving bribes. All this has been detrimental to the Finnish self-image of the least corrupt country in the world. It was very much fuelled by the Transparency International polls. By labelling the Slovenian Prime Minister a bribe-taker, the TV documentary could move the attention from domestic issues to a distant country. The traditional Finnish Russophobia was transformed into anti-Slavism in the idea of presenting Janša as a Slav dictator who decides about all the issues in his country through bribes. The Patria-Janša case is a typical example of postmodern "infotainment", i.e., an entertaining mixture of fact and fiction at the expense of journalistic quality and truth.*

Keywords: *Finland, Slovenia, corruption, media*

Povzetek: *V razpravi avtor predstavlja ozadje afere Patria-Janša predstavljene jeseni 2008 v dokumentarnem filmu Finske televizije, ki je obremenil predsednika vlade Republike Slovenije Janeza Janšo, da je prejel nekaj milijonov evrov podkupnine od finskega proizvajalca vojaške opreme Patria. Sama zadeva se nanaša na razmere na Finskem jeseni istega leta, predvsem v zvezi z korupcijo in drugimi aferami povezanim z*

* Dr. Johan Bäckman is Adjunct Professor in Sociology of Law at the University of Helsinki and Adjunct Professor in Criminology at the University of Turku.

** This article is based on a lecture given at the University of Maribor, Slovenia, 17.12.2008. The author wishes to thank the staff of the Law Faculty of the University of Maribor, especially Zlatan Dežman, Liljana Selinšek, Borut Holcman, Rajko Knez, Vesna Rijavec, Andrej Ekart, and also Aleš Kocjan and Janez Stušek for interesting discussions and kind co-operation.

finskim predsednikom vlade Mattijem Vanhanenom. Finski mirovniki so predstavili afero v zvezi z vodstvenimi delavci Patrie osumljenimi dajanja podkupnin. Vse to je bilo v nasprotju s samopodobo Fincev, kot eno najmanj podkupljivih družb. Z obtožbo, da je predsednik vlade Republike Slovenije prejel podkupnino, je finska dokumentarna oddaja prenesla težišče domačega dogajanja na oddaljeno državo. Tradicionalna finska rusofobija je tako postala antislovanska s tem, ko je Janša postala slovanski diktator, ki odloča o vsem v svoji državi. Primer Patria-Janša je tipičen primer postmodernega načina mešanja dejstev z fikcijo na račun kvalitete novinarskega poročanja in resnice.

Ključne besede: *Finska, Slovenija, korupcija, mediji*

1 Introduction

On 1 September 2008, the Finnish state-owned national broadcasting company YLE showed a documentary, titled "The Truth about Patria". It is about bribery investigations concerning the Finnish military equipment company Patria. The film was shown as part of the investigative journalism documentary series, called MOT and edited by a special team of top-rank journalists (the series is broadcast once a week). The main point of the documentary was to claim that the Finnish state-owned military technology company Patria was supposed to pay millions of euros to bribe the Slovenian Premier Janez Janša. This claim was presented as a fact in the documentary that included the following sentence, written by the journalist Magnus Bergholm, and accepted by his superior, Matti Virtanen, the producer of the programme (quotation from the official English translation of the manuscript published by MOT on their website): "The Finnish state-owned Patria bribed the Slovenian Prime Minister." On the day of the broadcast, Bergholm also sent an e-mail to Janša's office with the following claim: "Based on the documents from Patria, the programme reveals that bribes have been paid to Prime Minister Janša in connection with the Patria AMV deal. Also, his party has received bribes from Patria through agents." The public relations office of the Premier replied swiftly to this accusation (even before the programme was broadcast), denied the accusations by Berglund and added: "The Government of the Republic of Slovenia has neither directly nor indirectly participated in the selection process after the publication of the international tender." Soon after the programme was broadcast in Finland, a scandal broke out in Slovenia and Janez Janša lost the elections held in the country about two weeks after the programme.

Interestingly enough, the Finnish TV programme did not show any reliable evidence for the serious accusations against the Slovenian Premier. However, the documentary mentioned a document allegedly containing information about individuals who gave and received commissions, but there was no clear indication that Janša would have been one of them, or that these commissions would have included something criminal. This alleged document was not presented in the documentary due to the secrecy of journalistic sources very well protected by the Finnish legislation, and it has never been presented afterwards. The only clear fact was that the Finnish police were investigating the Finnish executives of Patria for giving bribes in Egypt and Slovenia.

At the end of the TV programme, journalist Bergholm claimed that the letter J, allegedly

found in a document and never presented in the programme, would point to Janša indicating that he received bribes from the Finnish company through middlemen. Despite the fact that only one source (the document) was mentioned, journalist Magnus Berglund, who made the programme, said that the claims had been checked from several sources. But he did not indicate which these sources might be. Also, the claim that Janša's party would have received bribes was not clarified at all.

It seems that the Finnish journalists have indeed received a document about commission receivers and their middlemen, which is no proof of anything illegal. There was also no indication why the letter J, which probably was written in the document, would stand for Janša himself. In practice, all this means that the documentary was not able to produce any evidence for the extremely serious claims they made regarding the Slovenian Premier who at that time was a democratically elected political leader of another European Union member state.

In the MOT documentary, there is actually only one main source for the claim that Janša took bribes. This source was a person called Milan Švajger, Director of the company called Sistemska tehnika, the same company which lost the tender in competition with the Finnish Patria Company. In other words, after losing the tender, Švajger claimed that the winner would have bribed the tender organiser. According to the press release issued by the Sistemska Tehnika Company in August 2008 (about a week prior to the MOT documentary), Švajger blamed officials for grievances in selecting the supplier in the tender because, in his opinion, his offer was much better¹. In an interview with the Finnish journalist that was presented in the MOT documentary, Švajger claimed that the decision on the tender was made (direct quote) "in the inner circle of the Prime Minister". When the journalist asked Švajger how he knew that, he replied: "He [Janša] was defence minister in 1991." Therefore, the idea that Janez Janša, the Prime Minister of the Republic of Slovenia, was supposed to have made a decision on the tender through bribes came from none other than Švajger who was nevertheless unable to verify his claim. It was, in other words, an unfounded bitter opinion of a competitor who lost the tender. The fact that Švajger was blaming the Premier would therefore reflect his bitterness also towards Slovenia whose officials did not choose the tender of a Slovenian company, but of another company from a distant country called Finland.

Immediate Internet commentaries, published on the website right after the broadcast of the MOT documentary, reflect well the public reaction in Finland. The first commentary, posted to the site, was written in Finnish in a relatively weak language, probably by a younger person, full of amazement:

"What does the programme "The Truth about Patria" has to do with the truth?"

"Which part of the programme has revealed anything that would be true? Is the truth such a thing where the journalist presents his own view and tries to confirm it, but does not provide any confirmation for his views anywhere? Is this the truth? The only thing in the programme that sounded true, at least in some way, was wondering

¹ Sistemska tehnika, d.o.o., Novica, "Sistemska tehnika predstavila argumente o nepravilnosti izbora dobavitelja oklepni vozil 8x8", see: <http://www.st-ravne.si/aktualno/novica.aspx?rev=209>.

about the fact why the Patria Company won the tender, but the Slovenian company did not... If totally innocent people (people are innocent until they are found guilty in a court of law) are branded as criminals with their photos on the YLE channel, can we still trust in this country? This programme made me totally puzzled. YLE cannot send this out as a truth. I am totally dumb. Is this independent journalism in a country called Finland?"²

The second commentary gave an interesting notion of the fact that the first claim of the documentary ("A Finnish state-owned company is suspected of bribing the leaders of the Slovenian state") was transformed into a factual statement "Patria bribed the Slovenian Premier" in the MOT and YLE news. "A seeming suspicion has quickly turned into a fact", the commentator argued. Another Finnish commentator immediately protested (translated from Finnish):

""Bribes" of Patria"

"This programme is an excellent example of dirty journalism without a single provable fact. The state company Yleisradio violates several laws and ethical rules of journalism by presenting entirely unfounded claims about the things that are being investigated by the police. If this programme leads to the regime change in Slovenia, we will see an interesting international court process where [journalist Magnus] Berglund, [the producer, journalist Matti] Virtanen, [TV1 channel director Riitta] Pihlajamäki and [general director of YLE Mikael] Jungner will face millions in claims. Good luck to you!"³

One immediate commentary offered an interesting notion of the political context in which the documentary was presented:

"– Let us imagine that instead of Slovenia there was Russia, and that the MOT journalist found the letter P presumably standing for Putin in some paper. Would he dare to blame Russia's Premier for receiving bribes?"⁴

These spontaneous Internet commentaries gave some hints on what the Janša case was all about. Why did YLE publish unfounded claims? Why did YLE not uncover its sources allegedly showing that Janša would have taken bribes? If YLE had such documents, the situation could easily be clarified also for the police after presenting the documents. But it did not. Why? Maybe because there are no documents indicating that Janša was bribed. There is actually no evidence of Janša's participation in this event whatsoever.

However, the odd activities of the Finnish Television did not end here. About two weeks after the MOT documentary, the Fourth TV Channel of Finland ("Nelonen") sent another journalist to Slovenia. Her name is Maria Veitola. She is the leader of the talk show called "Maria!" in which she plays a humorous role as a "gonzo-bimbo", making jokes about her interviewees. Veitola wanted to interview Janez Janša personally. The point was to clarify the false accusations, but the main aim was actually to humiliate Janša again.

² The blog for MOT programme, see: <http://blogit.yle.fi/node/2267>.

³ Ibidem.

⁴ Ibidem.

Veitola tried to "bribe" Janša during the interview by giving him presents from Finland. Her main idea was to give Janša an empty Finnish wallet made from reindeer skin. But, after all, she did not have the courage to do that. Veitola was also "bribing" Slovenian people in the streets of Ljubljana by giving them Finnish chocolate, and she interviewed the Minister of Interior Dragutin Mate and State Prosecutor General Barbara Brezigar. Then she gave them "bribes".⁵ All was supposed to be a good joke for the Finnish audience after the brutal attack made by the MOT documentary. The interview with humiliated Janša was shown with the studio audience laughter in the background on the Finnish TV later on. This was a very odd example of the Reality TV show which also showed the MOT documentary in an interesting light.

After denying the claims, the Premier Janez Janša requested that YLE should present the evidence. However, YLE did not do that. On the other hand, the Finnish court could not order Patria to reveal the evidence due to the Law on Protection of Journalist Sources. Janša could not require the police to investigate the false claims as slander because the bribery case investigation was not finished. Therefore, Janša could refer his request to the Finnish police only after processing the Patria bribery case through courts. This would probably take several years.

Journalist Magnus Berglund sent an e-mail to Janša's office to indicate that the claim that Janša was bribed was based "on the documents coming from the Patria Company". However, after the documentary had been broadcast, Patria published a press release stating the following: "Patria is not aware of any facts that would indicate that the accusations against certain individuals made by the Finnish TV programme MOT would be founded."⁶ Therefore, Patria probably does not have any documents leading to Janša. So, where are the documents, or where is the document?

On the contrary, the legal steps (or attempts) made by Janša were met with the claims that he was trying to diminish freedom of speech or to intervene in the YLE journalist policy. An organisation called The International Press Institute (IPI) said it was concerned by the Slovenian Government's use of diplomatic pressure in response to corruption allegations made by MOT after Slovenia sent diplomatic notes to Finland (Finland answered them by underlining "media's independence and freedom of political intervention"). The IPI director David Dudge made a comment: "While we make no comment on the content of the original YLE broadcast, we strongly criticise what appears to be an attempt made by the Slovenian Foreign Ministry to coerce the Finnish Government into interfering with or discrediting its domestic media in defiance of the principle of editorial independence."⁷

In such a case, the Premier Janez Janša seemed to have not many alternatives: as a premier he was immediately accused of attacking press freedom when trying to defend

⁵ Maria!-programme, see: <http://www.nelonen.fi/maria-videot/videot.asp?videoId=742&cat=0&-page=3>.

⁶ "MOT programme 1 September 2008". A press release by Patria, published 4.9.2008, see: www.patria.fi.

⁷ IPI Public Statements, "IPI Concerned at Slovenian Government's Use of Diplomatic Pressure in Response to Finnish Media's Handling of Patria Bribery Affair", 11 September 2008, Press Release, see: <http://www.freemedia.at/cms/ipi/>.

his honour and deny false claims. In principle, in such a situation, Janša could have easily been blamed for disrupting the crime investigation against Patria. Actually, Janša had only a few alternatives of action:

1. According to the Finnish legislation, Janša himself could file a "false crime claim", i.e., a lawsuit against the programme makers for spreading the claims about him thereby committing a crime; in this case, he could immediately take the issue to the Finnish court;
2. Janša could make a report of the offence (libel) to the police that should investigate the crime; however, the investigation could take months or even years, the prosecution process could also take months, and the court process could take years; in addition, it is problematic whether the police would investigate the issue, while the Patria investigation is unfinished;
3. Janša could write a letter to the Office of the Prosecutor General in Finland and ask for the investigation of the issue; the Office could then order the police to investigate the issue, for example, whether the Finnish police had a leak of some secret materials from the false claims investigation; in this case the issue would be taken seriously and the case would be investigated in a reasonable time; however, the court process would take long.
4. Janša could address the prosecutor in Slovenia and ask for investigation in Slovenia and then even for the extradition of Berglund and Virtanen from Finland to Slovenia to face charges in Ljubljana; the Finnish journalists could face a prison sentence in a Slovenian prison, in addition to paying millions of euros in compensation.

Matti Virtanen, the MOT producer, said to the author of this paper in a telephone interview that Janša did not have any chances of a legal process in Finland. However, if an investigation is started, Virtanen said, the material will become public and "everybody understands that our story has strict proof". However, Virtanen refused to describe their materials in any way because their "source" asked for confidentiality. Interestingly enough, here Virtanen talked about one "source" and not, as mentioned earlier, about various sources in different countries. Virtanen maintains the accusation that a total of 21 million euros in bribes have been paid to several individuals, including Janša.⁸

At the Slovenian journalist conference held recently, Matti Virtanen made a presentation about the development of the Finnish journalism after the Second World War. Virtanen said the Finnish media had transformed from the "weapons of political parties" into "independent media". YLE was not ruled by any party and the image of Finnish journalists became "professionalised". The journalistic world of Slovenia, according to Virtanen, is very similar to that of Finland in the 1970s – journalists were also divided into different "camps" according to their political views. Virtanen thinks that Janša strictly divides people into western-minded and labels all the opposing ones as ex-communists.⁹

In any case, the fact that the criminal investigation regarding Patria is unfinished would affect the possible process launched by Janša. He would again face accusations of

⁸ Telephone interview with Matti Virtanen by the author, 12.12.2008.

⁹ Ibidem.

limiting freedom of speech or he would face even new unfounded claims about bribery. He could also be blamed for disturbing the criminal investigation process by the Finnish police.

However, the main problem is that the Finnish legislation, protecting journalist sources, indicates that a journalist could be ordered to reveal his/her sources only in the case of serious crimes. The slander against Janša is certainly not one of them. The situation is the same also in relation to a possible information leak from the Finnish police, which is not a crime serious enough to break the protection of journalist sources. Therefore, the MOT journalists will probably not reveal their sources about the mysterious letter J, at least not in a Finnish court. The situation would, of course, be different if Janša took the issue to the court in Slovenia, which he should do, but which might be internationally rather noisy and also time-consuming.

Therefore, the issue seems to be rather problematic from the viewpoint of Janša despite the fact that the allegations were unreliable, i.e., without presenting any evidence, and also despite the fact that the majority of people in both countries, Finland and Slovenia, do not necessarily believe that Janša took bribes. Also, the problem of defining the actual harm caused to Janša for the claims is problematic: how could he prove that he lost the elections because of the MOT programme? And what other harm did the programme cause?¹⁰

My intention is to ascertain why the Finnish YLE presented these unfounded allegations, and why YLE still maintains its position by claiming that Janša received bribes. My material consists of newspaper articles and Internet sources. I am also trying to analyse the situation from the viewpoint of postmodern mediacriminology.

2 Finland and Transparency International

One of the main issues in the background of the Janša case is probably the high ranking of Finland in the so-called Corruption Perceptions Index (CPI) of Transparency International (TI). Each year Finland reaches very high figures, i.e., a low corruption level in the country, whereas most other countries in the world are defined as more corrupt than Finland. During 2000-2007, Finland was holding a leading position among the countries of the world, thus being, according to TI, the least corrupt country on the planet. Finland has held the top position in the TI Ranking List over the last eight years. This was sensationally released by the Finnish media, thus giving space to a certain myth that Finns are the most honest people in the world, whereas other countries, especially Russia, are depicted as much more corrupt than Finland. The point is that the CPI is a

¹⁰ Only in the case of the most serious allegations, a person might receive tens of thousands of euros maximum (for example, a Finnish priest Juha Molari, who was falsely sentenced of procuring his Russian wife and her friend, received 40,000 euros; a diplomat Alpo Rusi, who was under investigation on false espionage charges, received 50,000 euros. However, these were not libel cases, but compensations paid by the state of Finland). Janša could actually also apply for compensation from the State Treasury of Finland.

scientific proof of that.¹¹

According to the CPI, Slovenia has always been more corrupt than Finland. During 1999–2008 (Slovenia was not listed before that), Finland’s CPI was between 9.0–10.0 and Slovenia’s CPI was much less, i.e., 5.2–6.7. This means that there must be much more corruption in Slovenia than in Finland (although in bribery cases, no convictions have been pronounced in Slovenia, whereas Finnish courts have pronounced several convictions). However, it is not clearly understood what kind of corruption the CPI measures, how and why.¹²

Table: Transparency International¹³ Corruption Perceptions Index of Finland and Slovenia in 1999–2008.

	Finland	Slovenia
1999	9.8	6.0
2000	10.0	5.5
2001	9.9	5.2
2002	9.7	6.0
2003	9.7	5.9
2004	9.7	6.0
2005	9.6	6.1
2006	9.6	6.4
2007	9.4	6.6
2008	9.0	6.7

The fact that countries are being ranked according to their corruption level is, of course, scientifically and ethically questionable. Firstly, it is dubious to construct such a strict hierarchy of nations because it promotes ethnic stereotyping about some nationalities and people that are more corrupt than others. Secondly, corruption (instead of bribery) as a research object is unclear and not suitable for scientific analysis. Corruption could actually mean almost anything. It could be a synonym for something bad in general. Thirdly, the method used in constructing the hierarchy of nations is not clear. The CPI is usually a synthesis of several question polls. The result of any poll can actually be biased and it might reflect general values and prejudices of the interviewees. Therefore, western democracies are often considered as the least corrupt (such as the United States and the Nordic countries) and some undeveloped countries are regarded as the most corrupt. The former Eastern European countries are somewhere in the middle. The

¹¹ Transparency International, Policy and Research, Surveys and Indices, TI Corruption Perceptions Index, see: http://www.transparency.org/policy_research/surveys_indices/cpi.

¹² Ibidem.

¹³ Ibidem.

problem is that nobody actually understands what the CPI index measures and for what purpose.

The claim that Finns are "better" has been very much enhanced by the transparency ranking. This has also something to do with the traditional ethnic prejudice in Finland from 1920s to 1940s. In 1941, Finland together with Hitler attacked the Soviet Union and participated in the war of destruction against Slavs. Finland also had racial concentration camps for Russian and Jewish civilians, POWs and refugees, and participated in their extermination. With the aid of Germany, Finland sought to establish a "Greater Finland" that would cover an area consisting of Finland, Karelia, Estonia, Northern Sweden and Leningrad, and thereby carrying out ethnic cleansing in this area. Together with Germans and Estonians, Finns believed they belonged to the Aryan race. This fact was very much enhanced by the mythology about the Nordic master race by the Estonian-born Nazi ideologist Alfred Rosenberg. The issue of Finnish Russophobia as a racist political ideology and the problem of Finnish anti-Semitism have been dealt with in several academic works by Finnish authors.

The fact that Finland is the least corrupt country in the world is taken very seriously by the media, politicians and public administration in Finland. It is understood as a challenge for keeping this international reputation. It might have something to do with the ideas about Finland's good investment climate. However, this has direct and serious, partially uncontrolled consequences for the criminal policy and journalistic culture in Finland. Most bribery cases are dealt with very harshly by the police and courts, and the media follow them in a similar manner. The fact that Finland is the least corrupt country certainly could not stand a single bribery case. Bribery cases are thus dealt with as exceptions that amplify the rule. MOT has an important function in this odd policy that often leads to court cases of even to changes in legislation.

3 Scandals around the Finnish Premier

One issue which certainly had an influence on the Patria-Janša-MOT case is related with the first grave corruption scandal in Finland in May 2008. It was launched in another YLE documentary programme, titled "Finnish Corruption," by the famous critical left-wing journalist Arvo Tuominen (who is not a member of the MOT group). Although, according to the TI ranking, Finland was the least corrupt country in the world, Tuominen suddenly revealed that corruption was very common practice of Finnish politics, economy and officialdom. By proving this with several examples of corrupt practices in Finland, Tuominen was able to show that most Finnish MPs were bribed by various companies in terms of "electoral campaign funding" which later made them follow the interests of their bribers. One can buy an MP in Finland, Tuominen said and added that "Finnish corruption is so transparent that it is present everywhere like oxygen".¹⁴ This independent film had been broadcast by YLE about three months before the Janša accusations were made in the MOT documentary.

¹⁴ Arvo Tuominen, *Suomalainen korruptio*, YLE TV1, 11.5.2008, see: http://ohjelmat.yle.fi/-ykkosdokumentti/suomalainen_korruptio.

This was by no means a surprise at least to the high-ranking Finnish politicians. An organisation called Greco (Group of States against Corruption), operating within the structure of Council of Europe, has criticised the control of electoral funding in Finland since December 2007. Greco asked for reform in the Finnish legislation and criminal policy on bribery. The Finnish Ministry of Justice launched a debriefing on the issue for Greco until June 2009.¹⁵

However, the radical views of journalist Arvo Tuominen were not the actual scandal. Right after broadcasting the documentary "The Finnish Corruption" and mainly due to the documentary, a Finnish MP revealed that he had violated the law by not revealing the sources of his electoral funding. Very soon, journalists found out that actually most MPs who had received election funding violated the law by neglecting reporting. The media soon revealed that a limited group of Finnish businessmen or "oligarchs" had channelled their financing through a mysterious right-wing association called "Finland's Developing Province". They paid money to the right-wing party members, especially to Prime Minister Matti Vanhanen's Centre Party candidates, and, of course, to Vanhanen himself. Vanhanen soon admitted that this association was actually created upon his initiative. The press was able to reveal even the unquestionable fact that a famous Finnish businessman Toivo Sukari had paid money to Vanhanen during his election campaign. After Vanhanen had been elected, he tried to show a green light to Sukari's questionable business plans. In addition, several MPs and ministers from Vanhanen's party were uncovered seeking an honorary title for one of their "oligarchs" called Kyösti Kakkonen (after the scam was revealed, they withdrew their proposal to give him an honorary title). Evidence was produced and presented in the press that the oligarchs paid "electoral funding" to Vanhanen's bank account. The Finnish Premier Vanhanen himself was soon in the turmoil of a corruption scandal.

After Arvo Tuominen's documentary and evidence had been presented against Vanhanen in the Finnish press, Finland no longer had the perfect reputation of the least corrupt country in the world, at least in the eyes of Finns themselves (the scam has not yet become internationally known). However, no police investigation was launched because the problem touched the whole political system (it might be impossible to investigate all or most MPs at the same time).

However, this was not the only scandal around the Finnish Premier Vanhanen. He who was known as a very decent and modest man, perfectly fitting into the position of the Prime Minister, was also in the middle of some sort of sex scandal. The media revealed that Vanhanen had looked for a sex company through the Internet and found there a woman called Susan with whom he had sex at his home in a bubble bath. The source of this information was Susan herself who, after Vanhanen had turned her down, decided to publish her memoirs of the affair titled "The Bride of a Premier" (2007)¹⁶. Everybody soon knew that Vanhanen had lied to the Finnish media by saying that they met in Ikea furniture store. One of the most interesting revelations of the book was that the Finnish

¹⁵ YLE News, see: http://www.yle.fi/uutiset/kotimaa/2007/12/puoluerahoituksen_valvonnalle_moitteita_260000.html.

¹⁶ Kuronen Susan, Pääministerin morsian, Etukeno, Helsinki, 2007.

Premier liked potatoes baked in the oven and a pizza without cheese. Susan also published several text messages sent by Vanhanen to her. Many of them have a strong sexual content. In a text message, the Premier called himself "president of Europe".

At the peak of the scandal, the Finnish Premier decided to launch criminal proceedings against his former mistress, Susan Kuronen, by accusing her of delivering information in her memoir that insults him in private life. In February 2008, the case was handled in the court in Helsinki, but Vanhanen lost the case, even though Susan Kuronen and her publisher were prosecuted by a public prosecutor. This caused even more damage to Vanhanen's reputation. Therefore, Vanhanen was quite a bitter politician in spring 2008.

However, this was not the only sex scandal of the Premier that ended up in the courtroom. In 2007, Vanhanen dated an MP called Merikukka Forsius. At the same time, he allegedly dated Kuronen. In late spring 2007, a paparazzi photographed women playing tennis at the Premier's residence. There was also Forsius who called the police and accused the paparazzi of illegal observation. In summer 2007, Vanhanen and Forsius together with a third woman, covered in blood, visited a health centre late night. A confrontation with a bystander, who commented on Vanhanen's relations with women, caused Forsius to throw toilet paper into the bystander. This incident was covered extensively by the Finnish media. The 2008 spring proved to be very stressful for Vanhanen because the case against the paparazzi in his courtyard was handled in court. Meanwhile, being a single mother, Forsius bore a child. There was no clear indication who the father was. In this context, it was not surprising that the secret election financing association called "Finland's Developing Province", founded on the initiative of Vanhanen and being connected with the corruption scandal of the Finnish politics, was, according to the Finnish press, also funding MP Merikukka Forsius with a considerable sum of money for the "electoral funding" purposes.

During 2007–2008, the Finnish Premier Matti Vanhanen was in the middle of various political scandals, including relations with two women, involving various incidents, handled in several court processes and covered intensively by the Finnish press. The negative publicity escalated towards autumn 2008. In May 2008, Vanhanen was accused of receiving election funding on an unclear basis that was very much similar to corruption. Thus, he became probably the most controversial political figure in the Finnish political life.

Meanwhile, the Finnish military equipment company Patria was also in the middle of turmoil. Several of its Finnish executives were arrested or imprisoned on the grounds of suspicion of giving bribes in various countries. In 2008, the Finnish peace activists launched a protest campaign against Patria, claiming that Patria delivered ammunition to the U.S. Army in Iraq and Afghanistan and was thus co-operating with suspicious international weaponry companies. In June 2008, about a dozen of demonstrators were able to block the entrance to the Patria headquarters in Tampere to protest against Patria's participation in the international arms trade and to pay attention to bribery allegations.

Three months after the Finnish Premier Vanhanen and Patria had been at the centre of

serious corruption scandals, YLE blamed the Slovenian Premier for receiving huge bribes from a Finnish company. There are two possible explanations: YLE wanted to protect Finland's international reputation and also the stability of the Finnish political system by washing Vanhanen and Patria from very serious and uncomfortable allegations through blaming another country's Premier for serious crimes. This made Vanhanen and Patria's position much better and easier at the national and international levels. Blaming Janša was a good way to deflect the Finnish public's attention from Patria and Vanhanen.

4 The Background of MOT

MOT, a Finnish acronym standing for "what is proved" (Lat. *quod erat demonstrandum*), is a rather well-known television documentary series that has been broadcast on TV1 of the Finnish National Broadcasting Company YLE for more than a decade. Each year YLE broadcasts dozens of MOT documentaries. The aim of the series is probably to increase the quality of journalism by establishing a special unit of investigative journalists in YLE. The MOT group usually consists of approximately ten ambitious journalists. MOT is broadcast once a week during the best watching time at 8 p.m. right before the evening news broadcast at 8.30 p.m. This is a beneficial time to gain many viewers: according to poll by *Finnpanel*, the broadcast of "The Truth about Patria" on 1 September 2008 was the 14th popular television broadcast with 497,000 viewers¹⁷ during that month.

MOT usually selects serious topics on crime, economy and politics, very often in relation to high figures. The programme has a tendency to seek scandals. However, the problem is that producing a 30-minute investigative journalism programme dealing with serious topics demands more than the resources can give. The journalists do not have enough time to dig up and analyse everything about complex cases, which even the police and courts would investigate for months or even years. This makes the results rather superficial.

The reputation of the programme is not very good in Finland, especially among journalists, although the documentary is featured as quality journalism on sensational topics, often revealing misdeeds of high officials, governmental figures or business ventures in a rather exaggerated manner. The main problem probably is that it seems that YLE has a kind of quota for producing quality investigative journalism which in practice leads to low-quality unfounded allegations. An interesting contradiction lies in the fact that a state-owned broadcasting company should produce independent critical journalism about misdeeds of state officials and politicians (this might also be one of the reasons why Janša was easier to accuse).

The MOT programme had a very good reputation during the first years of its existence. In some cases, it even seemed that the programme acted as a sort of a special public prosecutor. In 1997, MOT broadcast a documentary, titled "Red Houses". It depicted the Russian prostitutes working in Finland. Selecting the Russian prostitutes as the programme topic was already questionable ethnic labelling because the problem as such

¹⁷ Finnpanel, see: <http://www.finnpanel.fi/tulokset/tv/kk/ohjkan/2008/9/>.

was not enormous. Journalist Martti Backman, one of the senior journalists of the programme, produced a conspiracy theory around the prostitution claiming that Russian mafia, former KGB officials, the former militia officer and even a Finnish high-ranking police director were in the background of the prostitution scam. Backman was able to produce evidence of the fact that the Finnish police director Jorma Ahonen was directing the board of a bank which rented a motel where some prostitutes worked. The police corruption scandal broke out immediately. Martti Backman claimed that, according to the Finnish legislation, Ahonen could be punished for procuring the Russian prostitutes because he was in charge of the motel. Even worse was the fact that in the background, according to Backman, there was the notorious KGB.

In 1997, the MOT documentary called "Red Houses" launched probably the biggest crime-related scandal in the Finnish history. The parliament and most law enforcement bureaus were involved, spreading hysteria about KGB-related pimping organisations penetrating the Finnish officialdom. Rather surprisingly, the prosecutor decided to prosecute the police director Ahonen for procuring the Russian women, because he was the bank board director who rented the premises for prostitution. This was probably the biggest achievement of Martti Backman. The court, however, decided that prosecuting Ahonen for pimping would be an analogy of law against defendant, and charges were dropped. However, the procuring legislation was equipped with a much harsher punishment to make it easier to prosecute crimes and to combat the Russian mafia, organised crime and the KGB, as presented in the MOT documentary.

Some years later, in 2002, Martti Backman made another MOT documentary about Russian prostitution. This time he claimed that a certain chain was linking President Putin through the Russian Vice-Minister of Tourism to several rented apartments in Helsinki where the Russian prostitutes were working. This also led to a heated scandal because the apartments belonged to the Russian Embassy. Therefore, Russian diplomats were accused of procuring, but they had diplomatic immunity. After all, a Russian woman Tatyana Viitanen, who said she was only a courier for the apartment hotel (and she probably was), was prosecuted for procuring and received a prison term, but she was able to flee to Russia during the Finnish border guard strike. Also, in this case, the MOT programme was pulling the strings all the way to prosecution, which was made on the basis of the highly exaggerated claims, presented in the MOT documentary.

In the same year, one of the most popular Finnish magazines, called *Seura*, published an interesting journalistic investigation on the MOT programme itself. The Finnish journalist Mikko Niskasaari investigated altogether eight MOT documentary series, and concluded that all of them were full of false claims, unfounded arguments and mistakes. According to Niskasaari, MOT presents unreliable information and often covers their main sources, although the MOT documents look very serious and convincing. In most cases, the viewer is not able to make a clear conclusion what the actual truth is behind the issue. After Niskasaari's critical article had been published in *Seura*, the senior journalist of MOT, Martti Backman, filed a libel suit against Niskasaari and the magazine, claiming that they had insulted his honour by saying he produced false arguments or even lies. The public prosecutor soon demanded punishment for Niskasaari, but the court did not

find any evidence. Martti Backman took the issue further (the second-stage court decision will be made in January 2009).

Regarding the Janez Janša case, in an interview, the journalist Mikko Niskasaari said to this article's author that the claim connecting the letter J with Janša was the rabbit-from-the-hat trick done by the journalists, i.e., a claim without any evidence.¹⁸

Several individuals have tried to sue the MOT programme. In one case, in which the MOT programme, titled "The Holy War in Turku" (2005), falsely claimed that three Kurdish men were supporting terrorists, the strategy director of YLE, Ismo Silvo, was sentenced to a fine for slander, and the court demanded that YLE should remove the names of the individuals from the Internet, which YLE did not do (the manuscript of the documentary is still on the Internet in December 2008 while I am writing this paper). According to the court decision, the journalist presented the claims based on rumours, i.e., without providing the necessary factual grounds, and the three Kurds should receive a compensation of 8,000 euros. In the court, the journalists claimed that they had several sources which they would not reveal. In practice, the Finnish legislation protecting journalists' sources makes it impossible to force the journalists to reveal their sources in almost any case. Traditionally, YLE has never admitted any mistake made by an MOT documentary.

In 2007, MOT won the famous Gerard Bonnier Award because the MOT journalist, Kati Juurus, was nominated for the Journalist of the Year Award by the Swedish publisher Bonnier. According to the jury, Juurus made "quality and inspiring journalism on remarkable topics". In 2006, Juurus made an MOT documentary on Guantanamo. The idea of the award was to promote "good journalism".

5 Discussions

Mediacriminology traditionally holds a critical, sometimes even hostile (radical) view of the crime, presented in the media. David Kidd-Hewitt, for example, explains in criminology textbook how the media selectively distort and manipulate public perceptions, creating a false picture of crime, which promotes stereotyping, bias, prejudices and a gross oversimplification of facts, making media guilty of manipulation and fuelling public fears.¹⁹

Theoretically, a solution for our problem might be the notion that the line between crime fiction and actual crime has become blurred: television is full of crime news and fiction, while documentaries often search for fiction-like entertainment. Moira Peelo writes about *infotainment*, i.e., "entertainment and information blurring"²⁰. Among the

¹⁸ Telephone interview with Mikko Niskasaari by the author, 12.12.2008.

¹⁹ Kidd-Hewitt. *Crime and the Media: a Criminological Perspective*, in Yvonne Jewkes & Gayle Letherby, eds., *Criminology: A reader*, Sage Publications, London, 2002, p. 116.

²⁰ Peelo Moira, *Crime and the Media: Public Narratives and Private Consumption*, in Peelo Moira & Keith Soothill, eds., *Questioning Crime and Criminology*. Willan Publishing. Portland. 2005, p. 26.

general features of postmodernity are: blurring the boundaries between fictional and factual accounts, the politicisation of crime, and the contest between various groups about media's new agenda²¹. Yvonne Jewkes has succinctly summarised the postmodernist view of media: "It is the fragmentary, ephemeral and ambiguous that are observed, and pleasure, spectacle, pastiche, parody and irony are the staples of postmodern media output."²² There is also a diminishing journalists' respect for politicians, and on the other hand, the politicians' dependence on media, and a common belief among them that media hold the key to electoral success²³. Jewkes has also noticed that people prefer to distance themselves from actual crime, making crime experience distanced and isolated²⁴. The Janša case could thus reflect the "media festival", "entertaining digital escapism" and "unreal 'reality TV'" that dominate the media today, as defined in a textbook on cultural criminology²⁵.

The fact is that maintaining the distinction between fact and fiction has become increasingly difficult and that the boundaries are always fluid²⁶. The fact that people are not able to make a clear distinction between a fictional crime and an actual crime might lead to a situation where the makers of crime documentaries do not even care about the truth. The fact that entertainment is no longer entertaining means that the media look for a mixture of fact and fiction in which the audience can never tell where fact ends and fiction starts. What actually was understood by most of the viewers was that Janez Janša was very probably not guilty of any crime, but, anyway, the whole scam was very entertaining and the MOT documentary with false allegations was a very good image of postmodern journalism. The journalist Maria Veitola, trying to bribe Slovenians during her interviews in Ljubljana, depicts the nature of *infotainment* very well.

The explanation of the Janez Janša case seems to be clear: the Finnish journalists wanted, more or less consciously, to wash their own premier and country from political scandals and bribery accusations by claiming that the Slovenian Premier received millions of euros in bribes. The other reason was that the Finns wanted to keep their reputation clear after having had the record's position in Transparency's CPI for years; labelling Janša a criminal, Finns could defend not only their politicians' reputation, but also to hide the problem of crime investigations against their important military equipment exporter Patria from the international public by turning the attention to Slovenia. Blaming the Slovenian Premier gave the impression that the Slovenian counterpart would be actually responsible for the corruption scam. Perhaps there was an idea to develop the theory that the corrupt Slovenians forced the Finns to pay bribes. The YLE documentary, according to this hypothesis, was thus only promoting the patriotic stance in order to keep Finland's reputation good and to blame somebody else, presumably the premier from a small and distant country (the alternative to

²¹ Ibidem, p. 22.

²² Quoted in ibidem, p. 25.

²³ Ibidem, p. 29.

²⁴ Ibidem, p. 31.

²⁵ Ferrell Jeff, Keith Hayward & Jock Young, *Cultural Criminology*, Sage, London, 2008, p. 81, 123–124.

²⁶ Carrabine Eamonn et al., *Criminology, A sociological introduction*, Routledge, London, 2004, p. 332.

blaming the Egyptian Premier was perhaps not so useful). Slovenia, after all, is a country distant enough from Finland and unknown to most Finns.

Although the phenomenon of accusing the political leader of another country of serious crimes seems to be a new phenomenon in the media, the issue is not new at all. It resembles war propaganda in which blaming an enemy country leader for various serious misdeeds is a rule. However, why should Finland wage war against Slovenia? During 1990s and 2000s, the Finnish media, in general, suffered from paranoid Russophobia, and imagining various accusations of Russians of being dishonest and inventing conspiracies (MOT participated in this, as noted earlier). The fact that, in this case, blaming the Slovenian leader for being corrupt was very easy for YLE because there might be some background there for anti-Slavism, a negative and suspicious attitude toward all Slavs (very much promoted by the racist stereotyping in Transparency International Index).

The main idea of the MOT programme was actually to construct a racist stereotype of Janez Janša who is supposed to be a typical Slavic tyrant dictator who decides about everything (also about tenders). Therefore, one should first bribe the dictator in order to get anything from Slovenia. This anti-Slavism presented by MOT was also a variation of the traditional Finnish Russophobia and xenophobia fuelled by distancing from the actual corruption problems of Finland (the Finnish Premier, the Finnish military industry) and focusing on a remote and unknown location. After all, the anti-Slav (racial) stereotype, very much proliferated in the Finnish press concerning Russians, says that the Slavs cannot be truly democratic, but they always seek to yield in front of their dictator.

6 Literature

Berglund Magnus, Mot: The Truth about Patria, Manuscript in English, TV1, 1.9.2008.

Carrabine Eamonn et al., Criminology, A Sociological Introduction, Routledge, London, 2004.

Ferrell Jeff, Keith Hayward & Jock Young, Cultural Criminology, Sage, London, 2008.

Jewkes Yvonne & Gayle Letherby, eds., Criminology: A reader, Sage Publications, London, 2002.

Kidd-Hewitt, Crime and the Media: a Criminological Perspective, in Yvonne Jewkes & Gayle Letherby, eds., Criminology: A reader, Sage Publications, London, 2002.

Peelo Moira, Crime and the Media: Public Narratives and Private Consumption, in Peelo Moira & Keith Sothill, eds., Questioning Crime and Criminology. Willan Publishing. Portland. 2005.