



United Nations
Educational, Scientific and
Cultural Organization

Press freedom

safety of journalists and impunity

Press freedom

**safety of journalists
and impunity**

Table of contents

The safety of journalists is an issue that affects us all.	4
<i>Koïchiro Matsuura, Director-General, UNESCO</i>	
Pervasive climate of impunity makes journalists easy targets.	5
<i>Abdul Waheed Khan, Assistant Director-General for Communication and Information</i>	
States turn a blind eye to attacks on journalists.	7
<i>Introduction by Barry James</i>	

Keynote Speeches

How assassination in Colombia spurred fight against impunity.	10
<i>Rafael Molina, President of the Inter-American Press Association (IAPA)</i>	
A climate of fear inhibits press freedom.	12
<i>Aidan White, General Secretary, International Federation of Journalists</i>	

Session 1: 17

Addressing the rising challenges to the safety of journalists and media workers.

Conflict and insecurity in Somalia cast doubt on survival of journalism.	18
<i>Omar Faruk Osman, Secretary General of the National Union of Somali Journalists (NUSOJ)</i>	
Press violations require strong, enforceable international response.	19
<i>Daoud Kuttab, Director, AmmanNet, Jordan</i>	
Journalists on the firing line must defend their neutrality.	21
<i>Lasse Ellegaard, Correspondent, JP-Politiken, Denmark</i>	

Session 2: 25

The status of journalists and media workers in dangerous conflict

The rôle of the Red Cross and Crescent in protecting journalists during conflicts.	28
<i>Antonella Notari, International Committee of the Red Cross</i>	
The protection of journalists and media in armed conflicts.	34
<i>Alexandre Balguy-Gallois, lecturer at the University of Paris I (Panthéon-Sorbonne), Sciences Po-Paris and the Institut Catholique de Paris. Legal adviser to Reporters Without Borders.</i>	
Freedom of expression in Mexico, a human right menaced and ignored.	40
<i>Darío Ramírez Salazar, Article 19</i>	
Protecting journalists and media workers in conflicts.	43
<i>Jesper Højberg, Executive Director, International Media Support</i>	
Colombian journalists are haunted by fear of death.	46
<i>Gloria Moreno, Director, Media para la Paz (Media for Peace)</i>	

Session 3:51

Criminal organizations, corruption and investigative journalism

Journalism is key weapon in fight against corruption.....53
Marta Erquicia, Transparency International, Americas department

Lack of access to information harms Asian society and democracy.....55
Kavi Chongkittavorn, Editor, The Nation, Thailand

Investigative journalism is the key to battling crime organizations.....56
Kristian Hölge, Regional Legal Advisor, UN Office on Drugs and Crime. Legal Assistance Programme for Latin America and the Caribbean

Investigative journalism and impunity in Ukraine.59
Olena Prytula, Editor-in-Chief, Ukrayinska Pravda, Ukraine

Filipino journalists under deadly threat but press remains noisy and critical.....61
Glenda M. Gloria, Managing Editor, Newsbreak (www.newsbreak.com.ph)

Session 465

Impunity

When journalists face persecution from their own government.....66
Ilya Krieger, Novaya Gazeta, Moscow

Impunity, on-line video and the Arab world.67
Walid Al-Saqaf, Former publisher and editor-in-chief, Yemen Times

Session 571

Actions to promote the safety of journalists

Study shows journalists are more likely to be murdered than killed in war72
Joel Simon, Executive Director, Committee to Protect Journalist

More journalists persecuted while we talk endlessly.75
Geoffrey Nyarota, Managing Editor, The Zimbabwe Times.com. Laureate in 2002 of the UNESCO/ Guillermo Cano World Press Freedom Award

Threats have become deadly muzzle on press freedom76
Carlos Cortés Castillo, Executive director of the Press Freedom Foundation (FLIP)

Concluding statement.81

Abdul Waheed Khan

**Medellin Declaration: Securing the safety of83
journalists and combating impunity**

THE SAFETY OF JOURNALISTS IS AN ISSUE THAT AFFECTS US ALL

Koichiro Matsuura,
*Director-General,
UNESCO*

World Press Freedom Day is an occasion to remind the world of the importance of protecting the fundamental human right of freedom of expression enshrined in Article 19 of the Universal Declaration of Human Rights. With violence against media professionals constituting one of the greatest threats to freedom of expression, I have decided to dedicate World Press Freedom Day 2007 to the theme of journalists' safety.

Over the past decade, we have witnessed a dramatic escalation of violence against journalists and media professionals. In many countries, they are harassed, attacked, detained and even murdered. According to professional organizations, 2006 was the bloodiest year on record with over 150 media killings. Hundreds more media workers were arrested, threatened or attacked because of their work. Being a journalist has never been more dangerous.

We know that conflict and post-conflict zones are particularly hazardous environments for journalists. The worst example is Iraq, where sixty-nine media professionals were killed last year. More than 170 media workers, the vast majority being local journalists, have been killed in that country since the conflict began in April 2003. Never in recorded history has there been such a large-scale killing of journalists.

Those who risk their lives to provide independent and reliable information deserve our admiration, respect and support. They understand better than anyone that media contribute significantly to processes of accountability, reconstruction and reconciliation. Indeed, the growth in violence against journalists is telling, if tragic, testimony to the importance of the media to modern democracies.

The safety of journalists is an issue that affects us all. Every aggression against a journalist is an attack on our most fundamental freedoms. Press freedom and freedom of expression cannot be enjoyed without basic security.

On World Press Freedom Day, therefore, we must pledge to strengthen our efforts to secure journalists' safety. In particular, I call on all governments and public authorities to end the pervasive culture of impunity that surrounds violence against journalists. Governments must fulfil their responsibility to ensure that crimes against media professionals are investigated and prosecuted.

Today is also an occasion to recognize the progress that has been made in protecting press freedom. UNESCO welcomes the recent UN resolution condemning attacks against journalists in conflict situations. This resolution represents a victory for the campaign against impunity, and for those committed to protecting the independence and rights of media workers. We must exploit this momentum to build a culture of safety within media.

As we celebrate World Press Freedom Day, let us reflect on ways to propagate values that respect the media's vital role in promoting sustainable peace, democracy and development. Let us commemorate media professionals who have lost their lives, and honour those who bring us information despite danger and risk. Above all, let us appreciate the intimate relationship between securing the safety of journalists and realizing our own freedoms. Our ability to act as informed citizens of the world depends on media that can work freely and safely.

PERVASIVE CLIMATE OF IMPUNITY MAKES JOURNALISTS EASY TARGETS

The events organized worldwide on World Press Freedom Day focus on the theme of “press freedom, safety of journalists and impunity.” The decision to select this theme is very appropriate considering that violence against media professionals is severely on the rise and constitutes one of the greatest threats to freedom of expression and freedom of the press.

The theme echoes and reinforces the resolution strongly condemning attacks on journalists in conflict situations that was adopted in December by the United Nations Security Council.

In the past decade, more than 1000 media professionals have been killed in the exercise of their profession, most of them victims of targeted killing. Only very few cases are investigated. In even fewer cases the perpetrators are brought to justice. Indeed, impunity stands in the way of justice in more than ninety percent of these cases, and as long as this pervasive culture of impunity persists, journalists will remain easy targets.

In the face of these dramatic facts – and the suffering, destruction and loss of life they cause – we are impelled to renew our efforts to break the cycle of violence and hostility. And we must do everything in our power to ensure that the grief and resentment caused by such events do not jeopardize our work to secure peace.

This challenge lies at the heart of UNESCO’s mandate. Founded in the immediate aftermath of the Second World War, UNESCO seeks to promote peace and security through international cooperation in the areas of education, science, culture, communication and information.

UNESCO stands firm to its constitutional mandate to “the free flow of ideas by word and image” and freedom of expression as a fundamental human right. Freedom of expression and media freedom are crucial rights for protecting and daily realizing other human rights.

The main themes that are included in the agenda of our conference over the next two days, all relate to these issues.

We will explore in detail how securing the safety of journalists and combating impunity for these crimes promotes the fundamental right of freedom of expression.

A series of five interwoven sessions will explore the connection between press freedom, safety of journalists and impunity.

The first session will address the rising challenges to the safety of journalists and media workers. We are all familiar with the appalling statistics. We know that working for the media has never been more dangerous. Moreover, we know that the majority of media people killed over the past decade were working outside of armed conflicts. There is a need to address the everyday safety challenges journalists face, including relatively new forms of aggression such as hostage-taking. This panel seeks to articulate how the insecurity of media workers impacts on press freedom. We have the opportunity to listen to several journalists with first-hand

Abdul Waheed Khan
*Assistant Director-General
for Communication and
Information*

experience of these challenges. Let us listen and learn from their intimate understanding of the on-the-ground challenges they face in their everyday work.

The second session, on the status of journalists and media workers in dangerous conflict, will explore how we can best assure their safety in conflict zones. We have a number of international instruments to help us in this regard – from the Geneva Conventions to the recently adopted UN Security Council Resolution 1738, which condemns attacks on journalists in conflict situations to which I referred earlier.

We are all painfully aware, however, that the protections offered to the media by international humanitarian law are not respected. Media personnel are killed as deliberate targets and local journalists are the overwhelming majority of victims. How can we enforce and build on the momentum of Resolution 1738? What actions can be taken in order to assure more safety for journalists and media staff in armed conflict?

During the third discussion panel, we will approach the issue of safety from a different perspective: how are investigative journalism and corruption related to safety and press freedom?

All too often, governments devise laws and informal means of keeping their activities hidden from public view. At other times, this information is only made available to media favourable to their viewpoint. In recent years, many governments have tried to co-opt journalists by paying part of their salaries. If the media are to function in the public interest, governments must protect the independence and plurality of the media, including critical voices.

We know that the majority of journalists killed were targeted for their work – often for reporting news that is not popular with those who have power, money or guns. What are the means to be taken in order to strengthen the safety conditions for investigative journalism?

The fourth panel is dedicated to impunity – an issue of central concern for these discussions. The majority of crimes committed against journalists and other media professionals are not investigated and therefore go unpunished. Indeed, perhaps the greatest crime against journalists is that their attackers continue to live with impunity. The reasons for impunity are diverse. Sometimes authorities lack the political will to investigate a case, and sometimes they deliberately seek to hide the truth by not allowing investigation into the matter. In 1997, the General Conference of UNESCO adopted a resolution condemning violence against journalists. Ten years on, did this resolution affect change? We have several international instruments that target attacks on journalists in conflict situations. But how can we work towards combating impunity for the majority of cases that are outside conflict zones? In this fight against impunity, allow me to commend the Inter-American Press Association for its work in this area.

The fifth and final session on actions to promote the safety of journalists will channel the discussions from previous panels into a pragmatic plan of action. In this session, panellists explore actions that can be taken in order to secure the safety of media professionals and combat impunity. What can journalists and media institutions do to improve their own safety? What is the role of press freedom organizations and UNESCO in combating impunity and securing the safety of journalists?

The many brilliant conference participants coming from all parts of the world will undoubtedly provide relevant and meaningful contributions to the discussions. In previous years, our joint efforts resulted in considerable and tangible success: The declarations of Belgrade in 2004 and Dakar in 2005, for instance, raised awareness and drew attention to the central role of freedom of expression and a free press in conflict resolution and good governance.

Collectively embraced by media professionals, editors and journalists and endorsed unanimously by UNESCO's Member States, these texts provide a solid framework for our joint efforts in promoting freedom of expression and of the press.

This year's World Press Freedom Day declaration – on securing the safety of journalists and combating impunity – must clearly build on the outcomes of the previous conferences. As with former declarations, I am confident that the Medellin document will also be enthusiastically endorsed by UNESCO's 192 Member States when they gather in October this year for the thirty-fourth session of the General Conference

STATES TURN A BLIND EYE TO ATTACKS ON JOURNALISTS

The failure to prevent the killing of journalists and attacks on the media means that governments and authorities around the world are depriving you, me and everyone else of a fundamental right guaranteed to us by the Universal Declaration of Human Rights – that of freely receiving and imparting information and ideas.

Every journalist killed or neutralized by terror is an observer less of the human condition. Every attack distorts reality by creating a climate of fear and self-censorship.

The appeal has to be to governments and public authorities because the killers who carry out the murders, the thugs responsible for the attacks and the dark forces behind the violence are probably impervious to reason and beyond any appeal to conscience.

They survive and flourish because they know that there is very little likelihood of their being caught. Statistics compiled by the Committee to Protect Journalists indicate that full justice was achieved in only 6.7 percent of the cases in which newsmen and women were killed in the course of their duties between January 1, 1992 and June 18, 2007.

Shockingly, the CPJ believes that half of these killings were carried out either by government officials, by political parties or the military – in other words, this shows that many governments that have solemnly signed the UN Charter on Human Rights are blatantly and hypocritically ignoring it.

Not surprisingly, Iraq is the country where journalists are most in danger; but other places where it is unhealthy to be in the news business, according to the CPJ, include Colombia, of course, but also Russia, Philippines and Mexico. The Medellin conference included a number of speakers from those countries.

Although war and conflict have taken a heavy toll, it has to be remembered that most killings of journalists and media support staff in the course of their duties – no less than a thousand over the past decade – have been premeditated and deliberate, despicable and targeted assassinations. Very often journalists and their families have had to live in a climate of terror after receiving warnings (such as envelopes containing a bullet) that they are targets.

Those killed include high profile personalities such as Anna Politkovskaya, who was posthumously awarded the UNESCO/Guillermo Cano World Press Freedom Prize this year; to countless reporters unknown outside their own communities. In fact, journalists working on local beats make up the vast majority, about 90 percent, of reported assassinations and rarely do their deaths attract international attention.

The principle in every case is the same: these are not only crimes on the local level but offenses against the human spirit and grave infringements of a fundamental right at the highest level. That they are attacked and killed for their work is paradoxically a sign that media do matter; and that freedom of information and expression is a highly

Barry James

A Paris-based reporter and editor, who has worked for international wire services and newspapers for more than four decades

Introduction

important component of civilized society. As Geoffrey Nyarota points out from his background in persecuted independent journalism in Zimbabwe, it is the excellent and outstanding journalists who suffer by doing their jobs in an exemplary way rather than the corrupt, non-performing elites who fear a free press.

The deaths, tragic as they are, are only the tip of the iceberg because they create a climate of fear and self-censorship that makes investigative journalism difficult if not impossible. What makes matters worse is that many publishers prefer to print and broadcast profitable pap and gossip than to undertake costly and often dangerous investigations. And journalists in places like Ukraine may well despair when they see politicians and officials getting away with blatant corruption, and nobody seeming to care. A responsible press needs a responsive public.

Although the situation is sombre, there are some grounds for optimism. The topic is on the international agenda and cannot be ignored, thanks to support by UNESCO and campaigning by organizations such as the International Federation of Journalists, Reporters sans Frontières, the Committee to Protect Journalists, the Inter-American Press Association, the International Freedom of Expression Exchange, Article 19, Index on Censorship, the International News Safety Institute, the World Press Freedom Committee, the World Association of Newspapers and many other groups on the regional or local level, including journalists' unions and associations.

There are several good studies showing the scope of the problem of violence against the media, such as the annual report published by the Committee to Protect Journalists, *Dangerous Assignments 1*; the 2007 report by the International News Safety Institute, *Killing the Messenger 2*; and the report by the International Federation of Journalists, *Journalism Put to the Sword in 2006 3*.

Violence against the media has also been highlighted and condemned by several international authorities, including the rapporteurs for freedom of expression at the United Nations, the Organization of American States, the Organization for Security and Cooperation in Europe and the African Union.

But even coming from such distinguished bodies, condemnations and calls to action all too often on deaf ears. Even cases attributed to criminal elements go unresolved because governments lack the political will to put an end to the climate of impunity in which such crimes occur. Darío Ramírez Salazar of Article 19 explains, for example, that although Mexico has put some formal measures in place to prosecute organized criminals who attack journalists and community radio stations, these remain a dead letter because of lack of resources and political commitment. While the triggerman may be very occasionally be identified and even put on trial, the fact is that none of the big crooks who give the orders is behind bars. Government actions thus are all too often pious hopes at best, and journalists remain easy targets.

The articles in this book, several by journalists with personal experience of harassment or violence, explore the problem from many angles. Although all agree that violence against journalists for doing their job is morally and legally unacceptable under any circumstances, there are differing points of view about whether journalists should be afforded extra legal protection under international humanitarian law.

The Universal Declaration of Human Rights applies to everyone without exception. Article 19 of the Declaration affirms the right to impart and receive information regardless of frontiers. Other UN human rights instruments similarly apply to all citizens, regardless of status. Journalists therefore are already protected by a large body of international law applying to them as it does to all citizens. Even when they are covering a war; they are not assimilated with the military, but are civilians.

They have all the protections guaranteed to civilians, but so often denied or neglected by repressive regimes or sub-state gangs, as in Somalia. However, some believe that to set journalists apart by giving them a status beyond that of the ordinary citizen could even increase their vulnerability and make their jobs more difficult.

On the other hand, journalists play a crucial role in disseminating knowledge and information that is not required of the man or woman in the street. For this reason, some experts, such as Daoud Kuttab from Jordan, argue that there does need to be specific provision under international humanitarian law for the protection of journalists doing their jobs, especially when their lives and livelihoods are threatened in a miasma of impunity.

But a growing conundrum is that of distinguishing between the traditional journalist acting on orders from an agency, newspaper, TV or radio newsroom, and the citizen blogger working alone without professional back-up. Walid Al-Saqaf from Yemen raises the issue of Wael Abbas, a citizen blogger whose Egyptian Awareness website brought to the world's attention to the use of torture by Egyptian police – a subject that the traditional media had until then prudently ignored. For exercising his right under Article 19, why should the brave Mr. Abbas receive a lesser degree of protection than the journalist who might have known what was going on in police station houses, but chose not to tell the public about it?

The fact is, as Mr. Al Saqaf puts it, that attacks on both journalists and other citizens, «stem from the same root. They are both a demonstration of respect for human dignity and rights ...When a policeman beats or even kills a politician, a writer, a suspect terrorist, or even a street vendor, he has been fed with the idea that human life is not sacred and the state will protect him regardless of the consequences.»

Antonella Notari of the International Committee of the Red Cross and Alexandre Balguy Gallois, legal adviser to Reporters without Borders (RSF) provide between them a very detailed account of the way that media staff and property are covered by international humanitarian law, while emphasizing that they benefit fully from the protection that international treaties give to all civilians.

The conference venue Medellin, Colombia was symbolic, for it is a city sadly associated with the criminal narcotics cartel in a country riven by decades of strife between government and guerrillas. Colombian journalists face violence, death threats and assassination on a daily basis, particularly if they fall under suspicion from one side or the other of being partisan in the conflict, or if they attempt to describe corruption and the activities of the narcotics mafia.

The annual conferences that UNESCO organizes on the occasion of World Press Freedom Day bring together experts to discuss a variety of issues concerning a free press. As a consequence, a considerable political momentum has built up, and a large body of knowledge has been acquired, reflecting an awareness that press freedom is a critical part of the human rights-based approach to development as elaborated in the UN Millennium Development Goals. In other words, without a guarantee of the right to freedom of expression and information, it is unlikely that a country will have a good record on human rights or decent defences against corruption. It is also unlikely to be economically successful.

The World Press Freedom Day Conference organized by UNESCO, in Belgrade in 2004, concerned the role of the media in conflict and post-conflict zones, and in countries undergoing transition. «In such situations,» the closing Belgrade Declaration said, «the media's work to provide independent and trustworthy information can contribute significantly to processes of reconstruction and reconciliation.» By providing a space for dialogue, even heated dialogue, the media can help break the circle of blind violence although, of course, it was also recognized that bad media can contribute to violence, as in Rwanda. The best antidote to bad media, it was agreed, is a thriving independent press that gives an outlet to many voices.

The 2005 Dakar, Senegal conference dealt with the crucial part that independent, free and pluralistic media can play good governance. Media foster economic development because they provide the information that is necessary for markets to thrive and that citizens need to participate in their societies.

The annual press freedom meeting in Colombo, Sri Lanka last year took that argument a stage further by considering the question of how protecting and furthering the fundamental right to freedom of expression can assist in assuring another fundamental human right – that of freedom from poverty.

As part of its remit as the United Nations agency responsible for communication and information, UNESCO has thus developed a coherent strategy to promote and defend freedom of expression and a free press. Its thinking has been shaped by the wide range of opinions brought together at these annual press freedom meetings. What these meetings have made abundantly clear is that promoting peace and reducing poverty are both critically dependent on freedom of information and communication.

That is why combating the menaces and violence that threaten free information is important not only in itself but as part of a larger battle for peace, democracy and prosperity in the world.

Press Freedom, Safety of Journalists and Impunity: General Trends and Main Challenges

HOW ASSASSINATION IN COLOMBIA SPURRED FIGHT AGAINST IMPUNITY

It is a great honour for us, journalists of the Americas, that UNESCO is meeting in Colombia. We can hardly forget that this is a country which has experienced the gravest assaults on press freedom. Killings of journalists, such as the murder of Guillermo Cano on 17 December 1986, stand as a stark reminder of the struggle we face.

The murder of Guillermo Cano is emblematic, for it has spurred our organization to action against the impunity and violence that continue to this day and that we are convinced we can defeat if we are sustained by international commitment and support from all press organizations and intergovernmental organizations.

In 1995, the Cano case embarked us on a journey that has taken us through the inter-American system. The IAPA has submitted its investigation into this and five other crimes against journalists to the Inter-American Commission on Human Rights and 19 cases have since been brought before that body, some of which constitute substantial progress.

Intriguingly, just a few weeks after the visit by an IAPA delegation to Colombia in 1997, one of the main instigators of Cano's murder, Luis Molina Yepes, was captured as he ate lunch at a restaurant in Bogotá. He had been a fugitive for many years.

I emphasize the importance of "in situ" visits because they really do give organizations an opportunity to win commitments from the authorities and insist that crimes and acts of violence against journalists be vigorously investigated and resolved. For example, last March we met President Felipe Calderón of Mexico, where there has been a resurgence in violence in recent years. Mr Calderón promised to consider a number of measures to combat impunity and he specifically mentioned severer punishments, making the murder of journalists a federal crime and removing the statute of limitation from these crimes.

Progress has been achieved owing to action taken in the form of public statements, resolutions and country visits. These include amendments to the penal code in Colombia, imposing heavier penalties for acts of violence against journalists; the establishment of special public prosecution services in Colombia, Guatemala and Mexico to investigate murders and acts of violence against journalists; and the federalization of crimes against journalists in Brazil and Mexico.

Despite progress on those fronts, we have been alarmed by an upsurge in the murder

Rafael Molina

President of the Inter-American Press Association (IAPA)

of journalists. The number of journalists killed over the period rose, chiefly in areas on the Mexico border where organized crime has imposed its culture of violence on the press. In Colombia, the number of journalists murdered has fallen.

To find ways of avoiding the consequences of violence, the IAPA has concentrated, as have other organizations, on providing seminars and training for journalists working in situations of risk, some of whom resort to self-censorship to survive. We think that training for journalists must focus on awareness-raising, on building up a united front against attacks on the media and on minimizing the risks involved in reporting. Under the End Impunity project sponsored by the John S. and James L. Knight Foundation, our organization has held a total of 28 courses or seminars since 2003, attended by more than 1,200 journalists from the Americas.

Another issue of special importance to the IAPA is raising society's awareness of the scourge of impunity. In this area, our main focus has been on a publicity campaign initiated in April 2003. The campaign started with the publication of a monthly announcement in the print media. To date, 354 newspapers in the Americas have participated and 50 messages have been published about various cases in which journalists have been murdered. Over 10,000 people have signed the letters that we dispatch regularly to national authorities calling for justice. This is a great contribution by citizens to the cause of ending impunity. The public education campaign has also been extended to television and radio.

The media and journalists must be involved further to write stories about the problem of impunity. Every effort must be made to create even greater awareness of the issue and the vital need to combat it for, as UNESCO emphasized in 1997, crimes against journalists are "crimes against society."

Investigation of crimes against journalists, the publicity campaign, institutional missions, meetings with authorities in the various countries and training for journalists are all pillars of the same edifice, sustaining the struggle against impunity and violence to which we should all be deeply committed.

A CLIMATE OF FEAR INHIBITS PRESS FREEDOM

All of us should be concerned that in the first years of the 21st century, the space for free expression, even in long-established liberal democracies, has been eroded, is being eroded and, unless we in journalism are ready to work together in a new and meaningful partnership, will continue to be eroded.⁴

The erosion of free expression comes in many different ways. Most dramatically, of course, there is violence and the threat of physical intimidation.

Thanks largely to ferocious campaigning by the press freedom community supported by UNESCO over the past decade; the scale of these attacks has been recognized by the international community at the highest level. The adoption by the United Nations Security Council last December, for the first time, of a resolution calling on governments to provide more protection for journalists in conflict zones owes much to this indefatigable work.⁵

Impunity exists when there is the absence of political will to properly investigate these deaths. It flourishes when the legal framework for detection and inquiry is weak or non-existent. It thrives on the incompetence, negligence and endemic corruption that often characterises the work of police and legal investigatory bodies. It remains the single-most challenging threat to press freedom and justice facing modern journalism.

The response of many governments is to find excuses for their own incompetence and some, such as those in the Dominican Republic and the Philippines, resort to dangerous alternatives -- offering to train journalists in the use of firearms and supplying reporters with weapons. Such solutions, although widely condemned as impractical and dangerous, are accepted in desperation by some newsroom staff and freelance journalists who see no alternative in crisis conditions.

Sometimes governments are genuinely trapped in a web of corruption created by conditions of poverty and criminality. Only significant development support built upon principles of good governance can overcome this, which is why we need to see commitment to democratic institution-building, free expression and the rule of law in all poverty-reduction programmes. Impunity will only diminish when police and security agencies are free of corruption; when people have faith in the capacity of law to protect them; and when governments put the liberty and the long-term prosperity and welfare of their citizens above short-term strategic and political interests.

Without well-informed, professional journalism, corruption cannot be exposed and societies cannot hope to implement the social and economic programmes of development that are vital to their future prosperity. Well-protected, independent reporting is not a luxury on the development agenda -- it is a cornerstone of any strategy designed to create open, accountable government in which citizens can put their trust.

But even in the most free democracies, where the rule of law is generally well established, impunity emerges whenever there is official complacency and political arrogance.

Aidan White
*General Secretary,
International Federation of
Journalists*

The United States, for instance, has been anything but a good role model in the battle against impunity. It has been defiant in the face of demands by the judiciary in countries like Spain and the United Kingdom for its co-operation in discovering who was responsible for the deaths of Spanish and British journalists in Iraq. It fails to respond to appeals from press freedom groups for proper investigation of a number of media deaths.⁶

Such attitudes not only cause pain and suffering to the family, friends and colleagues of victims but they undermine the global campaign against impunity by sending a signal to governments everywhere that the legitimate right to report freely, even in war zones, and the right to justice can be set aside when it suits political and military interests.

It is not just in the war zones that democratic countries are found wanting. In the face of the so-called “war on terror” – although the phrase has fallen from everyday political use – a culture of routine official surveillance of citizens, and particularly journalists, is developing. With it come new threats to press freedom.

Increasingly, reporters are victimised for making public vital information when it embarrasses their government. In the last years the IFJ has had to intervene to protest over actions in Denmark, the Netherlands, and Germany, where governments have been caught spying on their journalists or applying undue pressure.

In the United States, the Bush administration has been caught up in a series of scandals over telephone-tapping and blatant attempts to manipulate media and journalists.

It is unconscionable that journalists in much of the democratic world should be spied upon, that security services should be using paid informants inside media, that our telephones should be routinely tapped and that reporters should be prosecuted for doing their professional duty.

It is evident that there are not sufficient measures in place to protect legitimate journalism from intrusive and potentially chilling surveillance by police and security forces. This means we have to consider additional legal protections – particularly to enable journalists to protect the anonymity of their sources of information.

In today's world, where community discord, extremist and unscrupulous politics is increasingly at work, the need for reporting of complex issues in context by well-trained, aware and skilled professionals has never been greater.

But just at this critical moment, we see the emergence of a new crisis across much of the world's media caused by rapidly-changing market conditions, which has disrupted the traditional balance between commercial interests and public-interest journalism.

Faced with declining circulation and shrinking audiences, traditional media are resorting to more sensationalist, populist and commercially-driven news. Notions of pluralism and the truth-telling mission of journalism have all but evaporated in parts of the industry where there is a panic to maintain profitability. Deep cuts in editorial budgets have led to less investment in journalism, less training, less investigative journalism, and reduced foreign coverage.

The working conditions of journalists are more precarious and less protected than ever. We also have to recognize that this is itself a threat to press freedom and media quality because it encourages self-censorship and internal corruption.

The consequences for press freedom and quality of journalism of all of these developments are potentially devastating. The fear and uncertainty aroused by impunity, the threat of violence, growing governmental pressure on the news agenda, and the crisis of confidence within the media industry, all invite self-censorship and undermine professionalism. The end result is superficial journalism, passivity and low morale in newsrooms as well as a weakening of press freedom and the watchdog role of media.

It is not all bad news. In response to the developing safety crisis and after years of inaction on the part

Session I:

of governments media organizations and journalists' groups have been able to bury their differences to create the International News Safety Institute, an organization dedicated to creating a culture of safety in media. The Institute provides sound, practical advice and programmes that can save lives and not just of journalists, but also the lives of the thousands of fixers, translators, technical personnel and support staff who also make up the media team.

Elsewhere, the campaign against impunity is beginning to gain some ground. And I want to acknowledge the contribution of the Inter-American Press Association which, with the support of UNESCO, has done much to confront the problem. We can reinforce these positive signs by rebuilding the fabric of co-operation and partnership within the industry.

We have to campaign vigorously to convince the media community that the strangulation of independent sources of information through media monopolization and financial pressures on editorial quality and critical news content will not secure the future.

We have to convince governments that chipping away at fundamental liberties, including free expression, in the name of national political interests is no way to ensure security.

We must lobby ferociously within the intergovernmental community for it to deliver on promises of safety and protection of journalists and to promote communication for development, particularly where communities are in conflict.

And we must do all of these things together in a new spirit of solidarity. Over the years we have shown within the industry that we can work together, as IFEX and the INSI have shown. But we need new and more vigorous alliances within our industry.

In this regard, I am pleased to announce that today after three years of preparation, a few miles from this place, the Colombian Journalists Federation was formed – an alliance covering more than 1,000 journalists from the 24 regions of Colombia. This new body signals the creation of a new solidarity in the fight against impunity, exploitation and corruption that are the scourge of journalism in Colombia.

The federation is a new platform for the defence of journalists' rights – their safety, their professional standing and their desire for decent working conditions.

I hope very much that media employers will welcome this development, and that they will encourage a new social dialogue aimed at creating a resurgent media system devoted to principles of freedom, responsibility and security for all who work in the Colombian media. It won't happen overnight, but it won't happen at all unless we start talking to one another in a new spirit of co-operation.

At the same time, I urge the media employers of Latin America to reach out to their journalists; to encourage a new dialogue so that we can work effectively together to secure the future of journalism based upon respect for decent work and professionalism.

I am pleased to join Rafael Molina, President of the Inter-American Press Association on this platform today. This is in itself symbolic of the fact that although we represent different communities of media professionals we have a shared commitment to honour the memory of hundreds of colleagues, the latest being Anna Politkovskaya, whose courage and sacrifice we recognise today.

We can repay the debt we have to these colleagues by creating a lasting solidarity within our profession. We all have something immeasurable to gain in this process, not least by challenging governments to ensure that crimes against journalists do not go unpunished; by cultivating a more coherent vision of development that brings media safety and free expression more sharply into focus; and, above all, by challenging our own prejudices and uncertainties in favour of more meaningful, practical and lasting cooperation.

ADDRESSING THE RISING CHALLENGES TO THE SAFETY OF JOURNALISTS AND MEDIA WORKERS

Being a journalist has never been more dangerous. According to press freedom organizations, 2006 was the bloodiest year on record with over 150 murders and unexplained deaths of journalists and media workers. The numbers this year are not slowing down – 50 media professionals have been killed thus far in 2007. While Iraq is once again the deadliest hot spot, it is important to note that media professionals are being killed at an alarmingly high rate in non-conflict areas. In fact, of the 1000 media deaths that the International News Safety Institute has charted over the past ten years, the majority died in circumstances other than armed conflict. This fact, more than anything, speaks to the challenging work that lies ahead for everyone concerned with press freedom. The fact that many journalists are targeted in non-conflict areas only reinforces the need to address the safety of journalists and strengthen efforts to combat impunity. What are the risks media professionals are nowadays exposed to and what can journalists and the institutions they work for do to improve the current situation?

CONFLICT AND INSECURITY IN SOMALIA CAST DOUBT ON SURVIVAL OF JOURNALISM

Journalism is an endangered profession in Somalia, where, for more than 16 years, mutually ruinous warfare and extensive insecurity, particularly in the south-central part of the country have caused a large number of deaths and displacement of people.

Journalists and media professionals are among those whose lives and welfare are at particular risk. The number of attacks, several of them fatal, has increased year by year:

- In 2003, journalist Abdullahi Madkeer was murdered at the airport in the provincial town of Baidoa. There were 14 cases of journalists arrested, harassed, threatened and unfairly expelled.
- In 2004, sixteen journalists were beaten, assaulted, banned, imprisoned or censored. The culprits were warlords, self-declared administrations, Islamic courts and independent gangsters. Journalist Abdullahi Yasin Jama was beaten up, threatened and fired upon while reporting in a refugee camp in Mogadishu. Another journalist, Abdiqani Sheik Mohamed, was gravely beaten, and officially banned from working at Jowhar in the Middle Shabelle region.
- In 2005, two women journalists, Kate Peyton and Duniya Muhiyadin, were killed in Mogadishu during fighting among leaders of the transitional federal institutions. More than fifteen journalists were injured, beaten, harassed, intimidated and imprisoned during the year. The insecurity continued to increase dramatically in Somalia, especially in Mogadishu, and journalists sought to survive by exerting self-censorship.
- In 2006, 30 cases of attacks on the press were recorded, making it the most dangerous year for press freedom in more than a decade. Two media workers were killed, twenty-two journalists were imprisoned and one journalist was injured.

Swedish photo-journalist Martin Adler was shot and killed in June 2006 as he covered a rally in Mogadishu in support of the Islamic courts. NUSOJ staffer Maday Garas was killed in August 2006 as he was driving the union's officials from Baidoa to Mogadishu, in an attack in which the vice president of the union's supreme council also was injured.

The assaults on press freedom have continued into 2007, and journalist Ali Mohammed Omar was killed in Baidoa by unknown gunmen. Radio reporters and photographers continue to be victims. They are deliberately targeted and accused of taking sides in the country's interminable conflicts. Such attacks have frightening consequences, because they sap the ability of journalists to produce professional information, and prevent them entirely from carrying out investigative journalism.

Predators on the freedom of the press have not been investigated, prosecuted, convicted or punished, and they still continue to commit crimes against journalists without any fear of arrest. So many attacks, detentions and harassments, all in a climate of total impunity, make Somalia one of the worst countries in Africa to be a journalist.

The National Union of Somali Journalists has shown great courage in talking about these crimes. Its press releases and reports on violations of press freedom humiliate and embarrass the criminals, and, in the hope of obtaining international solidarity and advocacy, bring to the attention of the wider world the names of local journalists who make up most of the victims

Omar Faruk Osman

Secretary General of the National Union of Somali Journalists (NUSOJ)

PRESS VIOLATIONS REQUIRE STRONG, ENFORCEABLE INTERNATIONAL RESPONSE

For some time many of us have suspected that the seeming immunity of independent journalists covering a war zone or conflict area was eroding. Journalists have been killed with impunity and strong supporters of human rights have been lax in investigating cases in which their soldiers have been involved in the shooting of neutral journalists.

The kidnapping of BBC correspondent Alan Johnston by a group of warlords in Gaza has focused attention on the international community's weakness in dealing with such phenomena. He was the fifteenth journalist abducted in Gaza since 2004, according to the Committee to Protect Journalists.

What is worrisome about the case of Johnston, and the tens of journalists who are not as lucky as him, is the fact that governments, militias and members of organized crime feel very little concern about capturing, torturing, bullying and even killing journalists.

An Arab saying goes like this: if the judge is your enemy, to whom can you complain? During times of local strife or armed conflict deterrence is unlikely as a result of one side of the conflict demanding it or giving it lip service. Deterrence can only occur if it becomes enshrined within clearly defined and enforceable international treaties.

Until now there is no specific international law or treaty that deals specifically with violations against the press. True, Article 19 of the Universal Declaration of Human Rights considers the obtaining and distribution of information as a fundamental human right, but there is little within international humanitarian law that deals specifically with journalists or makes an attack on them a crime punishable in an international legal setting.

As a result, parties to an armed conflict are not deterred from targeting members of the press and media institutions, or in seeking to prevent the flow of any information they deem harmful to their cause. Armed conflicts produce irrational behaviour by those engaged in them, and society constantly demands live and graphic coverage of areas where conflicts take place. These factors mean that the level of attacks against journalists has been rising at an alarming pace, but little attention has been paid to guaranteeing their safety.

The Paris based-Reporters Without Borders (RSF) has reported on this dangerous trend, especially in areas of armed conflict. At least 81 journalists were killed in 2006 in 21 countries while doing their job or for expressing their opinion, the highest annual toll since 1994, when 103 died (half of them in the Rwanda genocide, about 20 in the Algerian civil war and a dozen in former Yugoslavia). Thirty-two media assistants (fixers, drivers, translators, technicians and security staff) were also killed in 2006.

RSF states that Iraq was the world's most dangerous country for the media for the fourth year running. Since fighting began in 2003, 139 journalists have been killed there, more than twice the number in the 20-year Vietnam War (63 killed between 1955 and 1975). About ninety percent of the victims were Iraqis. Investigations were very rare

By Daoud Kuttab
*Director, AmmanNet,
Jordan*

Session I:

and none were completed. The US occupying forces have carried out superficial investigations in cases where their troops have killed journalists working for western media. No one has ever been arrested or held accountable for shootings that have caused death to foreign journalists working in Iraq. There is no information about investigations by the Americans regarding cases of killings of Iraqi journalists (not working for Western media) .

Crimes against journalists have also taken place in countries that are not witnessing high levels of violence. The late Russian journalist Anna Politovskaya, the recipient of this year's UNESCO/Guillermo Cano World Press Freedom Prize, paid with her life, many believe, because of her investigative stories about the situation in Chechnya. Other crimes against journalists have taken place throughout the world, with little if any serious investigation or action to deter the killers.

Human Rights Watch states that customary international humanitarian law provides that journalists not taking direct part in hostilities in armed conflict zones "shall be considered as civilians." HRW considers that the deliberate abuse of this protected status is a serious violation of humanitarian law, and that journalists should receive international legal protection.

One question is how to define a journalist. Some legal experts believe that journalists should have no more protection than ordinary civilians, otherwise it would be necessary to create special laws for many other categories of people who might fall into harm's way during times of conflict.

The problem is further complicated by the opening of publishing opportunities for the entire public. Blogs have become so widespread that it is not easy to distinguish professional reporters working for standard media organs from self-taught citizen journalists on the Internet.

Nevertheless, protecting journalists cannot be left to national governments, especially when these are part of a conflict which is widely covered by the press. International laws with teeth are more than ever needed to put a stop to criminal acts against journalists while, at the same time, journalists on the firing line must defend their neutrality

JOURNALISTS ON THE FIRING LINE MUST DEFEND THEIR NEUTRALITY

The cartoon crisis along with Denmark's decision to cooperate with NATO-led forces in Afghanistan and join the 'the coalition of the willing' in Iraq means that Danish reporters are unable to remain aloof from the global map of conflict.

So it was a matter of personal interest, when I recently came across a comment, written by Robert Fisk, the Middle East correspondent of The Independent newspaper, under the headline: "We are now in the firing line, sadly."

Fisk was writing about his job as a reporter. And, apart from the fact that it has become more dangerous to cover conflicts, his overall message was, that the western media share some responsibility for the current grave realities. It is partly our fault that western journalists today are seen on the world's killing fields as participants rather than observers.

This is confirmed in *Killing The Messenger*, a recent report by the International News Safety Institute, which notes: "Recognition of journalists as neutral observers has largely gone. Increasingly journalists covering international conflicts are identified with their countries or are seen as 'either with us or against us'."

The report highlights some of the causes of the problem: lack of punishment of perpetrators; lack of understanding between military and media of the operational requirements in covering conflicts; employers sending badly trained and inexperienced reporters into wars; and a lack of responsibility in the reporting itself.

Even if these causes were all removed, a major problem would remain -- namely media affiliation with governments, military authorities, international bodies and other organizations -- in short, with the expressions of modern power. Of course, outside the ambit of the Western media, reporters in semi- or non-democratic places suffer under intolerable pressures, be they from governments, militant groups, clans, tribes or non state-armies -- horrors that I myself, coming from a relatively protected society, will never have to deal with.

We in the western press look at ourselves as honest observers, doing our job on behalf of a public, hungry for knowledge, a public that wants to watch, listen or read news, based on objectivity and the humble search for the truth. At least that is the mirror we prefer.

But I agree with Fisk and INSI that we are no longer just a neutral force for knowledge. We also trade in a market, competing for the most dramatic story, often delivered by stand-up presenters feeding television-audiences with sound bites. The reporter is becoming more important than the reporting itself. The media man is the message.

For instance: We work willingly as 'embeds' and attach ourselves to pools on conditions set by governments or military authorities, and thus become -- in the eyes of 'the other side' -- whatever the other side happens to be -- a part of the conflict.

Picture my British colleague, John Simpson of the BBC (whom I respect, by the way)

Lasse Ellegaard
*Correspondent,
JP-Politiken, Denmark*

marching towards Kabul in 2001 in his bullet-proof vest, speaking to the camera about his position being more or less ahead of the front line. Any non-western viewer and any Afghan, not to mention any Taliban-fighter, watching that particular piece of television journalism broadcast globally, would not have seen a journalist, but a happy conqueror. (In Simpson's case it is hard to see an enemy!)

We are, whether we like it or not, no longer journalists, but foreign intruders in the eyes of this people 'on the other side.' Even reporters, who are known as sympathetic and fair, like our colleague Alan Johnston of the BBC, are not safe. Johnston, held hostage for nearly four months in Gaza, might have been the victim of internal struggle among the Palestinians, but most of all his abduction exposed 'the other side's' overall view on the western media.

We have become targets. Lasse Jensen, a media-watching colleague and seasoned former war-correspondent, told me about the hostage-market in Baghdad, where a price is assessed daily for the stock of kidnapped journalists. How much are the Italians, the Germans and the Dutch prepared to pay for this or that reporter? What can this or that US news organization cough up for the release of their correspondent?

The security of translators, drivers and fixers, the people we are working with and on whom we are dependent, is seldom mentioned, although they run the risk of having their heads chopped off.

In order to end this us and them obstacle to honest reporting we need to go back to basics. This may sound naïve and out of touch, but then, too much reporting is out of touch with reality. I believe we must go back to an ethical code that to a certain extent has been left behind in modern journalism. We must realize, that the media today form a great power; often manipulated by governments, but also in a certain way above governments. We need to re-establish an old-fashioned ethical dimension that which seems to have been lost along the road.

When I travelled with Mujahedin-forces in Afghanistan back in the eighties, filming a Danish medical team in the Helmand Province, I carried a letter from my newspaper; typed in Russian, informing that I was a neutral observer in case I happened to bump into Soviet-forces.

The medical team – a doctor and a nurse – did not carry such a letter. They were doing their job sewing up wounds, distributing medicine and advice, only protected by the people they served. And although we were held captive for a day or two in an Afghan village, we were protected by our role as media. We were not held because of enmity and our heads were not chopped off, but because the men in this particular village had spotted our tv-camera, and wanted to be part of the action in the Western media.

When I started out covering conflicts, mainly in the Muslim world, I was able to move around relatively freely among the different factions – I was sahafe, the Arabic word for press, which I shouted out from the car-window when passing checkpoints, protected only by my national credentials as a peaceful Dane, an international press card, or maybe a piece of paper issued by some dusty press-office in the area.

I returned to Afghanistan in 1996 in order to cover the Taliban take over of Kabul and found myself on the front line north of the city hearing the almost silent 'click' of a Taliban soldier unlocking the safety catch on his Kalashnikov rifle. At that moment my Danish press card or the piece of paper I had obtained from the media office in Kabul were of no value. Instead, my Turkish cameraman, Kemal, saved the situation by producing his passport and pointing to the crescent on its cover. I shall never forget the soldier's immediate change of attitude. From being one of 'them' I was suddenly if not one of 'us' but certainly on the side of the believers.

We work in a different world today. The whole picture has changed with the doctrine of what Tony Blair has described as 'liberal intervention' on a global level. We Western reporters are viewed as being affiliated with this policy in the many parts of the world where we have to be present in order to inform the public not only about 'the enemies of the West,' but also about the behaviour of the West, and where we are exposed to danger from both sides.

The possibility is being debated of protecting journalists on a more official level through a super-convention

that would bring together proposals from media organizations and international bodies. The discussions and proposals are gathering steam and it is clear to see why-- about one thousand journalist have been killed the last 10 years, mostly local people, doing their reporting on their home ground.

But as I see it the essential question is whether media workers entitled to some special protection. Should UN, press organizations, OSCE, EU or similar bodies demand an upgrading of the Geneva Convention, which stipulates that journalists captured in armed conflicts are entitled to the same protection as civilians? Should it be made a war crime or even a crime against humanity to kill or injure members of the media?

Maybe it should. I am not an expert on these matters, although I do agree with Harold Evans, the former editor of The Times of London, when he blames governments for ignoring any suggestion of sanctions on states that close their eyes and tolerate impunity to the culprits killing journalists.

The point I wish to make is that any super-convention must be clearly and visibly detached from the reporters on the ground, from their employers and their organizations, national or international. There must be a barrier between 'us' and 'them' – the politicians and official corporate powers.

I have asked colleagues in the media business what they think about this issue. Their gut feeling in every case was to turn down any offer of official status, which might be the consequence of a super-convention.

Let me quote an experienced Danish photographer, Carsten Ingemann, who also happens to be president of the Cavling Committee, the Danish equivalent of the Pulitzer Prize, who told me, "A journalist can only represent his media and that's it. The very moment he is attached to any other level, he loses his independence and thus his credibility."

Ingemann points to some sensible rules for reporters. For example, they should avoid looking like spacemen in combat-gear, which unnecessary distances them from ordinary people, who do not usually wear helmets and heavy flak jackets.

To quote another colleague, Steffen Jensen of TV 2 Denmark, "Any 'official-stamping' will end up as another obstacle for the reporting job. It would be asking us to become a target because nowadays we are mainly covering regional conflicts involving militias and private armies, either fighting western interventionists or each other. In any case, they see you at best as a semi-diplomat, a person of political and military power; or as an outright enemy. Any convention, created on Western initiative and premises, will add to the enmity."

As journalists we have to turn down any offer of protection, whether it is an embedded status, a pool or some other institutional connection. Our independence is our only protection. Reporters have to change their behaviour on the ground and signal real independence. We must avoid affiliation with international or governmental bodies, not to mention military. We must remember, that our reports are available globally – and often received as part of alleged conspiracies.

We know from statistics that it is much safer to be embedded than to act independently. Nevertheless, independent, credible and trustworthy reporting is the only protection, we can count on in the long run. In the end the only party we can trust is the public we serve.

THE STATUS OF JOURNALISTS AND MEDIA WORKERS IN DANGEROUS CONFLICT

In conflict zones, the leading cause of death for media personnel is not cross-fire, indiscriminate attacks or “collateral damage,” as one might suspect. Despite their status as civilians under international humanitarian law, media personnel are primarily killed as deliberate targets. Local journalists are the overwhelming majority of victims – according to the Committee to Protect Journalists, local journalists comprise 85% of media casualties in conflict zones. Last year alone there were 69 media professionals killed in Iraq. Over 170 media professionals have been killed in Iraq since the conflict began in April 2003. Never in recorded history has there been such a large-scale killing of journalists. However, an independent, accurate and professional coverage is especially important under these circumstances. The protection of media professionals offered by international humanitarian law is not respected. What actions can be taken in order to assure more safety for journalists and media staff in armed conflict? There is much discussion, as the following articles show, about the desirability of additional special international protection for journalists in the light of the failure of many governments to deal with the problem of impunity, but some journalists fear that any official status would make it even more difficult to do their jobs safely. Meanwhile, the UN Security Council issued a sharp call to order last year in its resolution 1738, the full text of which is as follows:

“THE SECURITY COUNCIL,

“Bearing in mind its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and underlining the importance of taking measures aimed at conflict prevention and resolution,

“Reaffirming its resolutions 1265 (1999), 1296 (2000) and 1674 (2006) on the protection of civilians in armed conflict and its resolution 1502 (2003) on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, as well as other relevant resolutions and presidential statements,

“Reaffirming its commitment to the Purposes of the Charter of the United Nations as set out in Article 1 (1-4) of the Charter, and to the Principles of the Charter as set out in Article 2 (1-7) of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States,

“Reaffirming that parties to an armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians,

“Recalling the Geneva Conventions of 12 August 1949, in particular the Third Geneva Convention of 12 August 1949 on the treatment of prisoners of war, and the Additional Protocols of 8 June 1977, in particular article 79 of the Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict,

“Emphasizing that there are existing prohibitions under international humanitarian law against attacks intentionally directed against civilians, as such, which in situations of armed conflict constitute war crimes, and recalling the need for States to end impunity for such criminal acts,

“Recalling that the States Parties to the Geneva Conventions have an obligation to search for persons alleged to have committed, or to have ordered to be committed a grave breach of these Conventions, and an obligation to try them before their own courts, regardless of their nationality, or may hand them over for trial to another concerned State provided this State has made out a prima facie case against the said persons,

“Drawing the attention of all States to the full range of justice and reconciliation mechanisms, including national, international and “mixed” criminal courts and tribunals and truth and reconciliation commissions, and noting that such mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of the victims,

“Recognizing the importance of a comprehensive, coherent and action-oriented approach, including in early planning, of protection of civilians in situations of armed conflict. Stressing, in this regard, the need to adopt a broad strategy of conflict prevention, which addresses the root causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long-term basis, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights,

“Deeply concerned at the frequency of acts of violence in many parts of the world against journalists, media professionals and associated personnel in armed conflict, in particular deliberate attacks in violation of international humanitarian law,

“Recognizing that the consideration of the issue of protection of journalists in armed conflict by the Security Council is based on the urgency and importance of this issue, and recognizing the valuable role that the Secretary-General can play in providing more information on this issue,

1. Condemns intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict, and calls upon all parties to put an end to such practices;
2. Recalls in this regard that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians. This is without prejudice to the right of war correspondents accredited to the armed forces to the status of prisoners of war provided for in article 4.A.4 of the Third Geneva Convention;
3. Recalls also that media equipment and installations constitute civilian objects, and in this respect shall not be the object of attack or of reprisals, unless they are military objectives;
4. Reaffirms its condemnation of all incitements to violence against civilians in situations of armed conflict, further reaffirms the need to bring to justice, in accordance with applicable international law, individuals who incite such violence, and indicates its willingness, when authorizing missions, to consider, where appropriate, steps in response to media broadcast inciting genocide, crimes against humanity and serious violations of international humanitarian law;
5. Recalls its demand that all parties to an armed conflict comply fully with the obligations applicable to them under international law related to the protection of civilians in armed conflict, including journalists, media professionals and associated personnel;
6. Urges States and all other parties to an armed conflict to do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel;
7. Emphasizes the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of international humanitarian law;
8. Urges all parties involved in situations of armed conflict to respect the professional independence and rights of journalists, media professionals and associated personnel as civilians;
9. Recalls that the deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and reaffirms in this regard its readiness to consider such situations and, where necessary, to adopt appropriate steps;
10. Invites States which have not yet done so to consider becoming parties to the Additional Protocols I and II of 1977 to the Geneva Conventions at the earliest possible date;
11. Affirms that it will address the issue of protection of journalists in armed conflict strictly under the agenda item "protection of civilians in armed conflict";
12. Requests the Secretary-General to include as a sub-item in his next reports on the protection of civilians in armed conflict the issue of the safety and security of journalists, media professionals and associated personnel.'

THE ROLE OF THE RED CROSS AND CRES- CENT IN PROTECTING JOURNALISTS DURING CONFLICTS

Antonella Notari
*International Committee
of the Red Cross*

In this paper, I shall present what I consider to be some key challenges to the security and protection of media staff in armed conflicts along with some proposals that could mark the way forward to an improved situation. I will focus on the practical and operational aspects of the security and protection of media personnel working in armed conflicts, while Alexandre Balguy-Gallois of "Reporters Without Borders" (RSF) will explain the status of media staff under International Humanitarian Law (IHL) and how IHL protects media staff in armed conflicts.

I will illustrate the threats to media staff who cover armed conflicts in the field and the risk of becoming the accidental victim of war-related actions, such as being wounded or killed in an attack on a legitimate military objective carried out with proportional means; or by explosive remnants of war used in a legal way. I shall also discuss the risks associated with being deliberately attacked, such as being killed, wounded, kidnapped, tortured or caused to disappear.

To try to understand why combatants violate IHL even when they know they are doing so, the International Committee of the Red Cross (ICRC) has undertaken a study on the behaviour of combatants. I will present its key results and how this may impact on the protection of media staff in war areas. The point is to try to understand why IHL violations occur and what can be done to prevent them.

I will conclude by mentioning ideas on what the ICRC and the Red Cross and Red Crescent movement can do to contribute to the safety and protection of media staff in dangerous assignments.

Numbers that state a case*

- One thousand media staff world wide died on the job over the past 10 years.
- Roughly one in four media staff, a total of 269, died covering armed conflicts, of whom 248 were without armed escorts, 15 were with armed escorts and six were embedded.
- One hundred and sixty seven died in international armed conflicts (wars) and 102 in non-international conflicts (civil wars).

These figures only count deaths and not other forms of violence or abusive actions taken against media staff. Death rates are not the sole indicators of the dangers of media work, nor even the most relevant ones, but they are more easily obtained and compared than figures on other types of hazards and problems that media staff en-

counter in war areas. The above figures cover all causes of death, natural, accidental and criminal. Most victims are local journalists or media staff, not foreign correspondents.

Embedding or taking armed escorts

It appears to be far more dangerous to cover wars independently, without armed escorts or “unembedded”, although it also depends on who media staff are embedded with or escorted by. The principal risk of embedding is reportedly a loss of neutrality – at least in the perception of the warring parties – that results in a greater danger of being attacked or otherwise harassed. On the other hand, embedding and taking armed escorts provides physical protection against deliberate attacks as it makes it more difficult for an assailant to get at a journalist and his or her crew. This signifies that there is a higher risk for independent media staff in present-day conflicts to be deliberately attacked by parties to an armed conflict.

Exposure to physical dangers and psychological effects of war

The closer media staff get to the war action or front line, the more they expose themselves to the threat of being physically and psychologically harmed. Proximity to military objectives, such as army camps or patrols, will often heighten the risk – although media staff embedded with important Western armies have been fairly safe in the Afghanistan and Iraq wars. If the enemy attacks such an objective and wounds or kills media staff in the action, this will very often be considered as “collateral damage”, provided the attacker deployed means proportionate to the aim of his attack and provided he took all necessary precautions not to harm civilians or civilian objects. This means that if media staff were harmed or killed in such an attack it would not necessarily be considered a violation of the laws of war, unless the assailant used disproportionate means and indiscriminately attacked military and civilian persons and objects alike.

Furthermore, media staff (as other civilians in the same context) are exposed to the dangers of mines and unexploded ordnances. There is a strong push to completely ban anti-personnel mines and to regulate the use of cluster munitions, but the reality is that many old and new war zones are heavily “infected” with such weapons, which cause immense harm among local populations, refugees and internally displaced persons, as well as among humanitarian workers and media staff.

Last not least, media staff covering wars often witness atrocious human suffering, injustice, violence and aggression. These can be shocking and traumatising experiences and they can leave lasting if invisible wounds.

Safety measures to protect against the dangers of battlefields

Media staff should imperatively be prepared to confront the risks inherent in war zones, learn how to behave appropriately in the face of danger and how to deal with the effects of traumatic events. The responsibility of preparing for dangerous assignments and training in risk awareness and safety preparedness should be shared among the media staff, their employers and media-related organizations or other specialized organizations. It is essential that media staff receive safety and first aid training; that clear and context-specific safety rules are in place and regularly up-dated; that media staff gather regular and reliable information on the developments in the field; that they are appropriately equipped and insured and that a personal follow-up is provided to media staff who have been on a dangerous assignment. Governments and their military and security services can contribute to the safety of media staff by providing valuable information on the safety conditions in the field and by giving appropriate instructions to the troops on the rights of media staff.

Session 2:

Concretely, INSI (see INSI safety code) and RSF (see “Charter for the safety of journalists working in war zones or dangerous areas”):

- recommend that governments and international organizations sponsoring media training in developing countries include an element of safety training in their programmes;
- call on armed forces to provide media staff with briefings on danger zones and hazards;
- appeal to journalists to be fully aware of the physical and social conditions of the areas where they are due to work;
- ask news organizations to provide safety and risk-awareness training and to properly equip their staff, as well as to develop safety rules for them;
- demand that dangerous assignments be voluntary and that a refusal have no adverse consequences;
- call on news organizations to work together to improve the safety of media staff;
- urge media staff to take responsibility for their own safety and to support one another;
- insist on favouring mutual consultation and exchange of information between all participants in a war zone
- call for greater teamwork and for peer coaching, as well as building on lessons learned and putting experienced staff in charge;
- insist on the right of journalists to be properly insured, and
- ask that media staff have access to post-traumatic counselling and help for stress management.

Deliberate and arbitrary attacks

Deliberate or arbitrary attacks are violent actions that target media staff covering armed conflicts, often precisely because of the information, accounts and opinions they provide about the events or the actions of a warring party. Media staff are threatened, killed, tortured, taken hostage, arbitrarily detained without any procedural safeguards or judicial guarantees, and made to disappear. Such actions are illegal and constitute violations of IHL in situations of armed conflict.⁹

Behind deliberate attacks and arbitrary violence against media staff by combatants lie the combatants' misunderstanding or fear of the media's role; poor knowledge of or poor compliance with IHL provisions and most importantly, the impunity accorded to those who attack or otherwise harass media staff in contexts of armed conflicts.

Misunderstanding or Fear of Media Role among Combatants

Combatants typically apprehend the media's impact on the motivation of the troops, the support by the constituency, the image and reputation of the armed or security forces with the wider (possibly even global) community. War tends to generate a strong polarization of opinion, leaving no space for debate or criticism and marking those who disagree as enemies. If the media are seen to be a voice of disagreement or criticism, they may be perceived as a threat by combatants.

Furthermore, the goals of combatants and of journalists are potentially conflicting: the former need to win a war on the battlefield and in the hearts and minds of the population. The media need to inform, report and analyse, and to provide a space for debate and for questions and criticism. Hence, while combatants tend to consider communication as being at the service of the war effort, media professionals conceive it as an end in itself.

Last not least, combatants may suspect media staff of spying and otherwise aiding the enemy.

Poor knowledge and obedience of IHL

The rights of journalists and the duties of combatants towards media staff may be poorly known by combatants, and standing operational procedures with respect to media in war zones may be unclear or non-existent. Consequently, combatants may not know or accept that media staff have the right to move in a war zone without this making them subject to reprisals.

Impunity

One of the most important factors of threat for media staff in armed conflicts is that there are very rarely any thorough and independent inquiries into attacks against media staff, and practically never any punishments for perpetrators when combatants attack or otherwise harm media staff or violate their rights.

In its global report, the INSI found that in 2/3 of cases of killings of media personnel, the perpetrator was never even identified and probably never will be as there are mostly no proper investigations of such killings whether inside areas of armed conflict or outside.

One of the greatest challenges facing IHL in the 21st Century is not that the laws are outdated or insufficient or otherwise lacking but that there continues to be a wide-ranging impunity – even if there are some promising precedents of bringing war criminals to justice, as in ex-Yugoslavia, Rwanda and Sierra Leone.

ICRC “Roots of behaviour in war study”

(Ref. <http://www.icrc.org/web/eng/siteeng0.nsf/html/5ZBGGL>)

The ICRC carried out the study in order to identify the factors that are crucial in conditioning the behaviour of combatants in armed conflicts, with a view to determining whether the policies it developed to prevent violations of IHL take sufficient account of them. This study can help media and others understand why and how violations occur and how they may be prevented.

Empirical research and a review of the relevant literature confirmed the original hypotheses of the study, including:

1. The universality of adherence to humanitarian principles. Just like civilians, combatants acknowledge and share humanitarian values because they are seen as universal, for example the protection of prisoners and the distinction between combatants and civilians.
2. The importance of authority and group affiliation and the spiral of violence. Violations of IHL involve social and individual processes of moral disengagement brought about by two main mechanisms, namely the justification of behaviour and the lack of sense of responsibility.
3. Moral disengagement and violations of IHL. In situations of armed conflict, abdication of responsibility is induced chiefly by group conformity and obedience to orders.

Summary of lessons drawn from the study

The first lesson is that the force of law must be put above the force of morality, meaning that efforts to propagate the knowledge and respect for IHL must be made a legal and political matter rather than moral one and must focus more on norms than on their underlying values, because the idea that the combatant is morally autonomous is mistaken.

If IHL is perceived from a normative point of view, as a legal norm, rather than as a moral requirement,

this is will more effectively keep combatants out of the spiral of violence. Norms draw clearly identifiable red lines.

The other lesson is that greater adherence to IHL is possible only if bearers of weapons are properly trained; if they are under strict orders as to the conduct to adopt; and if effective sanctions are applied in the event they fail to obey such orders.

Since the behaviour of combatants is mostly influenced by group conformity, compliance to authority and a moral disengagement which authorises violence against those defined as enemies, it is crucial that IHL rules be translated into specific mechanisms and that care is taken to ensure that practical means are set in place to ensure respect for these mechanisms. This means clearly established standing operational procedures. In terms of relation with media staff in combat areas, a positive example is the Green Book of the British ministry of defence, which gives clear instructions on how the British army troops must relate to media staff in the field.

Finally and very importantly, failure to obey orders and to comply with IHL must be sanctioned, at the appropriate level and in the most relevant manner, with respect to the gravity of the violation.

Contributions of the ICRC and Red Cross and Red Crescent movement to the safety of media staff on dangerous assignment

What we do for media staff

The ICRC runs a hotline service that provides a permanent contact point at the ICRC (mobile phone number +41 79 217 32 85) for media staff on dangerous assignments, their families and their employers, where requests can be made for urgent assistance to members of the media who find themselves in difficulty in areas where the ICRC is operational. In the past, the ICRC has been able to visit detained media staff and ensure contacts with their families and employers; evacuate wounded journalists or transfer the remains of those who are killed in a war zone; act as a neutral intermediary in cases of detentions or abduction and provide other humanitarian services.

Unfortunately, in many cases the ICRC has not been able to help or has been unsuccessful, but it is certainly advisable to alert the organization to problems encountered by media staff in areas of armed conflicts to at least explore the possibility of the help it can offer.

Within the limits of their competence and duty of discretion, ICRC and other Red Cross and Red Crescent staff can often also offer valuable information on the context in which media teams plan to operate and they can be approached for briefings that may help to give a fuller picture of potential risks and problems.

Furthermore, the ICRC in its regular contacts with governments and other participants seeks to find ways in which to strengthen the knowledge of IHL, improve the training of combatants and promote the integration of its precepts into standing operational procedures. It will continue to alert governments to take political and legal action to improve the protection and safety of all civilians during armed conflicts, and of media staff in particular.

Last not least, the ICRC and some Red Cross or Red Crescent organizations offer ad hoc training, debates and other resources on IHL for journalists and editors.

What we could do for media staff

A project presently under discussion within the Red Cross and Red Crescent movement is to introduce a programme of first aid training for media staff, which would be offered at national level.

Another possibility being explored is an exchange of expertise in stress and trauma management between the media profession and the Red Cross and Red Crescent movement.

Conclusion – the way forward

To improve the protection of media staff in areas of armed conflicts, it is of utmost importance to improve the compliance of combatants with existing laws through training, the clarification of standing operational procedures and orders, and through the repression of violations.

It is necessary to establish and maintain a high level of appropriate preparation and support to media staff.

Resources

Committee to Protect Journalists (CPJ): Journalists' safety guide On Assignment. A guide to reporting in dangerous situations. English, Spanish, Arabic.

http://www.cpj.org/regions_05/mideast_05/safety_guide_arabic.pdf

RSF: Practical Guide for Journalists.

http://www.reseau-damocles.org/rubrique.php?id_rubrique=407

ICRC: Staying Alive, safety and security guidelines for humanitarian volunteers in conflict areas.

ICRC: First Aid Manual. 2006.

<http://www.icrc.org>

INSI: Safety Code and more on:

<http://www.newssafety.com/safety/index.htm>

IFJ: Live News: A Survival Guide for Journalists. English, French, Arabic, Russian, Spanish.

<http://www.newssafety.com/safety/guides.htm>

THE PROTECTION OF JOURNALISTS AND MEDIA IN ARMED CONFLICTS

The war in Iraq is a perfect illustration of the growing risks faced by journalists working in conflict zones: 69 journalists were killed there in 2006. It is therefore important to call renewed attention to the fact that attacks against journalists and media equipment are illegal under international humanitarian law.

There is an evident need for the adoption of a UNESCO Declaration, after the UN Security Council Resolution 1738 voted unanimously on December 23, to reaffirm those elements, amongst others, of humanitarian law that apply to journalists and media personnel, and thus to re-establish the authority of certain basic rules that are all too often flouted.

International humanitarian law protects journalists as civilians

Deliberate attacks, reprisals, threats, and many other criminal actions are prohibited, according Geneva Conventions of 1949 and the two Additional Protocols of 1977.

International humanitarian law distinguishes between two categories of journalists working in war zones: war correspondents accredited to the armed forces and “independent” journalists.

“War correspondents” belong to that category of “persons who follow armed forces without actually being members thereof.”

As they are not part of the armed forces, they have civilian status and therefore benefit from the corresponding protection.

In addition, because they are, in a way, associated with the war effort, war correspondents benefit from prisoner-of-war status if they fall into enemy hands, provided they have been authorized to follow the armed forces, in accordance with article 4 of the Third Geneva Convention of 1949.

“Independent” journalists, in other words journalists engaged in dangerous professional missions, are protected by Article 79 of the First Protocol Additional to the Geneva Conventions, relating to the Protection of Victims of International Armed Conflicts

Article 79 stipulates that journalists engaged in dangerous professional missions in areas of armed conflict are civilians and thereby benefit from all the protection conferred by international humanitarian law on civilians. Journalists are thus protected against the effects of the hostilities and against arbitrary conduct on the part of a party to the conflict if they are captured or arrested by it.

Article 79, does not change the regime governing war correspondents.

Alexandre Balguy-Gallois

lecturer at the University
of Paris I
(Panthéon-Sorbonne),
Sciences Po-Paris
and the Institut
Catholique de Paris.
Legal adviser to
Reporters Without
Borders.

The authors of Protocol I did not wish to establish a special status for journalists.

In addition, although journalists are formally protected only in the context of international armed conflicts (Protocol I), they also benefit from the protection granted to civilians in non-international armed conflicts.

Suspension of protection

Article 79 (2) of Protocol I, read together with Article 51 (3), grants journalists the legal protection conferred by international humanitarian law, unless they have “direct” participation in hostilities and for as long as they so participate.

By requiring that there be a close link between the journalist's conduct and its effect on the conduct of hostilities, the word “direct” makes it harder to withdraw protection.

According to the International Committee of the Red Cross, “hostile acts (or direct participation in hostilities) [...] means acts of war that by their nature or purpose (strike) at the personnel and matériel of enemy armed forces”.

It is only for as long as he or she is participating directly in hostilities that the journalist loses immunity and becomes a legitimate target.

The protection of media equipment as civilian objects

Items of radio and television equipment are civilian objects and, as such, benefit from general protection. The prohibition of attacks on civilian objects was firmly established in international humanitarian law in the early twentieth century and reaffirmed in the 1977 Protocols and in the Rome Statute of the International Criminal Court.

Definition of a civilian object :As is the case for “civilians”, Protocol I defines “civilian objects” by default: anything that is not a military objective is considered a civilian object (Art. 52 (1)).

Cessation of protection for civilian objects

The immunity of protected civilians and objects is not absolute and indeed ceases if those objects are used for hostile purposes. Civilian objects (ships, aircraft, vehicles, buildings) holding military personnel, equipment or supplies or making an effective contribution to the war effort that is incompatible with their status are legitimate targets.

For instance, if the Radio Television Serbia (RTS) installations were indeed being used as radio transmitters and relays for the armed and special police forces of the Federal Republic of Yugoslavia, the committee of review of the International Criminal Tribunal for the former Yugoslavia was justified in concluding that they constituted legitimate military targets for NATO.¹⁰

Can the media be military objectives?

International humanitarian law requires that attacks be strictly limited to “military objectives”.

For radio and television facilities to be lawful targets, they must be “military objectives” as defined in Article 52 (2) of Protocol I, meaning that they must, by their nature, location, purpose or use make an effective contribution to military action, or that their total or partial destruction, capture or neutralization, in the circumstances ruling at the time, must offer a definite military advantage

The two factors established by Article 52 (2) are cumulative. If they obtain, the objective is a military one within the meaning of Protocol I. An attack on a target that does not meet these two conditions is unlawful.

Dual use – civilian and military – of media equipment and facilities

Civilian objects (roads, schools, the railway network, etc.) temporarily used for military purposes or employed to both civilian and military ends are legitimate targets.

For example, during NATO's air campaign in Yugoslavia, representatives of the organization justified the RTS bombing on the grounds that the facilities were being used for two purposes: not only were they being employed for civilian purposes, they were part of the Serbian army's command, control and communications network.

In its final report, the ICTY committee of review considered that if the RTS facilities were indeed also being used as an armed forces transmitter, they constituted a military objective.¹¹

The ICTY committee of review added that if the media are used to incite crimes, as in Rwanda, they "can become a legitimate military objective".

"Hate media" can also be construed as legitimate targets within the framework of the implementation of repression of breaches of the Geneva Conventions (Art. 49/50/129/146 respectively of the four Conventions) and of Protocol I (Art. 85). In Article I of the four 1949 Conventions and of Protocol I the States Parties undertake to respect and "ensure respect for" those instruments.

Does use of the media for propaganda purposes make them a military objective?

On this point, the ICTY committee adopted a firm and clear position: the media are not "a legitimate target" merely because they spread propaganda, even though that activity constitutes support for the war effort,¹² and the morale of the population as such is not a "legitimate military objective."¹³

Not all forms of propaganda are authorized, however. Propaganda that incites people to commit grave breaches of international humanitarian law, or acts of genocide or violence, is prohibited, and media spreading such messages can be made legitimate targets.

The obligations of precaution in attacks liable to affect journalists and the media

The principle of proportionality was first explicitly stated in a convention in 1977, in Articles 51 (5) (b) and 57 (2) (a) (iii) of Protocol I.¹⁴

It represents an attempt to limit to a minimum the "collateral damage" caused by military operations.

It provides the criterion for determining to what extent collateral damage can be justified under international humanitarian law: a reasonable balance must be struck between the effects of legitimate destruction and undesirable collateral effects.

Indeed, it is clear from the above articles that, under the principle of proportionality, the accidental collateral effects of the attack, in other words the incidental harmful effects affecting protected persons and objects, must not be excessive in relation to the military advantage expected.

The principle of proportionality provides guidance. It does not lay down a specific rule of conduct but rather indicates the direction to take. This flexibility in humanitarian law is both a strength and a weakness.

At the very least, the principle of proportionality sets a standard by which to measure the most fla-

grant cases, such as the blanket bombing of insignificant military targets in densely populated areas. In more ambiguous situations, it would be hard to judge what was out of proportion; however, “[i]n such situations the interests of the civilian population should prevail [...]”

The obligation of advance warning

The obligation to provide advance warning to the civilian population is stipulated in Article 57 (2) (c) of Protocol I in these terms: “effective advance warning shall be given of attacks which may affect the civilian population, unless circumstances do not permit.”

The rule of warning existed long before Protocol I was adopted and also figures in certain later instruments.¹⁵ The chief aim is to give non-combatants the chance to seek refuge from the effects of a planned attack and to give the enemy authorities the opportunity to evacuate civilians or to take them to protected places such as shelters. While the goal is a noble one, the rule is weak in terms of general protection of civilians persons and objects, because it is vaguely worded and allows for the limits inherent in military necessity.

Limits and exceptions to the obligation to provide advance warning

Article 57 (2) (c) of Protocol I requires that advance warning be given “[...] unless circumstances do not permit”, a concession to the principle of military necessity without which the rule of advance warning would never have been inserted into the Protocol.

The word “circumstances” refers to those circumstances relating to the success of the military operation and the security of the combatants.

The duty of the commanding officer to ensure the safety of the combatants placed under his command constitutes a loophole in the rule on advance warning.

For instance, NATO representatives declared that no specific advance warning had been given of the bombing of the RTS headquarters and studios on 23 April 1999, so as not to imperil the lives of the pilots. Once again, military necessity has to be balanced against humanitarian requirements, a balance that must be struck first and foremost by military commanders, whose decisions are evaluated a posteriori in the light of the determination of a “reasonable military commander.”

Under the terms of paragraph 2 (c) of Article 57, the rule of warning does not apply when the attack does not affect the civilian population, either because there are no civilians near the military objective or because the means of combat used ensure that civilians will be spared (so-called “surgical strikes” the effect of which is intended to be limited to the military objective)

The obligation to give “effective” and “advance” warning

Protocol I requires that the warning be “effective” and given in “advance”.

The possibility of warning and how this could be done must be guided by common sense which will inevitably include the safety of the attacker”.

The rule set down in Article 57 (2) (c) certainly does not require that the warning be provided to the authorities concerned; a direct warning to the population – leaflets dropped from the air; radio messages, loudspeaker announcements, etc., asking civilians to stay at home or away from certain military objectives – is deemed sufficient to be effective.

In general, the warning is given shortly before the attack, so as not to allow the adversary time to remove the equipment targeted.

Sometimes the alert consists of a simple general statement of warning or threat that mentions the possibility of strikes against certain zones or types of facilities, without much detail, so as to keep the advantage of surprise.

It is doubtful, however, that a warning given long before the attack takes place or in allusive or contradictory terms meets the requirements of Article 57: it may not be taken seriously by the civilian population.

Is the attacker relieved of the duty of precaution in respect of civilians because the warning has been given, even when the population has paid no heed? Were this to be the case, it would be contrary to the letter and the spirit of the Geneva Conventions and Protocol I.

Means that are commensurate with the goal

There is a general issue of whether the bombing of radio and television facilities is the most adequate means of attaining the goal sought.

According to Article 52 (2) of Protocol I, the destruction of a military objective is not the only possible solution; it may suffice to control or neutralize it – for instance stop or jam the broadcasts.

This is a sound move first from the military point of view, as it allows the attacker to spare or concentrate its means (the destruction of a military objective implies the destruction of matériel and munitions).

Above all, however, it makes sense from the humanitarian point of view, as it enables the attacker to “[minimize] incidental loss of civilian life” (Art. 57 (2) (a) (ii) of Protocol I).

For example, according to Human Rights Watch and the International Federation for Human Rights (FIDH), the broadcasts of Radio-Télévision Libre des Mille Collines (RTL) and Radio Rwanda in 1994 could have been interrupted without a military operation on the ground. The Report of the Belgian Senate’s parliamentary commission of inquiry regarding the events in Rwanda (1997) concurs. The report also refers to the jamming, in Somalia, of radio broadcasts inciting people to attack United Nations personnel.

Should journalists carry a distinctive emblem?

Reporters without Borders is not in favour of a specific emblem for journalists because any increase in the number of protective signs or persons with a special status necessarily tends to weaken the value of each protected status already accepted. Neither is a protective sign an absolute safeguard, as is proved by attacks against humanitarian staff. Indeed, a sign already exists – a badge or inscription on vehicles marked “PRESS.”

To add law to the law would be useless; journalists are already well-protected by international humanitarian law. An improvement could result from an affirmation of international humanitarian law, re-establishing the authority of certain basic rules and enforcing them. Nor should there be any weakening of these basic rules in the name of the struggle against terrorism.

Protection of “embedded” journalists

There is currently some doubt as to the status of what are known as “embedded” journalists, in other words those who move around with the troops during the war.

Because these journalists are “inserted” into American and British military units and agree to a number of ground rules¹⁶ obliging them to remain with the unit to which they are attached and which ensures

their protection, they tend to be equated with war correspondents within the meaning of the Third Geneva Convention.

This point must be clarified, especially since the prisoner-of-war status granted to war correspondents has practical consequences, notably in terms of interrogation and confiscation of personal belongings (Arts 17 and 18 of the Third Geneva Convention).

According to official sources, American military authorities consider that embedded and “unilateral” journalists are only entitled to civilian status, as provided in Article 79 of Protocol I.

French military authorities consider that embedded journalists are entitled to prisoner-of-war status when they fall into enemy hands.

The international criminalization of hate speech

In the Fritzsche case, the International Military Tribunal of Nuremberg found Hans Fritzsche, a high-ranking civil servant in the ministry of propaganda, not guilty of crimes against humanity for Nazi propaganda. On the other hand, the Tribunal found Julius Streicher, an editor-in-chief of an extremist newspaper – *Der Stürmer* – guilty of crimes against humanity because he had incited people to murder.

Thus, hate speech was not criminalized by the Tribunal of Nuremberg, but the incitement to murder was.

The International Criminal Tribunal for Rwanda, however, criminalized hate speech in the case of Ferdinand Nahimana, director and co-founder of *Radio Télévision Libre des Mille Collines*.

It is an important evolution, because a lot of news media could be accused of committing hate speech. The Nahimana case is on appeal. So, we have to wait for the decision of the Appeal Chamber for a final verdict on what constitutes hate.

Additional protection through the International Criminal Court

One way of improving protection would be include an amendment covering deliberate attacks against journalists and other media personnel in Article 8 of the Rome Statute of the International Criminal Court relative to war crimes.

FREEDOM OF EXPRESSION IN MEXICO, A HUMAN RIGHT MENACED AND IGNORED

ARTICLE 19

Freedom of expression in Mexico is a human right that is constantly under threat both in its juridical sense and in practice. Recent years have seen an increase in the number of attacks against journalists and the communication media aggravated by the impunity surrounding such crimes and the disappearances of journalists.

The case of Mexico presents a contradiction. It is not in a state of armed conflict or permanent social revolution. Nonetheless, the number of journalists attacked and killed is among the highest in the world, according to various sources, and we can therefore conclude that Mexico is a dangerous place in which to practice journalism.

This fact obliges us to study new scenarios in which the practice of journalism and the enjoyment of various basic rights, are menaced by forces beyond the control of the state, such as organized crime and drug trafficking. It is evident that these forces (or, as they are also called, parallel powers) operate on a large scale and consequently place at risk both the social stability and the governability of the country.

It is vital to insist that states comply with their international commitments, rather than shirking their responsibility under international law for protecting human rights. If they fail to do so, it is the duty of civil society organizations to denounce them at the appropriate international level.

The Inter-American Commission on Human Rights has made it clear that the state is also responsible when it does not provide the protection necessary for journalists to carry out their work. It is evident in the case of Mexico that this guarantee does not exist.

The commission has repeatedly insisted that violence against journalists, or the murder of them and other people as a reprisal against exercising their right to free expression, violates not only their right to life and physical integrity, but also the right of the entire society to freedom of expression and information. The commission likewise concludes that it is the state's duty to prevent and investigate murders and other acts of violence intended to stifle the right to free expression, and to punish those responsible.

Several studies have clearly described the threat posed by the growth of organized crime and drug trafficking throughout the Americas. Referring to the human rights situation in Mexico, the commission states: "attacks committed against journalists are precisely aimed at silencing them, which also constitutes violation of the right of a society to have free access to information."

The Inter-American Human Rights Convention also defends the right to obtain and receive information, particularly in the case of disappeared people whose whereabouts

Darío Ramírez
Salazar

the state is obliged to establish according to rulings by both the commission and the Inter-American Court of Human Rights. In this respect Mexico is failing in its duty toward the missing journalist Alfredo Jiménez Mota of the newspaper El Imparcial. Furthermore the government is committing a serious fault in failing to supply regular information about attacks, disappearances and murders involving journalists.

Until now, Mexican society has been kept in a state of disgraceful ignorance, both because of self-censorship by journalists and because of the weakness of society's right to obtain information. The interpretation of this right has evolved to the extent that the commission considers that not only the victims and the families but also society at large have a right to know the truth, based on Articles 25, 1 (1), 8 and 12 of the Human Rights Convention.

Lastly, I would like to remind you of the joint declaration condemning attacks on journalists issued in 2002 by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, and the OAS Special Rapporteur on Freedom of Expression.

The declaration stated that "attacks such as the murder, kidnapping, harassment of and/or threats to journalists and others exercising their right to freedom of expression, as well as the material destruction of communications facilities, pose a very significant threat to independent and investigative journalism, to freedom of expression and to the free flow of information to the public."

The declaration also called on states to adopt adequate measures to put an end to a climate of impunity by devoting adequate resources to preventing attacks on journalists and others exercising their right to freedom of expression, investigating such attacks when they occur, putting those responsible on trial and indemnifying the victims.

The year 2006 was an especially violent period for journalism in the region. According to information reaching the OAS Special Rapporteur on Freedom of Expression, at least 19 people in the Americas were killed for motives that could have been related to their journalistic activities. Of these cases, nine occurred in Mexico. Two journalists were killed in the state of Oaxaca, two in the state of Veracruz, one in the state of Michoacán, one in the state of Tamaulipas, one in the state of Chihuahua, one in the state of Guerrero and one in the Federal District. In addition, a journalist disappeared in Michoacán state. These cases demonstrate the vulnerability of journalists in Mexico in the face of organized crime, and in particular, the drug-trafficking gangs.

Such statistics are a cause for alarm, without doubt, but so is the level of impunity surrounding them. Not a single preliminary investigation has been brought before a judge.

One has also to question the feeble way in which the public prosecutor has carried out preliminary investigations. Among the most representative cases are those of Bradley Will, a US cameraman gunned down in Oaxaca on October 27, 2006; of Roberto Marcos Garcia, deputy director of the magazine Testimonios, who was killed in Veracruz on November 21; and José Luis Ortega Mata, who was killed in Ojinaga, Chihuahua state on February 19, 2001.

This increase in attacks against journalists has been accompanied by growing aggression against community radio stations. In 2006 radios were attacked, closed and held to ransom in three states – México, Oaxaca and Michoacán – leading the Inter-American Human Rights Commission to urge the Mexican government to take special measures to ensure the safety of community radio workers and protect their right to life, referring specifically to Radio Calenda in the state of Oaxaca and Volador Radio in the state of México.

The results of investigations so far have been ineffective, and the impunity for those who carried out the attacks means that the radios remain seriously vulnerable.

In light of this insecurity, the Mexican government created a special prosecution service to deal with attacks on journalists. Although this is an institutional improvement recognized at the international level, its inefficiency and limited autonomy and resources are causes for concern.

Session 2:

The new service is limited by the very document by which it was established, since all investigations to do with organized crime are the responsibility of another specialized prosecution unit and the new service has no capacity to carry out investigations under common law. The creation of sterile institutions by the state is not an adequate response to atrocious crimes against journalists. What is needed is greater political will to end such attacks and a reinforcement of the prosecution service by giving it more autonomy together with an adequate budget and resources.

Violence against journalists is not just a problem of the parallel powers and the high level of impunity. Attacks, not necessarily physical ones, are carried out by agents of the state who, in several cases, have used the legal system as a means of pressure against journalists, by levelling accusations of libel and calumny, claiming moral harm and using the law as an instrument of censorship and pressure, as in the case of Alfredo Rivera Flores. We know of 130 such actions before the national courts.

It would be a mistake to point to organized criminals as the only perpetrators of attacks against journalists when there are still cases like the aggression by the mayor of Oaxaca against a community radio or, worse, the action of Governor Eduardo Bours of Sonora state, who bought the entire press run of the magazine *Proceso* after it reported an alleged relationship between his brother and drug traffickers.

We should, however, recognize that important legislative advances have been made on the federal level defending secrecy of sources and decriminalizing libel and insult. Nevertheless, these are still classed as crimes in 30 state penal codes, meaning that overall progress in Mexico has only been minor.

Recommendations to strengthen the protection of journalists in Mexico include:

- Fortify political will, since this is the only effective means of combating the climate of impunity in which investigations stagnate:
- Comply with the recommendations contained in the 2004 report issued by the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights.
- Investigate and swiftly punish those intellectually and materially responsible for crimes committed against communications media in order to end impunity.
- Strengthen the office of the special prosecutor for crimes against journalists, giving it autonomy and the faculties it needs to carry out investigations.
- Inform the Inter-American Commission on Human Rights about the state of progress of investigations into the murder of journalists or attacks against them.
- Align internal legislation with international standards on human rights, particularly those concerned with the right to freedom of opinion and expression. This supposes the elimination of discriminatory criteria in the granting of radio and television frequencies, and in exchange, the establishment of rules allowing plural and equitable access to electronic media through changes in the laws relating to radio, television and telecommunications.
- Investigate in an immediate and impartial fashion the aggressions and sequestrations against members of community radio stations in order to comply with article nine of the declaration of principles on freedom of expression.
- At local level, reform the laws on defamation and calumny so that only civil penalties are applied in cases of offence to public officials during the exercise of their duties, or to public or private figures voluntarily engaged in matters of public interest.
- Limit the reasons for withholding information about such subjects as national security and public order.
- Establish clear, just, objective and non-discriminatory criteria for the distribution of official publicity and advertising revenues.

PROTECTING JOURNALISTS AND LOCAL MEDIA WORKERS IN CONFLICTS

I represent International Media Support (IMS), an organization working with media in conflict areas around the world. The question of safety and protection, particularly of local media workers is therefore at the forefront of our work.

IMS recently organized an international debate in Copenhagen on post-conflict media development. The debate focused, among other things, on how we make international norms and standards on freedom of expression and press freedom meet reality on the ground. Mark Laity, a former BBC journalist and now NATO spokesman in Afghanistan, had a very simple message: "Get down from the Blue Sky – Get down and get dirty."

But until a new international mechanism has been devised or existing conventions are fully complied with, we need to find more effective solutions for protecting local media workers at the dirty ground level.

I asked an Iraqi editor and newspaper owner in Baghdad how he sought to ensure that his reporters are able to report safely?

This is the answer I got:

"We warn our reporters not to cover any story that causes serious danger to their lives. If they send a story and they think that it endangers their lives they have to give us a reminder that the story might cause them security problems. Our job is then to decide whether to take the story from another correspondent or another city.

"If there is any threat to them and it is a serious threat, we ask our reporters to leave the area or city immediately. We will then later decide whether to move him from his area or not, and in some cases even outside the country.

"We ask our reporters to inform us through three emergency lines open 24 hours a day and update us on their progress. Eighty percent of our reporters from time to time use a pseudonym and they tend to change this name on a regular basis.

"We always rely on unbiased reports to convince all factions that we are neither against nor with them and that they must respect our neutrality. Sometimes we have to explain our situation as a neutral institution to the politicians and high authorities and we tell them about the threats that we receive

"When acts of violence take place in certain city, we ask our reporters to depend on eye witnesses from both sides."

In late 2001 and early 2002 the bombing of Taliban forces was in progress in Afghanistan. People were fleeing the war zones, and Afghan journalists and media workers were also on the move, many of them seeking refuge across the border in Pakistan.

International Media Support came across many journalists and photographers from international news institutions wandering the dusty streets of Peshawar hunting for

Jesper Højberg
*Executive Director ,
International
Media Support*

Session 2:

front-line news from inside Afghanistan. Their editors were pressing for real-time images and news of the fighting, but the security situation made it impossible for them to go in.

Consequently, Afghan journalists hungry for work were assigned as stringers to cross back into Afghanistan. Equipped with hand-held video cameras and photographic equipment, they threw themselves into an extremely dangerous and, for some, fatal assignment. In the initial months of the war, from November 2001 till February 2002, eight Afghan journalists and photographers were killed.

None of them, except a few trained by the BBC, had been through the survival and safety courses that their international colleagues had received.

In consultation with the Afghan Media Resource Centre and Afghan Centre for Promotion of Communication, it was agreed that immediate contact should be made with the International News Safety Institute and the International Federation of Journalists in Brussels. This was done and shortly afterwards a former soldier from the British Special Air Service was on the ground providing safety training for more than 100 Afghan journalists.

Subsequent feedback from local journalists attending course indicated that while the specific advice from the trainer was useful, particularly the emphasis on the need for planning before going on a dangerous assignment and emergency medical skills training, the exercise did not fully take into account the real-life experiences of the participants. In this regard it lacked a detailed understanding of the threatening environment that the journalists and photographers faced once they had entered Afghanistan.

Similarly, and perhaps even more importantly, the training exercise, although useful in its own right, did not leave any structures behind that would ensure adequate follow-up. Soon afterwards, many of the Afghan journalists were able to return to Kabul where they would face new and different risks.

As has been pointed out by Alexandre Balguy-Gallois, legal adviser to RSF, media workers must be protected not because they constitute "a special professional category", but because they are there "to serve public interests," bringing to the attention of both the local and international community "the consequences and reality of conflicts."

The primary responsibility for the promotion and protection of human rights lies with states. However, the very same states, particularly in times of conflict, do not comply with international norms and domestic laws and sometimes they may even be the main perpetrators of threats and attacks against the media.

We therefore need to devise new strategies to ensure compliance and practical implementation. Ad-hoc reactive emergency responses, such as the one I have described in Afghanistan, must be complemented with more systematic, long-term and pro-active responses, including the systematic monitoring and documenting of violations

In Nepal, following a royal coup in early 2005 and in the midst of a conflict between the Maoists and the security forces (loyal to the king), journalists were targeted from all sides. Many, particularly local journalists and media workers, were harassed, thrown into prison, tortured and even killed by the parties to the conflict.

Some journalists stopped reporting due to pressures from local authorities, security forces or Maoist cadres. Others censored themselves, whilst a host of media workers had to flee the country or the districts in which they lived.

As an initial international response, safety training was provided with support from my own organization as well as by INSI, IFJ and UNESCO. While being well and good in its own right, it was unable to tackle the multi-faceted aspects of safety and protection, particularly at the district level.

However, with the active involvement of the local media it was possible to make some progress. The Federation of Nepalese Journalists, which also includes editors and some owners, set up a systematic

monitoring system that, through local branches, picked up most of the violations in the districts. Also, efforts were made to track media workers under threat allowing for a constant assessment of the safety situation of specific journalists.

The federation established a hotline that would allow media workers to quickly get in contact with it in case of harassment or attack. The federation was thus able to react, in several instances with immediate effect. International alerts were issued, high-level missions were sent to the districts and direct communication and dialogue was established with local authorities, Maoist cadres and the security forces.

Also during the state of emergency the number of internally displaced media workers increased considerably. This led to a variety of initiatives. Safe houses were established in the Kathmandu valley by media organizations and a group of human rights defenders. Some journalists were sent out of the country after they had critically covered issues related to actions of the security forces or the Maoists.

State institutions did absolutely nothing to ensure protection of media workers. Many international advocacy missions visited the country, sharply criticising the perpetrators of press freedom violations. International attention was raised, but something more comprehensive was needed and sought by local journalists who felt that the international organizations were competing rather than collaborating.

Therefore, in 2005, twelve international organizations, including UNESCO, set up a collective programme to give moral support and advocacy to the local media and put pressure on the authorities.

The grave situation for journalists in Sri Lanka was brought into stark focus for those attending the UNESCO press freedom event last year in Colombo. Three media workers from Uthayan newspaper were shot and killed in their newsroom in Jaffna while the press freedom commemoration was taking place. Within the past few days another journalist from Uthayan has been gunned down. Impunity continues and the authorities seemingly do nothing to prevent the killing.

However, In Sri Lanka an important initiative is under way that brings the many different individual safety and protection efforts into one joint coordinated package, in which national and international organizations are engaged as partners. This is important since the situation is getting worse by the day. The package is strategically focused, comprehensive and action-oriented and comes close to what Security Council Resolution 1738 calls for:

It includes the three main elements of a good programme for human rights defenders, namely a focus on a systematic monitoring and alert mechanism combined with a series of advocacy initiatives addressing relevant authorities, parliamentary committees and international mechanisms and lastly with specific and targeted actions providing emergency assistance backed by a fund supported by a number of donors that be immediately activated in case of need.

These case studies indicate that we need an approach that is concrete, comprehensive and specific in context, one that is capable of translating international instruments into practical reality. I think the main lesson learnt so far is as simple as it is obvious. A solution that works in one country might not work in another. We must not only operate in the "blue sky" with ideal international norms and standards but also "get down and dirty," involve all actors (governments, state institutions, media owners, journalists and other media workers, as well as key national press organizations backed by their international partners) and develop a clear and dedicated national structure that can handle the practical challenges of ensuring the safety and protection of media workers.

COLOMBIAN JOURNALISTS ARE HAUNTED BY FEAR OF DEATH

Gloria Moreno
Director, Media para la Paz (Media for Peace)

Few of those who know the profession have stated the mission of the press in situations of armed conflict as clearly as a former president of Colombia, Alberto Lleras Camargo, who said: "In an ill-informed country, there are no opinions – only passions."

Wars mean exceptional occupational risks and challenges for journalists. The war in Colombia has been raging for over half a century and is the longest-running conflict on the American continent.

In this war journalists have fallen victim to murder, threats, intimidation, kidnapping, exile, censorship, self-censorship and slander.

After eight years at the head of Media for Peace, which celebrates its tenth anniversary this year and has held almost a hundred training courses for some 2,500 journalists, I can tell you that in Colombia, fear of death haunts the practising journalist.

According to the Press Freedom Foundation (FLIP), 146 journalists were murdered in Colombia in the 22 years between 1977 and 1999. In May 2007, FLIP reported a 64% increase in threats.

From another angle, however, who can count the number of times that a journalist practises self-censorship out of fear? How can it be determined whether uniformity of opinion and dependence on official sources are solely the result of fear and reprisals, or whether there is also connivance and a worrying tendency of the media and the citizenry to conform and follow the line of least resistance.

In Colombia, both journalists and information are under serious threat and the right of 42 million Colombians to be properly informed is not being honoured.

War, corruption and drug trafficking are the three main causes.

Journalism is a particularly difficult and hazardous profession in Colombia because our country is at war and an intricate process of negotiation with one of the parties to the conflict is under way, which, analysts think, makes the political situation even more tense.

Most noteworthy are the extraordinary professional skills and capabilities that the press has to exercise in wartime to minimize risks and defend the truth. There are examples of heroic deeds, but also of harmful practices by some journalists, by some media organizations that neglect their social responsibilities, by some sources who lie or withhold information and, in the case now under consideration, by combatants who intimidate, manipulate and even kill.

I cannot and should not forbear to mention those citizens who shirk their respon-

sibility to think and thus to seek out and demand high-quality information, and who are sometimes unequipped to distinguish between truthful and unreliable sources. I shall consider each of these very briefly in turn.

The journalists

In wartime, it is physically very difficult to gain access to many newsworthy events because they occur in places that are off-limits and are witnessed only by combatants interested in “selling” the version that suits them. The truth is thus more elusive and reporters often travel in military vehicles or enter insurgent camps by personal invitation. As a result, sources can no longer be compared.

The research project “La guerra una amenaza para la prensa” [“War as a threat to the press”], conducted by Media for Peace on the basis of interviews with 120 journalists and media chiefs in 20 cities around the country, confirmed that the war had spread to the newsrooms themselves and that reporters were being labelled guerrillas, paras (paramilitaries) or fachos (reactionaries) by their own colleagues because of the sources from whom they gathered information.

Sixty-one per cent of respondents to a survey admitted that they knew that some colleagues had personal relationships with their sources and had thus crossed the professional boundary and jeopardized their lives and independence.

Sixty-three per cent of respondents thought that a journalist using only one source in the armed conflict would be seen as a spokesperson for or sympathizer with that source, while 80% said that a journalist assigned to the same conflict location for a long time faced greater risks. Sixty-five per cent had felt intimidated or pressured by those with a stake in the conflict.

In regard to the coverage of the Colombian war, both the guerrilla groups and their enemies, the paramilitaries, have excellent press monitoring systems. Both sides have websites. This is a sobering thought. They record and file the smallest detail of our news items or reports.

It is not the role of journalists to change the world. We journalists cannot replace the courts, the government, the army, the police, parliament or society. What we must do, in times of war, negotiation or peace, is provide society with truthful, well-sourced and independent information so that it can decide on its own destiny.

To quote the constitution of UNESCO, wars begin in the minds of men and it is in the minds of men that the defences of peace must be constructed. As their sphere of influence is precisely the mind, in war situations and peace processes alike, journalists must be sufficiently discerning to be responsive to people and societies that are seeking their bearings in the midst of chaos.

In a seminar held by Media for Peace entitled “Las trampas de la guerra. Periodismo y conflicto” [“The snares traps of war: Journalism and conflict”], Jerry McDermott, the BBC correspondent in Colombia, said:

“The conditions under which I have to work as a journalist in Colombia are the hardest anywhere, harder than in Bosnia or the Middle East. Even so, I recognize that it is easier for foreign correspondents than for Colombian journalists.

“In Bosnia I was reporting on a country in open war. It wasn't easy but it was simpler than working out of Colombia. In Bosnia the dangers were obvious and the greatest threats were from bombs and mines. The journalists who died there were victims of the war and not murdered for the content of their reporting.

“In both the Middle East and the Balkans, the rules were clear - pre-established rules that were unwritten but were known to journalists, and if you broke them you did so at your own peril. In Colombia there are no rules and you can be threatened or murdered without anyone knowing who did it or why.”

The media

Since war is not confined to the battlefield, we should not be surprised that the media in our country have also deteriorated.

At the forum entitled “Fuerza pública y periodismo” [“Law enforcement and journalism”] held two years ago by the Antonio Nariño Colombian Alliance Project, the Colombian analyst Hernando Gómez Buendía argued: “It is very common for the media to trade the truth about the war for propaganda, for show business, or even to push up their ratings.” He then asked: “Are reporters to turn into Rambos, dodging bullets and grenades as they slither with their cameras around the battlefields, to provide live reports?”

In 2000, journalists, experts and business leaders met in Santiago de Compostela to debate the crisis of press credibility. On that occasion the French philosopher Régis Debray stated, “If there is a religion of civic and democratic life, the media are its priests. They have their own courts, their canon law and the benefit of privilege.” In Debray’s opinion, “the powers that be in the media are accustomed to handing out lessons on morality, while their own attitude is ethically inappropriate. And so we have a paradox: without a free press there can be no democracy, but the press itself flouts democratic principles and what was once a counterweight has now become a superpower.”

A number of editors acknowledged on that occasion that the quality of the news provided fell far short of requirements, but had improved as a result of sterling efforts and lessons had been learnt from the coverage of the Vietnam, Gulf and other wars.

The debate at that forum revealed a growing trend towards responsible coverage of conflict and peace alike, and some media and reporters are beginning to rethink their journalistic approach to the coverage of war and conflict. The debate addressed issues such as the handling of information sources, the behaviour of journalists towards armed forces, the responsibility of media organizations towards their journalists, the need to put a face on victims and give less prominence to perpetrators, the importance of context, and the procedure for dealing with individual news items and events.

Sources

Colombia is concurrently afflicted by the bullets of warfare and by the disinformation of war. As in all modern wars, information has become a weapon that is sometimes more powerful and dangerous than the war machine itself. As in all wars, too, the combatants are trying to win the war beyond the battlefield. They are trying to “win” public opinion.

On 2 October 2002, the newspaper *El Tiempo* sounded a warning. Its headline read: “Army and police announcements of operational successes lower these institutions’ credibility.” The article entitled “Mistakes in military dispatches” gave several examples of misinformation and contained a warning by the political analyst Alfredo Rangel, adviser to the Colombian ministry of defence: “Sometimes, the desire to announce the results that the public demands could lower the credibility of the information provided.”

Armed groups, combatants

There is a great divide between war and journalism. Whereas journalism seeks the truth, the stratagem of war is lying, disinformation and manipulation. Combatants and armies conceal their tactics, exaggerate in their communiqués and disseminate false information in the hope that many successes or triumphs raise them in society’s esteem.

I should like to share with you three examples of wartime journalism, two of them exemplary and

one of them harmful. They tell us a great deal about journalists, about media organizations, and about sources too.

First, Anna Politkovskaya. On 13 September 2004, Media for Peace, a journalist network that now has over 2,000 subscribers, circulated a column by the Russian journalist published in a British newspaper, The Guardian. It was a voice of encouragement for Colombian journalists.

On that occasion, writing about the seizure of the school in Beslan, her two primary concerns were how to travel to the Caucasus and find the separatist leader Aslan Maskhadov so that he would come out of hiding, meet the separatists and ask them to release the children.

She wrote: "I use my mobile phone, even though we stopped using them a long time ago because we were sure they were being tapped."

Anna boarded the flight to Rostov and wrote: "When I boarded the flight, my eyes met those of three passengers. I ignored them. FSB (former KGB) agents usually look at me in that way."

Then she noted: "At 9.50 p.m. I ask for tea and at 10.00 p.m. I have to call a stewardess because I am losing consciousness. After that I only have vague memories, like the stewardess shouting, 'hold on, we're landing.'"

"Later, a nurse at Rostov hospital told me that there had been an attempt to poison me and that all of the airport analyses had been destroyed."

After discussing events relating to the seizure of the Beslan school, the journalist, who was to be assassinated two years later outside her own front door, wrote in her column: "The media publicize the official version. They call it taking up a helpful position towards the State."

Others, it seems to me, respond unhesitatingly to these ever more frequent calls from government for patriotic journalists who will give their unconditional support to whatever public policies may issue from the administration of the day, while those who do not fall into line are cast as "unpatriotic."

The second exemplary case is the heroic reporting of *Oslobodenje*, a Bosnian newspaper that never once failed to appear throughout the three years of the siege of Sarajevo despite daily bombardment and destruction. Zlatko Dizdarevic edited it from a bunker in the basement. The city's inhabitants prized the newspaper as much as bread.

The third, but ignominious, example, are the messages broadcast by Radio Télévision Libre des Mille Collines (RTLM) in Rwanda, which inflamed the Hutu hatred against Tutsis and triggered one of the largest and cruellest genocides in recent history. Later, in the verdict of the international tribunal for that country, these broadcasts provided damning evidence against two of the broadcaster's executives.

These examples corroborate the observation by a Polish journalist, Ryszard Kapuscinski, who died this year: "Journalism is like a knife. It can be used to cut bread, or to kill."

Citizens

So far we have spoken about journalists, the media and sources. It is not only the press, however, that tends to take the line of least resistance and has an enormous capacity for forgetfulness; so too does today's global society, in which people are unable to read between the lines, to claim and defend their rights and to gain access to opportunities for participation afforded by the media. Many media organizations today are concerned about the use of offensive language by their audiences in virtual forums. The management of these participatory channels is now under discussion.

I have been asked to share with you some recommendations for improving the quality of information, protecting journalists and defending the truth during armed conflict. Drawing on ten years' experience of journalism in Colombia, I recommend that:

Session 2:

- Information be sought from sources of thought and knowledge and dependence on official sources and combatants be reduced;
- Greater prominence be given to statements by victims, the displaced, the families of missing persons, and demobilized combatants;
- Journalists bear in mind their commitment to history, the construction of the truth and the recovery of memory;
- It be borne in mind that language, the basic working tool of the press, can be a weapon and, to quote William Ospina, a Colombian writer and thinker, "can be used to soothe or perturb, to explain or confuse, to accuse or absolve, to investigate or amuse;"
- Research units be strengthened and peace units be reinstated in newsrooms;
- Journalists have a clearer understanding of their mission in society and raise their professional standard;
- Media take more effective measures to protect their journalists;
- War and peace processes be covered by veteran journalists and not by inexperienced, ingenuous young professionals who are likely to become over-excited while on the job;

There must be more and stronger alliances, of various kinds, between journalists or special correspondents in the regions and those in the capital, between journalists and foreign correspondents at times of censorship, between mass and local media organizations, and between different mass media organizations so that they can publish investigations that would imperil individual journalists or media organizations if released unilaterally. There should be alliances between similar organizations to complement their efforts;

Organizations in Colombia, such as ours, which strive to protect the right to information and the safety of journalists should work relentlessly to that end, undaunted by difficulties and provocations, despite the threats that they receive. Media for Peace has received seven threats (through the Internet) in the last year:

I shall not leave you with the impression that all is gloom and doom. Here in Colombia, our journalists, media organizations, information sources and press organizations have met on many occasions and scrutinized our conduct, reflecting on our problems, approaches and dynamics to identify errors and review responsibilities. We have also produced professional tools to support journalists in their work -- manuals, workshops and various research papers.

The truth is that, in practically all cases, much of this work is done with the support of international organizations, perhaps, because the right to information is still only a second- or third-class right in Colombia.

To conclude, I should like to repeat once again that in our country, the media, journalists, the government, the different information sources – including combatants – and society all need to find ways of rising to the historic challenge of this absurd war:

As Herbert Bayard Swope, the first Pulitzer prize-winner, once put it: "I can't give you a sure-fire formula for success, but I can give you a formula for failure: try to please everybody all the time."

I shall make yet another recommendation, namely that we should aim to win others' respect rather than their love, even if it means being branded as "unpatriotic." This must go hand in hand with raising standards of professionalism, which is as efficient as a bulletproof vest.

CRIMINAL ORGANIZATIONS, CORRUPTION AND INVESTIGATIVE JOURNALISM

In many countries journalists do not have the independence needed to uncover corruption and misuse of power, to denounce offences committed against human rights and to facilitate an open dialogue between state and civil society. Investigative journalism often compromises the security of the journalist. The measures taken by different governments to control the media, directly or indirectly, undermine democratic processes and participatory citizenship. Free access to information and press freedom are vital for the fight against corruption and for the promotion of a government responsive to civil society. What are the means to be taken in order to strengthen the safety conditions for investigative journalism?

JOURNALISM IS KEY WEAPON IN FIGHT AGAINST CORRUPTION

Marta Erquicia

*Transparency
International,
Americas department*

At Transparency International, we define corruption as the abuse of entrusted power for private gain. We do not investigate cases of corruption but concentrate on working with different sectors and actors, proposing systemic reforms to forestall corruption: good laws that are actually enforced, upright officials, and a business climate in which companies do not create unfair competition by paying bribes.

Although we do not ourselves carry out investigations, we are convinced of the importance of investigative journalism. Innumerable cases have been brought to light through the work of these journalists, and those of us who grapple with corruption in our different ways are all greatly indebted to such investigations for a wealth of material exposing the reality of corruption and the way it works, and for improving our understanding of action required to combat it.

As we do not conduct investigations ourselves, one of the main thrusts of our work in Latin America is to contribute to good investigative journalism in corruption cases.

Journalists are still being murdered around the world; indeed, this is the leading cause of death among those active in the profession. More journalists are murdered – often because they are covering organized crime or investigating corruption issues – than die on the battlefield while covering armed conflicts. Nor should we forget those who are threatened, kidnapped or arrested; suffer property loss or damage; or are thwarted in their careers, to give but a few examples.

Good investigative work is essential in democracies, since investigative journalism helps elected politicians to remain accountable and democratic institutions to remain operational. This type of journalism is even more important when the judiciary and parliament show no interest in carrying out such monitoring or lack the capabilities and resources to do so.

Indicators produced by various institutions – including Transparency International, but also the World Bank and the Global Integrity Index – show that corruption remains a central factor in many of the world's countries. It is found in both rich and poor countries, but it is particularly harmful where democratic institutions are weak, which is the case where there is more scope for organized crime to flourish.

These tend to be countries, too, where there is less freedom of speech and media workers cannot carry out their work without receiving death threats or being subjected to great political pressure, particularly if they investigate or report on corruption in government, drug trafficking or other forms of organized crime in which powerful groups are involved and large financial interests are at stake. In short, places where capture of the state has taken place or is latent.

It is also in these countries with weak democracies that the media's oversight role is most necessary because the agencies officially responsible for oversight are likely to be weak or ineffective.

Furthermore, journalistic investigations into corruption cases have a great impact on society and politics. In Latin America, for example, where judicial investigation systems are weak, it is the work of journalists that has led to the imprisonment of corrupt presidents: Abdalá Bucarám Ortíz of Ecuador, Carlos Andrés Pérez of Venezuela, Fernando Collor de Mello of Brazil, Arnaldo Alemán of Nicaragua and Alberto Fujimori of Peru.

Although investigations can have a tremendous impact, journalists run great risks. One means of combating perils such as physical violence is to take a step that compromises the journalist's professional and individual freedom, namely, self-censorship, which can be much worse than government censorship. If an editor calls a journalist and tells him that a particular subject has to be left alone because it will jeopardize a source of income or a political contact of the media organization concerned, the story will never come to light. Again, having death threats made against them or seeing colleagues murdered discourages journalists from disclosing all that they know. The ultimate victim of this form of self-censorship is democracy.

The financial needs of media organizations can also be a disincentive to investigation, as can their capture by organized crime or by political parties or governments. Investigations are not pursued because the politician protecting the organization does not want them to be carried out, because the organization cannot afford them financially or because much of its income (especially in the case of small media outlets) depends on government advertising that will no longer be forthcoming if certain subjects are reported.

Of course, investigations may be forgone because of fears for the journalists' personal safety and because they can last for many months without achieving the outcome initially sought.

Civil society organizations such as Transparency International can help to increase the number and quality of corruption investigations. In 2002, we joined forces with the Press and Society Institute (IPYS) to launch an award for the best journalistic investigation of a corruption case in Latin America and the Caribbean. The award, which consists of US \$25,000 for the best investigation and two second prizes of US \$5,000, is intended to reward the contribution of investigative journalism to democracy. We hope similar initiatives will be taken in other parts of the world.

Some of the potential achievements of such initiatives are that they provide:

- greater visibility of cases uncovered;
- a road map for investigation in similar cases;
- a contribution to the analysis of corruption;
- international support for journalists.

Another lesson that can be learnt from the award is the nature of the problems faced by investigative reporters (many of the nominees for the award have uncovered cases of drug trafficking or other types of organized crime), which are similar in other parts of the world.

First, owing to the lack of access to public information, journalists seek information outside official channels, as information is provided to some journalists as the holders of information see fit, but not others.

Another contributory issue is the lack of protection for sources, with journalists being obliged in quite a number of countries to reveal their sources' identities to the courts.

Furthermore, journalists themselves are often investigated by the public prosecutor to ascertain the source of information or they are accused of libel when they expose cases involving officials or leading public figures.

Session 3:

About 70 countries currently have freedom of information laws; many of them (23) being former Communist countries, although there is no such law in the Russian Federation. The existence of such laws does not mean that the battle is won, given the need for a regulator and staff trained to implement and, most importantly, the will to enforce those laws.

Many journalists avoid the arduous task of investigating or censure themselves because of impunity. In many regions of the world, there is little or no investigative journalism because institutions such as the police and the judiciary cannot or will not guarantee journalists' safety.

Fully 85 percent of journalists' murders are never brought to trial, or trials are not completed.

One example is the murder of one of our fellow panellists, Georgy Gongadze of Ukrayinska Pravda.

Here it is important to emphasize a feature common to many countries of the world, namely political interference with the judiciary and the buying off of judges or court workers, especially in cases such as corruption and organized crime that involve very large sums of money. Journalists cannot exercise their profession in a climate of violence and impunity.

Another aspect that must be taken into account, in view of the implications for journalists and news organizations and the new challenges it raises, is that organized crime is no longer confined within the borders of individual countries but involves a variety of participants in various countries. This means that researchers in different countries and institutions must cooperate with each other so that these cases can be investigated and followed up.

According to the Committee to Protect Journalists, many of the journalists killed in the line of duty were investigating cases of local corruption, drug trafficking or organized crime. We hope that one day we will not be reading out names that reflect only some of those murdered for investigating corruption or organized crime.

- Gustavo Rojas Gabalo, Colombia
- Prahlad Goala, India
- Herliyanto, Indonesia
- Fernando Batul, Philippines
- Maksim Maksimov, Russian Federation

How can the international community contribute to investigative journalism? One response to threats in some countries has been the conduct of group investigations, as has been the case in Colombia after the murder of Guillermo Cano – is this the best method to use?

Would journalists and their sources be better protected if there were new laws on freedom of information or on freedom of expression? Many journalists have been murdered in areas far away from the capital, no doubt because they were close to the borders, but also because many had been investigating corruption locally. What can be done to protect journalists in remote areas? And what role are news-gathering organizations to play?

LACK OF ACCESS TO INFORMATION HARMS ASIAN SOCIETY AND DEMOCRACY

I come from a part of the world where journalists are being killed daily. So to write about criminal organizations, corruption and other scandals, journalists need courage, good support from their offices and good insurance policies. In certain countries such as the Philippines, you need good bulletproof vests as well as guns. A week of practicing target shooting would not be a bad idea, at least in the Philippines.

I would like to focus my talk on access of information, which I think is the most important element in strengthen democracy and making society more transparent. Countries in the region do not have the tradition of whistle-blowers as in the West. Secrets often die with those who decide to keep them even though revelation could have saved life and millions of dollars.

In 1997, Thailand was the first country in Southeast Asia to have a freedom of information law. Everyone was excited because the public for the first time would have access to government-held information and documents.

A strange thing happened though. You would expect that the information law would be used by journalists as one of the most important tools for investigative reporting. In fact, it turned out to be government officials who made most use of the law. They wanted to know why they were not being given promotion or otherwise punished.

There was a lot of criticism of journalists for failing to use the law. But they are used to old ways of gathering information and getting scoops. They preferred instant information from informed sources whom they knew. Deliberate leaks to the press are commonplace in Thailand.

I don't want to blame the journalists for failing to use the law more frequently. We work on deadlines. We cannot wait. When you use the law, you must be patient, which means waiting one one month, two months, or my case 18 months before getting access to documents. Back in 1998, I asked to see documents related to the Khmer Rouge from the Foreign Ministry. By the time I got to see them, my enthusiasm has already disappeared.

Unlike in Latin America, criminal organizations in Thailand do not care much about the media. Firstly, they do not read newspapers. Secondly, they deal in businesses or underground activities that escape scrutiny from mainstream media and quite often are not featured on national TV. Some of the criminal organizations are based in the Northern region, which is a well-known for heroine and cocaine production. Local mafia bosses live along the border and control contraband operations including drug smuggling and human trafficking.

Nevertheless, the information law has helped journalists dig up several big corruption scandals involving high level officials, including former prime minister Thaksin Shinawatra, a business tycoon who owns a telecommunications empire and who was deposed in a military coup in September 2006.

Using the information act, journalists found out that he intended to mislead the authorities about the amount of his assets. They found out that he had transferred millions of shares to his driver, maids and chefs. But Thaksin was acquitted, and successfully blocked any attempt to dig into his personal life and wealth.

So, in certain cases, instead of promoting disclosure, the act serves as a barrier for information dissemination, which explains why journalists have stayed away from using it over the years.

Kavi Chongkittavorn

*Editor, The Nation,
Thailand*

INVESTIGATIVE JOURNALISM IS THE KEY TO BATTLING CRIME ORGANIZATIONS

Kristian Hölge

*Regional Legal Advisor,
UN Office
on Drugs and Crime
Legal Assistance
Programme for Latin
America and the
Caribbean*

The international community now recognizes the right to information, and society demands to be informed. As a result, access to information and press freedom have become vital instruments for combating corruption and encouraging an approach to government that is seen as responsible by a more aware and participatory society.

Recent history provides examples of social and political phenomena that have given rise to new journalistic genres, such as non-fiction literature, new journalism, in-depth journalism, interpretive journalism, investigative journalism, explanatory journalism and opinion journalism, as studied and analysed by various authors (Truman Capote, Tom Wolfe, Neal Copple, Erwin Canham and Fernando Lázaro Carreter; among others).

These new genres have combined with the traditional ones (news items, reports, features, etc.) to provide a more in-depth understanding of politics, economics and the system of justice.

In-depth reporting on issues of such importance to everyday life has highlighted the oversight role of the press in a democracy and shown the need for and relevance of investigative reporting which, combined with the work of state institutions and non-governmental organizations, has contributed to the detection and prevention of corruption.

The main theme of this meeting on criminal organizations, corruption and investigative journalism, from our standpoint, is investigative reporting as a means of monitoring criminal organizations and corruption.

To address the subject, accordingly, we shall review current issues in investigative journalism and then consider the measures that states must take to strengthen investigative journalism in order to undermine criminal organizations and combat corruption.

Although the oversight role of the media is exercised through investigative journalism, we need to understand the problems currently affecting this genre. These have been identified and placed on the international agenda by the United Nations¹⁷ and the reports of various non-governmental organizations such as Reporters Without Borders (RSF)¹⁸ and the International Anti-Corruption Conference (IACC).¹⁹

Laws in Latin America and the Caribbean treat slander and libel as crimes against honour and thus become part of a strategy of censorship to hamper the work of journalists and editors, without establishing clear rules for investigative journalism.

Laws are enacted that place the private interests of public officials above the collective interest in the availability of information about public affairs, by imposing penalties that include fines, prison terms and the closure of publications.

Owing to intolerance of media criticism by the public authorities, journalists and editors have been sued to conceal corruption scandals. The legal system supports the exercise of censorship and pressure through sometimes excessive discretionary powers vested in judges to impose restrictive measures such as the closure of media offices, abusive and disproportionate audits, non-renewal of licences, and so on.

Furthermore, journalists and certain media organizations very often display ignorance and irresponsibility in handling information, or are totally unaware of interacting social and political phenomena that make them extremely vulnerable to official reactions. These situations have undermined the credibility of investigative journalism and left society confused by the ambiguity of the information published.

A lack of resources impedes the kind of serious investigative work needed to produce hard-hitting results that bring corruption cases into the open, or make it impossible to follow up major cases properly.

Nevertheless, current trends show that investigative journalism is expanding in Latin America and the Caribbean, and its constant exercise has helped make the media more independent of the public authorities, with the result that major corruption scandals have been uncovered, human rights violations have been exposed and civil society is increasingly concerned about the quality of public administration. Now that the problems have been identified, we must consider measures that can strengthen investigative journalism, such as:

- The implementation of an effective anti-impunity policy covering, among other crimes, homicides and threats against journalists,²⁰ so that their perpetrators can be brought to justice;
- The enactment of legislation on freedom of information, with clear rules to consolidate the defence of press freedom and mechanisms affording access to information and promoting investigative reporting;
- Acknowledgement by investigative journalists of globalization and new technologies, which can facilitate their work by giving them access to international information and generally remove obstacles and borders;
- Use of state databases, as they generally provide reliable and verifiable information in action taken, for example, to oversee and monitor state activities such as examinations for public positions, tendering processes, and so on;
- Use of private-sector information as a valid source of data to ensure a more comprehensive analysis of events, since developments such as economic liberalization and privatization have yielded a great deal of information of value for monitoring the public sector.

In the light of the above considerations we have drawn the following conclusions.

In modern liberal democracies, access to public information has enhanced investigative reporting, combated obfuscation and concealment and promoted transparency.

No government can confront crime and corruption on its own. Governors and politicians need the pressure of public opinion.

The media's major tasks are to provide information, denounce abuses committed by those in authority and shape public opinion.

For the media to fulfil their oversight role, legal support is also required to ensure that minimum conditions of safety and security are in place so that investigative journalism may help to prevent and combat corruption.

The press plays a frontline role in increasing transparency in the management of public affairs. The me-

Session 3:

dia can be the allies of citizens in this regard, by protecting their rights, providing them with information and advancing the debate on matters of general interest.

The Colombian media have been vigilant, undertaking serious investigative work in order to report and uncover major corruption scandals, one example being “parapolitics”, the links between politicians and paramilitaries that have spread to a number of areas of government. It must be recognized that the media have played a decisive role by spotlighting this scandal and influencing public opinion by constantly covering these matters.

The media can uncover instances of corruption overlooked by official oversight and control agencies, and make them known to the general public. They can also press agencies to launch the necessary investigations, thus ensuring social monitoring and oversight of their activities. Information should not, however, be confined to headlines and scandal; rather, the media must reveal the structural factors that are conducive to corruption. People’s knowledge of and views about political corruption depend on the attention paid to it in the news, which should be not only informative but also opinion-forming.

In Colombia, the issues of corruption, “parapolitics,” drug trafficking and violence present a complex and difficult picture. The decision to report on the activities of paramilitaries and drug traffickers has made a number of journalists prime targets for the violence unleashed by these groups. Between November 1987 and December 2006, 121 journalists were murdered in Colombia. The number threatened rose from 39 in 2004 to 64 in 2005, most of these threats being triggered by the journalists’ news items on paramilitarism and corruption.

Although the statistics are gloomy, an excellent measure was adopted at the end of the year when the United Nations Security Council unanimously approved resolution 1738 calling for more action to protect journalists in conflict zones. The resolution “urges all parties involved in situations of armed conflict to respect the professional independence and rights of journalists, media professionals and associated personnel as civilians.” It also urges all parties to conflicts “to do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel”. Compliance with the resolution should be monitored in all countries.

INVESTIGATIVE JOURNALISM AND IMPUNITY IN UKRAINE

Officials dressed in custom-tailored designer suits and driving expensive cars own suburban houses valued at hundreds of thousands of US dollars.

Everybody in Ukraine knows that the monthly salary of an average official does not allow such a lifestyle..

But every year Ukrainian officials submit their inconspicuously unremarkable personal income tax returns to the revenue service. Some officials even publish them in the government-owned press. Yet they seem never to be embarrassed by the drastic gap between the modest incomes they declare and the shiny assets they display.

In Ukraine, where even the president is aware of the scope and level of corruption and almost annually issues edicts to fight the evil, something needs to be changed dramatically.

Investigative journalism is one of the best remedies in the fight against corruption. It is the highest level of press work. Good and proper investigation consists of excellent reporting, good interview skills, combined sometimes with photographing or video recording.

Olena Prytula

*Editor-in-chief, Ukrayinska
Pravda, Ukraine*

After you have amassed tons of documents and hours of interviews, you have to decide whether to run the material in one or several articles and how to make it convincing and interesting for readers.

Investigative journalism must not only reveal. It must also touch readers' hearts and interests. That is very important. We ran a story stating that the government-owned Oil and Gas company was in the danger of bankruptcy while, at the same time, the head of the company spent hundreds of thousand dollars for his new Mercedes Benz. People started to talk but he wasn't fired.

Later the official told on TV interviewer that as a rather rich man, he could afford to change his Mercedes every two years, which really made Ukrainians angry. After that, he was obliged to sell the car and was fired for another reason several weeks later.

So something is changing for the better in Ukraine. The official was very close to our president, but after the scandal he failed to make it onto the election list of the president's party.

Investigative reporting requires professionalism and an understanding of principles, methods and ethics. We can learn from one another. Perhaps it would be a good idea to produce an international publication featuring the best investigative stories of the year from different countries, with space for journalists to explain their methods.

Session 3:

We should not forget that sometimes an investigation can cost you your life or your job and your family its health. Yet we have noticed a total failure to react and to take legal measures in cases of beating and intimidation of journalists. Press freedom institutions in Ukraine have no record of a successful investigation in such cases in 2006. The guilty go unpunished.

Violence is not the only way of preventing investigative journalism. Officials and oligarchs in Ukraine now don't kill or arrest journalists. They prefer to buy them. Sometimes they can buy the whole newspaper or editor to stop a story. So a lot depends on a journalist's strength as a person.

Not all the editors are ready to pay a journalist for months while material for an investigative article is being collected, but in some countries it is possible to apply to independent foundations for a grant.

People are afraid of talking on the record, which makes it difficult for journalists to defend their stories in court without revealing sources.

In many documents UNESCO has stressed that it is important for governments to take a firm stand against corruption and to protect both whistle-blowers and the media that report on corrupt practices. But this is possible only when governments regard independent investigative media as an ally rather than as a threat.

The most painful problem as for me is the fact that people do not care. You can print as many articles as you want about corruption, official misbehavior, lies and law-breaking – nobody cares. Journalists will discuss corruption on talk shows and ask questions at press conferences, but nobody resigns and nobody is fired.

So, why should we spend our time, money, paper and resources on the next story?

The answer is because good investigation is the best way to make a newspaper stand out from the others. It is a question of quality and a source of pride. That is why, despite all the odds, Ukrainian journalists continue to seek and discover truths that many people want covered up.

For more than seven years the Ukrainian Prosecutor's General Office has been unsuccessfully investigating the high-profile murder of journalist Georgy Gongadze. He was my friend and co-founder of our newspaper, Ukrayinska Pravda.

This bright journalist perished because he dared to sharply criticize the powers, openly express his opinion, and pose uncomfortable questions to the president of Ukraine.

On September 16, 2000 he disappeared. Two months later his beheaded body was located in a morgue in a small town not far from Kyiv. A further two weeks after that, audio recordings made in the presidential office were revealed to the public. President Leonid Kuchma's conversations had been recorded by his former security guard. It is clear from them that the President was infuriated by Gongadze's articles and that he had given his minister of internal affairs the task of getting rid of the journalist.

After the Orange revolution in 2004, new people came to power. And only then were Georgy Gongadze's alleged killers arrested. Now they are in court. But there is still no progress in finding the person who ordered the killing or those who organized the crime.

Two years after the Orange revolution, officials from the past returned to their offices and got rid of the members of the investigation team who had found Gongadze's killers.

It seems like another attempt to stop the investigation.

Some of my colleagues here say it is not a journalist's job to change the world. True. Our job is to inform. But in doing so, we change our countries for the better.

FILIPINO JOURNALISTS UNDER DEADLY THREAT BUT PRESS REMAINS NOISY AND CRITICAL

Let me walk you through a big irony that is the Philippines, a former Spanish colony in Southeast Asia that is often described as the second most dangerous place for journalists next to Iraq but which, to this day, continues to have a media industry that is noisy, critical, and jealous of its hard-won freedom.

The numbers speak for themselves and reflect the nuanced and complex environment in which we Filipino journalists live — twelve journalists were murdered in the Philippines last year and at least 50 have died in the last six years under the government of the incumbent president, Gloria Macapagal Arroyo.

Added to this, 43 other journalists, including myself, were slapped with large libel suits by no less than the powerful husband of the president, Mike Arroyo.

This probably means little when ranged against what Colombia and its journalists had gone through. And to be sure, these are not all job-related deaths, since some were triggered by instances when local journalists found themselves serving two masters: their profession, which gives them little compensation, and politicians, who can afford to shower them with perks.

But these are senseless deaths nonetheless in a country that is now witness to violence not seen since before 1986, when we peacefully brought down a dictator. Today, the Philippines is very much like Colombia, where not only journalists are threatened but farmers, unionists, and student activists as well.

Just a week ago, with a bullet still lodged in his back, Delfin Mallari, a correspondent for the country's largest newspaper, the Philippine Daily Inquirer, led a protest rally of about 100 journalists. Mallari, who survived an assassination attempt by motorcycle-riding men, has made enemies by his investigative reporting — for example, by alluded to a powerful governor as a protector of narcotics traffickers.

The assassination attempt shocked many. The reason is that Mallari writes for the largest newspaper in the country, based in the capital. In the past, most victims have been journalists writing for small media organizations based in the provinces. We deluded ourselves with a false sense of security that if we were based in the capital and connected to a large media institution, we would be above it all. Mallari proved us wrong.

Of course, you can all say that this is a tired old story involving a Third World country that has been fighting Asia's longest-running communist insurgency, on one hand, and a Muslim rebellion in the south, on the other. But this is also the story of a country that had given birth to a stubborn and proud media that fought very hard for its freedom 20 years ago in a people-power revolution — and would resist a second state attempt to take that freedom back.

Glendia Gloria
Managing Editor,
Newsbreak, Philippines

Session 3:

What followed after the end of the Marcos dictatorship in 1986 were the best years of investigative journalism in my country.

This was brought about largely by a pool of passionate and talented journalists who worked in an environment conducive for investigation. During those years bureaucrats basked in their newfound freedoms, convinced that it was their obligation to tell on their corrupt colleagues. The groundbreaking media investigations practically covered all fronts: the lawmakers' misuse of their pork-barrel funds; the connivance between Supreme Court justices and big business; the huge dollar accounts and mansions of generals; cheating in elections, etc.

In 2000, we came up with a series of investigative reports that exposed the lavish lifestyle and unexplained wealth of then president Joseph Estrada. This galvanized public opinion that led to his ouster in 2001.

Through it all, our most reliable sources were ordinary citizens – insiders in the lower or middle rungs of the bureaucracy, whistle-blowers who dared to test the limits and the tolerance of the system, and members of civil society who took their role seriously – holding institutions and people accountable and ensuring that processes were transparent.

Where people, organizations, and the overall body politic know the value of checks and balance in a society, investigative journalists only have to worry about their skills – or lack thereof.

They need only to nurture reliable sources, get access to documents, and, more importantly, make sense of the complex data that often come with a difficult investigative project. For close to 20 years, we had that luxury. Public officials entered into big-ticket suspicious contracts, but dedicated journalists managed to expose them, or at least some of them anyway.

Certainly there was harassment, but that came with the territory. It probably caused us a few sleepless nights – as big stories are wont to do, anyway – but nothing struck at our core being as journalists.

But something changed recently. Unfortunately, I was a personal witness to this change.

In 2005, our magazine Newsbreak did a series of investigative reports on the unexplained wealth of generals, the involvement of some military officers in election cheating, and their connivance with illegal miners in a mining site. After this, we got a barrage of text messages from anonymous people who wanted it known that they were monitoring our every move. It was classic psychological warfare at work. After an interview, for example, I would get a text message with very specific details of my meeting, such as the identity of the person I interviewed and the place where we had met.

Then came the funeral wreath, which was delivered to my mother's house with a greeting that read, "Condolences From Your Friends." The choice was to keep silent about the whole thing or shout.

We chose the latter, and issued a press statement condemning it. TV stations went to town with the story, with a touch of comedy, because when my mother refused to accept the flowers that night, the flower shop owner got another call from the sender the following morning, ordering him to return to my mother's house and deliver the wreath again.

The incident was a grim reminder of one thing – that the responsibility of any journalist goes beyond being accurate and fair. It includes, in this context, exerting all efforts to stay alive to tell the story. International groups can only do so much in this regard; in the end, it's the individual media organization that can navigate the often blurred realities on the ground. Thus, we took the following steps:

-- We relied on our peers and the public as our best protection. We at Newsbreak, like most journalists, abhor being the subject of news. But in difficult circumstances like this, we needed to rise above that angst. By talking about the threat, we engaged our peers and the public on the dangers that media freedom faced in the Philippines.

- We exerted our best efforts to avoid generalizations and stereotyping, and tried not to take things personally. We opened communication lines to the very people we exposed, so that they were assured of an opportunity to be heard or a channel to vent their grievances against us.
- We affirmed our duty to protect our sources. If you are under threat, your sources probably are, too. We had to avoid meeting them for a while and deleted all data that would specifically link them to certain information.
- We decided not to push our luck. Indeed, as Anna Politkovskaya knew too well, there are stories that cannot wait another day. But as Anna would also know too well, there are stories that can wait another day, another week.
- We practiced personal safety. We required a seminar on personal safety for our staff. We raise two alerts every now and then – yellow and red. Our security adviser likens a yellow alert to driving car – you watch your rear and front and side but still go on with life. A red alert obviously is an extreme measure – that’s when we ask our writers to lie low.
- We insisted on the highest journalism standards. The best defense of any investigative journalist is a story that can stand the scrutiny of the public and the powerful people that it has exposed. It is a story that should result only from rigorous research, fact-checking and, most importantly, ethical practice.
- We consciously built a community of believers – people who believed in the value of investigative reporting in enriching public discourse. We took part in efforts to democratize information by giving our inputs to a bill that was drafted on the Freedom of Information Act. We linked up with campus journalists, training them every summer in the hope of inspiring them to keep their romance with journalism despite the risks involved.

But beyond the direct, overt threats to investigative journalism, there are equally more pressing and subtle threats to its practice in the Philippines and in Southeast Asia.

Firstly, there are state efforts to deny access to information. In the Philippines, the government recently issued Executive Order 608, which seeks to establish a “national security clearance system for government personnel with access to classified matters.” If we were in an ideal world where institutions are strong and professionalism thrives in the bureaucracy and the military, this would have meant nothing. But within the context of a politicized military and civilian bureaucracy, this can only mean information shutdown.

Then there is the harsh commercial market, where advertisers avoid hard-hitting media organizations in favor of the commercial glossy magazines. We at Newsbreak closed down our hard-copy edition early this year because of the harsh demands of the market. We’re purely online now. There seems to be little interest in a hard-hitting magazine largely due to the pervasive presence of TV and the preference for celebrity news. The challenge is how to adapt to the growing commercialism of the media and still do investigative journalism.

Most media organizations and the entire media industry still lack an effective feedback mechanism in which complaints against the press could be acted upon. This is crucial to helping reduce violence against the media. In some cases people resort to harassment because they feel they have been humiliated by irresponsible and unethical journalists. An institutionalized feedback mechanism would help reduce corruption and inefficiency in the Philippine press. Unfortunately, this has yet to be appreciated by most Filipino journalists.

A culture of impunity pervades the Philippines today. As in Colombia, journalists are not the only ones being harassed and murdered. At least 13 judges have died in recent years. Hundreds of activists have died at the hands of soldiers and paramilitary units. All this is not causing outrage among a population bogged down by day-to-day concerns of survival.

Session 3:

What needs to be done to address these more strategic concerns that impact on the overall environment for investigative journalists?

It is important to link up with peers for a collective effort against media harassment and continuous monitoring of government rules that seek to further constrict democratic space. This also means holding law enforcers accountable for their failure to solve these crimes against journalists. We should also engage our publics more actively, reaching out to them through forums to discuss our investigative findings.

Internally, there is a lot to be done. We must be able to embrace change without forgetting the core values of investigative journalism. We must vigorously pursue means that will strengthen independent media – for it to be able to find a voice in a marketplace of media companies owned by vested interests and driven by advertising. This means, for us in Newsbreak, which is wholly owned and run by its editors and writers, crafting a sustainable business model that allows writers to expose wrongdoing and get well paid in the process.

Since we closed down our hard-copy magazine, we decided not to compete with the mainstream media. We have instead linked up with them as a content provider. This gives us wider reach in terms of being read and seen by newspaper and TV audiences. It also gives us time to do long-term research and sell other information products, such as books, that do not run counter to ethical practice. If the harsh commercial market thinks that investigative journalism should simply die, then we'd like to defy that by pursuing multiple platforms and multiple revenue sources.

A more proactive media-public engagement is needed, but is absent in most countries in Southeast Asia. The idea is for both the media and an engaged public to reach a common understanding on the value of free, responsible and ethical news media. The media cannot address this alone; it needs support and active engagement from its audiences.

We remain hopeful that once these short-term and long-term measures are addressed, the level of violence against journalists in the Philippines will decline. In the meantime we continue to push the envelope, so to speak, by exposing the bad and scrutinizing people in power. All this is driven by a single passion: the passion for truth-telling and the passion for staying alive, too.

IMPUNITY

The majority of crimes committed against journalists and other media professionals remain uninvestigated and unpunished. According to the International News Safety Institute, the killers of media personnel were not identified in two-thirds of cases and were never prosecuted in nine out of ten cases. Impunity for crimes against journalists continues to undermine our fundamental freedoms. The reasons for impunity are diverse. Sometimes authorities lack the political will to investigate the case, sometimes they deliberately seek to hide the truth by not allowing investigation into the matter. In 1997, the General Conference of UNESCO adopted a resolution condemning violence against journalism. Did this resolution affect change? What additional measures can be taken in order to address the problem of impunity?

WHEN JOURNALISTS FACE PERSECUTION FROM THEIR OWN GOVERNMENT

Ilya Krieger
Novaya Gazeta,
Moscow

A journalist, especially an investigative journalist, can face threats by a mafioso, or a corrupt state official. It is disgusting but routine. We all believe that the police will protect us in the end. But what can journalists do if state bodies themselves threaten us? What can we do if the persecution of journalists becomes state policy?

Yesterday Venezuelan colleagues from the Radio Caracas Television told us about the rigid and dangerous circumstances in which they work, and the atmosphere of impunity and fear created by the government of Venezuela.

The situation to some extent is a reminder of what is going on in my country, Russia.

I see only one way out. -- corporate solidarity. Figuratively speaking, journalists of the world should unite. If the local journalist is exposed to prosecution, he or she must be protected by larger newspaper or media trade union.

The successful investigation of Larissa Yudina's brutal murder in 1998 is solely due to pressure by the Russian journalists' community. Mrs. Yudina was editor-in-chief of the *Sovietskaia Kalmykia Sevodnia*, an independent newspaper published in Kalmykia, one of the Southern regions of Russia.

For more than 10 years, the newspaper had relentlessly criticized regional authorities, especially the powerful millionaire president, Kirsan Ilyumzhinov, who has kept a tight rein on the territory since 1993. As a result, the newspaper has had a slew of troubles. Finally, its editor was murdered in a contract-style attack.

The investigation started after a nationwide wave of protest by media workers. An official investigation was ordered and the murderers -- described as close to Ilyumzhinov -- were identified and sentenced to prison. But the person who ordered the crime was not.

The successful investigation of the murder of journalist is very rare in present-day Russia. In recent years about 200 media workers have been killed, including three journalists working for *Novaya Gazeta*.

Fame gives a well-known Russian journalist some degree safety, but no guarantee of rescue, as is shown by the murder of the popular Russian journalist Anna Politkovskaya. An official investigation is taking place, and we at *Novaya Gazeta* and Anna's family are mostly satisfied with its progress.

But if we see that the official investigation is carrying out the political orders of the government, we shall immediately call on the international community of journalists for help and begin our own investigation of the crime.

IMPUNITY, ONLINE VIDEO AND THE ARAB WORLD

Impunity for acts of harassment, torture, illegal detention, or even murder at the hands of officials or elements that are close to governments in the Arab world, is not only a question for journalists but affects every citizen who has suffered from such illegal behaviour.

I am in no way underestimating the importance of tackling impunity for crimes against journalists. In fact I am no stranger to harassment and attacks on myself while reporting in Yemen. My own father was killed in a mysterious "traffic accident" that was never thoroughly investigated despite many doubts surrounding it.

But journalists are part of the community; they are citizens who face the challenges that face every citizen. So they must be put in the same frame as all other citizens. Yes, journalists may be more vulnerable when it comes to reporting about sensitive issues that are considered taboo by the government or society, but arguably, they are also enjoy more domestic and international attention than most other citizens.

In Yemen, Jamal Amer, editor of an independent newspaper, was attacked and threatened with being thrown off a cliff by an armed group thought to belong to the Republican Guard. But he was mentioned all over the world and was honored in New York by the Committee to Protect Journalists. On the other hand, innocent citizens who are killed in cold blood often are not even remembered.

The sad reality is that attacks on journalists and attacks on ordinary citizens stem from the same root. They both are a demonstration of lack of respect for human dignity and rights.

When a policeman beats or even kills a politician, a writer, a suspect terrorist, or even a street vendor, he has been fed with the idea that human life is not sacred and the state will protect him regardless of the consequences. Unfortunately, and I can speak confidently from my own experience, this is the mentality that have caused such impunity to flourish.

Illegal attacks against anyone who is not in line with strong individuals or government officials are encouraged rather than prosecuted. There are instances in Yemen, for example, in which honest judges issued courageous verdicts against influential individuals for acts such as murder, rape and land confiscation. But as expected in a system promoting impunity, most of those judges were either replaced, forced to retire, or even penalized and their verdicts annulled or overruled at a later stage. This reinforces the idea that impunity is broader than journalists, and hence needs to be dealt with as such.

Walid Al-Saqaf

*Former publisher and
editor-in-chief,
Yemen Times*

Session 4:

I believe that journalists should not be treated differently than other citizens. If laws already in place around the world were applied, there would be no need to discuss the issue of impunity at all because citizen's rights would apply automatically to journalists. I strongly disagree that a journalist should receive favourable treatment, as I believe it would alienate the public against the profession and make the media part of the problem.

We cannot and should not expect that a policeman beat up a street seller who refuses to give a bribe, while a journalist gets away with writing an investigative story about government corruption. The issue of defining who is a journalist is another dilemma.

So now that I have at least provided you some food for thought about the importance of not dividing the issue of impunity of attacks against journalists with impunity for attacks on innocent citizens, I can now move forward to the second part of my argument -- that impunity must be discouraged for attacks against all citizens.

I have just shown you a video of an Egyptian taxi driver, Imad Al-Kabreer, tortured by interrogators in Cairo. The video was captured on the mobile phone of one of the police officers and reached the world when the phone was stolen and its contents released in cyberspace in November, 2006.

The clip got its exposure through the '[Egyptian Awareness](#)' Blog by Wael Abbas. It is one of dozens of such videos showing horrific acts of torture. It was only after this particular video clip reached international TV networks and was widely reported in the Egyptian and Arab media, and after international human rights organizations such as the Human Rights Watch demanded an investigation, that Egyptian authorities began a trial.

Wael Abbas and other bloggers may not be seen by some as genuine journalists, but their contributions are undeniable and constitute a motivation for journalists to write about things that were considered taboo in the past.

I read the trends and I can see that online journalism will sooner or later merge with other traditional journalism sectors. Soon we will watch TV on a computer screen while browsing the Internet at the same time. We will read newspapers with live and dynamic content on pocket computers, and we will be able to send a message to the editor and have millions of readers read it minutes later.

Many developing countries that receive aid from richer states strive to please their donors by polishing their image with public commitments to human rights and democracy. But when they fall short of such commitments, they can be quickly contradicted by reports on the Internet.

I think we journalists complain too much. We keep on echoing what has already been said about poor working conditions of journalists, lack of political will to diminish impunity, media monopolies and so on. But it is time to realize that a simple effort with a new vision can yield greater results. Instead of coming back every year with the same set of rhetoric about obstacles to press freedom, I think we could bring about change by using manoeuvres just as governments do. We know for a fact that many governments will not change any time soon. They have practiced all sorts of tricks and manoeuvres to get away with what they have done to us journalists. I believe we can fight back by using new technologies to expose the facts to the world.

In countries where journalists are attacked, insulted, harassed, and beaten up, we could distribute small cameras that could be used by media staff or others around them to take video footage of such incidents and expose them. We could encourage journalists to publish videos of torture victims and their families and set up websites where the footage can be shown around the world. This may well work for countries like my own, and I'd be happy to study the feasibility of such an operation and set up a project proposal.

If one kept publishing footage of harassment and malpractices against journalists over and over again, the international community and donors who may have been misled by governments would realize

ACTIONS TO PROMOTE THE SAFETY OF JOURNALISTS

It is a fact that the safety of journalists is intimately tied to press freedom. Being a journalist now has never been more dangerous. The toll of journalists killed while working has risen continually. The questions remain: Which actions can be taken in order to reverse this trend? What can journalists and media institutions do to improve their own safety? What is the role of press freedom organizations and UNESCO in combating impunity and securing the safety of journalists?

STUDY SHOWS JOURNALISTS ARE MORE LIKELY TO BE MURDERED THAN KILLED IN WAR

A few months ago, the Committee to Protect Journalists published a comprehensive investigation called *Deadly News*. The study, based on an analysis of the 580 documented killings of journalists since 1992, was published in *Dangerous Assignments* (CPJ's biannual magazine) and is available on our Web site, which contains individual case capsules and a downloadable database. Here are some of the key findings:

Nearly 600 journalists have been killed since 1992 while carrying out their work, an average of three a month.

While popular imagination suggests that journalists are typically killed on the battlefield, in fact the CPJ study found that the vast majority – seven out of ten – are targeted for retaliation for their reporting and hunted down to murdered.

Even in war zones, CPJ's analysis shows, murder is the leading cause of death.

Governments and military officials are suspected of plotting, ordering or carrying out more than a quarter of the murders of journalists over this period. Paramilitary groups are suspected in another eight percent of the murders.

Eighty five percent of the murders of the last fifteen years were carried out with impunity. In just seven percent of the cases were the masterminds brought to justice.

Nine out of ten murders had the hallmarks of premeditation, such as careful planning, groups of assailants, and gangland-style executions. In a quarter of the cases, the journalists received threats before being killed. Nearly twenty percent were taken captive before being killed.

The five deadliest countries over the last fifteen years are Iraq, Algeria (although the killing there was largely confined to an extremely bloody period in the early 1990s), Russia, Colombia, and the Philippines.

Last year, 32 journalists were killed in Iraq, the most deadly year in a single country that CPJ has ever documented. Thirty of the 32 killed were Iraqis.

Only a handful of these cases received sustained media attention, which can make a crucial difference in creating pressure to solve the murder. Some of the best known cases involve international journalists like Daniel Pearl, who was killed in Pakistan in 2002. But there are examples where campaigns have been effective at the local level. After a campaign organized by the media and citizens, Mozambique brought to justice the killers of reporter Carlos Cardoso, who was murdered in 2000. And in the Ukraine, sustained public scrutiny of the unsolved 2000 killing of Internet journalist Georgy Gongadze helped bring about progress in the long-stalled murder probe.

Joel Simon
*Executive Director,
Committee to
Protect Journalists*

We are hoping that the sustained attention on the murder of Anna Politkovskaya will someday produce a similar effect.

Where scant attention is paid and little pressure applied, CPJ found, the killers of journalists usually go unpunished. As we have seen in the most murderous countries, from the Philippines to Russia, this deadly cycle is perpetuated every time another journalist is attacked with no response from authorities.

Even when the killings slow, fear can linger, as it has in Colombia, and a threat can be enough to silence a journalist. CPJ made this argument when we met with Colombian President Uribe last year and we were pleased that the President acknowledged that impunity for the killers of journalists was a concern of his administration while denouncing those who interfere in the work of the press as "committing a crime against democracy."

CPJ research has identified three primary circumstances in which journalists are killed. The vast majority of victims are murdered in their own countries and in reprisal for their work. A smaller number are deliberately targeted in conflict zones. A third group is killed unintentionally on the battlefield because of a variety of factors ranging from negligence by military troops to simple bad luck. Addressing each of these circumstances requires a different approach.

The best way to combat murder is to push governments to aggressively investigate and pursue those who carry out the killings. As the Gongadze and Cardoso cases make clear, governments respond to international and domestic pressure. Press freedom groups and journalists around the world need to draw attention to the killings and make the argument that the murder of a journalist is an attack on the collective right of a society to be informed.

In cases of battlefield killings in which a particular government may not have legal jurisdiction, the issue is more complicated. It is a grave breach of the Geneva Conventions and Additional Protocols to intentionally target any civilians, including journalists. Bringing violators to justice, obviously, is extremely difficult, but there are pressure points, including working within the justice system of the military itself, seeking a country willing to apply universal jurisdiction, and applying pressure through the International Criminal Court.

But it is important that we distinguish between war crimes -- deliberately targeting of journalists, for example -- and battlefield killings in which legal responsibility is not clear. In cases where it is not clear that a crime has been committed, we must demand accountability. Accountability means an open and transparent investigation and willingness to hold soldiers and commanders responsible even when there is no criminal liability. Military procedures need to be constantly analyzed and modified to reduce the risk to journalists who have a legal right to be present on the battlefield. In Iraq, where fire from the US military is responsible for the death of at least 14 journalists, the US military has a poor record in this respect.

Beyond these enormous and vital efforts to combat impunity for the killers of journalists and create accountability for battlefield killings, media organizations can take steps to reduce the risk to journalists working in dangerous environments.

In the last several years, much has been done to improve the safety of international correspondents covering combat. International war correspondents now have routine access to hostile environment training courses, body armor, armed vehicles, and security advisors. Because of the extraordinary risks in Iraq, nearly all of the international correspondents in the country come from major media outlets and have access to this kind of support. Unlike previous conflicts, it is generally not a conflict covered by freelancers, who, unfortunately, still do not have the same kind of access to security training and equipment. CPJ has published a book covering conflict with much of this kind of basic information. It's called *On Assignment*; Spanish and Arabic translations are available on the CPJ Website.

Even more vulnerable, of course, are local journalists. Their media outlets generally don't have the funds

Session 5:

to support them. They can't easily leave the country if they are threatened. The risks they face are also different – learning how to take cover in a firefight and detect landmines is often less important than knowing how to assess a threat and how to detect surveillance. That may sound like something from a James Bond movie, but since many local journalists are in fact followed before they are killed and I believe that the counter-surveillance could in some cases help save lives. Would Anna Politkovskaya be alive today if she knew she was being followed?

The culture of safety now needs to be extended to local journalists – and we need to find a safe and an affordable way to do that. This is something I've begun discussing with my colleagues from the International News and Safety Institute and others involved in this important issue. I hope that in the years ahead, specialized, appropriate training becomes routine for local journalists around the world working in an environment of sustained risk.

MORE JOURNALISTS PERSECUTED WHILE WE TALK ENDLESSLY

Geoffrey Nyarota

*Managing Editor,
The Zimbabwe Times.com
Laureate in 2002 of the
UNESCO/Guillermo Cano
World Press
Freedom Prize.*

As a rule, journalists are fascinated by statistics. We always seek to impress with our profound knowledge of statistical data, much of it downloaded from the Internet moments before we show it off.

I will cite an example. I will dazzle you with shocking statistics about my country. Zimbabwe attained nationhood as an independent state in 1980. We inherited from our former colonial rulers a country that was rich and prosperous, although it was emerging for a protracted period of guerilla warfare and international economic sanctions. Our immediate challenge was to rebuild our war-torn nation, while restoring it to peace, dignity, full democracy and prosperity. We were determined to achieve success.

Our new leader, Mr Robert Mugabe, was a man of rare qualities and determination. We regarded him as a national hero. On the international scene he was held in equally high esteem as a world statesman. Those early ideals, expectations and optimistic objectives are now confined to the annals of our short history. The Zimbabwe story has become one of tragedy and suffering.

An estimated 3 million of Zimbabwe's population of 14, 5 million live outside their country as economic and political refugees. They will be found in large numbers in South Africa, the United Kingdom, the United States, Canada, Australia and further afield.

The majority of citizens, who remain inside the country, live in abject poverty. Through the poor economic planning of the same Mr Mugabe's government, they now experience serious shortages of essential commodities, such as basic food. There is a serious shortage of foreign currency to import petroleum products. As a result there is a thriving black market for both foreign currency and for petrol. The official rate of exchange is one US dollar to \$250 Zimbabwe dollars. On the black market, where even cabinet ministers conduct business, the amount currently fluctuates between \$25 000 and \$30 000. It may be of interest to you to know that 27 years ago the Zimbabwean currency was slightly stronger than the US dollar.

More statistics – the rate of unemployment currently stands at more than 80 percent, while at more than 2,300 percent Zimbabwe's rate of inflation is the highest in the world. The second highest inflation is that of Iraq, a country at war for the past four years. Even then, I believe Iraq's rate of inflation is well below 50 percent.

More than 20,000 innocent Zimbabweans were massacred in an orgy of violence unleashed by government in what was early evidence of Mr Mugabe's intolerance to opposing political views. Meanwhile, in the same spirit of intolerance, four newspapers have been banned by the government, including The Daily News, the newspaper of

Session 5:

which I was the founding editor back in 1999. For a country that was destined for peace and prosperity only 27 years ago, these are, indeed shocking statistics.

But my question to you is, "How many among you have ever stopped to think what the closure of newspaper actually entails in terms of human suffering?"

But before I put that question, let me state that when I leave this conference, one very brief statement will be printed indelibly in my mind. It was a statement made by Mr Julio Munoz, executive director of the Inter-American Press Association, IAPA -- "More action, less rhetoric."

A brief statement with a profound meaning.

Journalists are trained and paid to write. I have since discovered that we also love to talk – just like the politicians, whose rambling speeches we so love to despise. Over the past two decades I have attended many media conferences. At these conferences we have dedicated and re-dedicated ourselves to continuing to wage the campaign for press freedom and democracy. But authoritarian politicians have since discovered that we are mere talkers. They exploit that weakness to their benefit and to our utter undoing.

In my book, *Against the Grain*, I named Chapter 12, "The sword is mightier than the pen", a cynical play on the famous saying, "The pen is mightier than the sword," about which I have become skeptical.

As I stand before you, I am living testimony to the insecurity and vulnerability of journalists in my part of the world. If the situation of press freedom in my country were free I would be back in Zimbabwe today. I would be celebrating the run-away success of the award-winning *Daily News* with the paper's staff and with its readers. Instead I live in exile.

Not only was the paper's printing press bombed; the paper itself was banned. The paper's journalists were harassed and arrested on spurious charges. As the editor I was arrested several times. I was publicly declared an enemy of the state and received death threats. An assassin was hired to execute me. Fortunately, his conscience got the better of him. The paper was very effectively infiltrated by government agents. I was eventually driven into exile.

People tell me, now that it's no longer there, that they realize or appreciate what a crucial role *The Daily News* played in the campaign to restore democracy to Zimbabwe. Sometimes mankind does not appreciate the value of freedom until that freedom is taken away. More sadly, rarely do professional colleagues, friends and those of my compatriots that I communicate with ever stop to ask how I survive in the diaspora. They somehow assume that the United States has some mechanism that automatically guarantees the sustenance of editors or other journalists arriving on its shores after fleeing from the ravages of some dictator or another.

But, let me assure you, no journalist from the Third World should arrive at *The New York Times* or other US mainstream publication with a starry-eyed expectation to be shown to their new desk just because they are refugees fleeing from persecution. Many of these papers say they are cutting down on editorial staff, anyway. When this truth eventually dawned on me I hit on an enterprising idea – launch a Zimbabwe-based news website for the benefit of the millions of exiles earlier referred to and of those Zimbabweans in the homeland who are fortunate enough to have access to the Internet. Such venture would hopefully also create gainful occupation for some of those jobless or grossly underpaid journalists still in the country.

When I attempted to canvass for sponsorship for what I considered to be a worthwhile venture in the national interest, I was in for disappointment. I was told in more than one case that to qualify for any assistance I would have to be based back in the country. I could not believe my ears.

Undaunted the project proceeded, courtesy of the charitable intervention of patriotic and progressive friends. Much to my wife's consternation, our own meager family resources have constantly been

exploited to ensure that our correspondents inside Zimbabwe are adequately compensated for their enterprise and courage.

The closure of The Daily News entailed loss of employment for more than 300 bread-winners. But how many of you gathered here today have ever proceeded beyond the statistics to consider what this instant loss of income entails; what it means to be suddenly without income to pay for shelter, for food for the family, for transport, for clothing or for school fees for the children?

This situation arises, not because the journalist has failed to perform in his or her job, but because he or she has been excellent or outstanding, much to the chagrin of a non-performing ruling elite. We are talking here about loss of income, not just for one month or so but, in the most extreme cases, for more than three years now.

Many of those journalists who have left the country now survive by working in menial jobs, far removed from the hustle and bustle of the newsroom. Not only does this break the back of once powerful journalists; it also breaks their proud spirit. How many of you here today have ever stopped to consider what it means to the spouse or the children when the head of a family is arrested, tortured, jailed or murdered?

To me these are the real issues of safety of journalists. Is there safety after persecution.

Meanwhile, Mr Mugabe continues to inflict anguish and injury on those journalists who still go about discharging their lawful duty while working in Zimbabwe's shrinking independent press. Over the past two months one journalist, Edward Chikomba, was murdered. This is the first time a journalist has been killed in Zimbabwe. Two others, Tsvangirayi Mukwazhi, the award-winning photographer of the United States-based The Zimbabwe Times, and Gift Phiri, a correspondent for the United Kingdom-based The Zimbabwean were arrested. Both were severely assaulted while in police custody.

The large number of internet-based Zimbabwean publications now flourishing on the internet bears testimony to the indomitable spirit of the country's journalists in the face of remarkable hardship and persecution.

Meanwhile, Mr Mugabe continues to willfully subject journalists to torture with total impunity and arrogant disdain. Since I attended my first media conference More than 20 years ago countless resolutions have been passed by various media organizations. Meanwhile, the state of insecurity among the enterprising and valiant journalists of my country has actually deteriorated significantly.

THREATS HAVE BECOME DEADLY MUZZLE ON PRESS FREEDOM

Carlos Cortés Castillo

*Executive director of
the Press Freedom
Foundation (FLIP)*

A journalist receives a text message on his mobile phone: "Stop talking so much on the radio or you'll have to leave town." Another receives a voice mail: "Shame for a journalist to get hurt for a few pesos. Take care." Several non-government organizations receive an e-mailed warning: "We have been watching every move you make. We have started to show you that we mean business. You are now a military target."

All three threats were transmitted electronically. This method of making threats is being used in addition to better-known methods such as the anonymous letter, the sufragio (invitation to one's own funeral), messages through third parties or "gifts" with terrifying notes.

Threats constitute a violation of press freedom, in addition to other forms such as murder, kidnapping and inhuman or degrading treatment.

At first sight, statistics suggest that the press freedom situation in Colombia has improved in every respect. Governments usually see the situation in superficial terms: fewer journalists in the cemeteries mean more freedom of expression on the streets. They do not, however, see the scale of self-censorship or the fear that spreads when there is a threat or an actual murder.

The trend in Colombia is clear: While murders have declined by comparison with the tragic decades of the 1980s and 1990s, threats have increased. The number of threats recorded by the Press Freedom Foundation (FLIP) soared by 64% from 2004 to 2005 and by 20% from 2005 to 2006 (in 2006, incidentally, the FLIP recorded a 37% increase in violations generally, as compared with 2005).

These are threats recorded by the FLIP. I should like to pause on this for a moment. How much attention do investigating agencies pay to the impact of threats on press freedom? How much attention do they pay to indicators of press freedom in the country generally? The answer is as simple as it is unacceptable: little or none.

No clear statistics or reliable records on threats are kept by the state. The situation with other indicators is not much different. Consequently, there is no clear perception of what is really going on. Non-government organizations (FLIP, through its Journalists' Warning and Protection Network, in the case of Colombia) have filled the gap and have done this work, coping with very limited resources and a variety of obstacles, and indeed making their share of mistakes. In other words, they are doing the government's work. This is not merely a technical problem or an example of state incapacity, but a glaring omission, a gaping hole in the arrangements for producing and ensuring access to information of general interest. The state has not made the necessary efforts to produce indicators on the state of press freedom.

The purpose of this panel is to suggest courses of action to improve journalists' safety, and the first point that I should like to stress is the need for systematic monitoring and reliable indicators. Action must be coordinated between the state and civil society organizations. As long as this is not done it will be impossible to see where we stand and the problem will be appraised piecemeal. In short, speculation will continue to hold sway.

The second point, which I consider crucial to journalists' safety, is the need to adopt a comprehensive public protection policy. The policy must be two-pronged so that the approach to journalists' safety will no longer be reactive or rest on political cost-benefit considerations.

Colombia has introduced a journalist protection plan, recognized by national and international civil society organizations, such as ours, as a vital framework and forum for dialogue with the state. Its primary concern, however, has been "to put out fires." We do indeed save lives, but we lose journalists. A journalist joining the protection scheme is unlikely to exercise the profession again, and those who continue to work in the regions under armed escort are not only practising a very restricted, fearful and peculiar type of journalism, but they remain in a state of uncertainty, with no assurance of ever working under normal conditions again.

The committee for the protection of journalists is composed of all state agencies responsible for the enforcement and exercise of human rights: the office of the vice-president, the ministry of the interior, the office of public defence, the attorney-general's office and the police, among others, but they do not make the most of the opportunity to establish joint measures, or to organize and share information,

The vice president has spoken about reactivating the human rights unit of the public prosecution service, and about a new policy to combat impunity. We have heard these promises before, and unfortunately they have never come to anything. Agencies go their own way, blinkered like horses before a cart, keeping their information completely compartmentalized as though they were each on a top-secret mission that must not on any account be revealed to the others.

The FLIP has pointed to the stark differences, from one region to another, in the situation faced by journalists. Indeed, the purpose of the monitoring system currently being introduced is to compile indicators by individual department. We know that the situation in Colombia is dramatic in some regions and encouraging in some cities. We also know that the situation does not depend solely on the national government, since many local authorities (departmental governments and town halls) have been co-opted by illegal groups.

Regardless of the best will shown by central government, protection schemes will fail if regional governments are negligent or openly act illegally. Acceptance of this situation, and avoidance of grandiloquent and over-generalized reports and bulletins are the first steps in treating the disease on the basis of its true symptoms.

In addition, small media outlets and regional journalists will always fare very badly if the press freedom debate is politicized. In a situation such as Colombia's, disparaging statements by officials insinuating that some sections of the profession are close to illegal armed groups openly run counter to the protection scheme and amounting to giving with one hand and taking away with the other.

There must be coordination and consultation between civil society organizations and the media on self-protection measures for journalists. I should like to illustrate this point with an example that highlights a part of the problem: just over a year ago, guerrilla forces launched an armed strike in Arauca (this basically consisted in slowing down public transport, preventing the transport of food and setting up illegal roadblocks). The department had been the centre of a military offensive by the government and had therefore been relatively calm in the months leading up to the strike. Two days into the guerrillas' action, local broadcasters reported that the department was completely paralysed.

The news irked the authorities in Bogotá, who denied it in an announcement to the media in the ca-

Session 5:

pital. The editors of some national media, based in the capital, took up this version and a high-ranking army officer in Arauca summoned local journalists a few days later and told them “not to play into the terrorists’ hands,” repeating that the situation was completely normal. This was clearly not the case. Even so, the fearful journalists published the new version and a few hours later began to receive threats from the guerrillas because they were toeing the official line.

As Álvaro Sierra said, news decisions are made in the editorial rooms in Bogotá on the basis of information coming in from the regions. Regional information – the raw material used in compiling news items – is often taken out of context or misapplied. This endangers regional journalists, who not only have to deal with local authorities, but are also taken to task by armed groups for news items which they have not written but to which they have contributed.

At events like the present one, many media editors talk about the clarity of their editorial policies and their guidelines for correspondents. In some cases, however, such policies and guidelines are not known in the regions, are not implemented, or simply do not exist. The FLIP has had little, but positive, experience in designing and promoting such policies and guidelines, and journalists have become safer as a result.

Lastly, I should like to conclude with a point that has been made again and again in the last two days: security plans, armoured vehicles and weapons notwithstanding, the first and most important protective measure that we always recommend is also the most elementary, and that is balanced, truthful and responsible reporting.

CONCLUDING STATEMENT

Two days ago, we set out to explore in detail how securing the safety of journalists and combating impunity for the crimes committed against them promotes the fundamental right of freedom of expression.

Notwithstanding the considerable efforts of the press freedom community during the past ten years since the UNESCO resolution 29, we are still far from realizing the goals which we have set.

While the declarations of Belgrade in 2004 and Dakar in 2005 have already reflected the crucial role of independent media in conflict resolution, reconstruction and enhancing good, accountable and transparent governance, the past two days have once again emphasized the indispensable role of the safety of journalists in assuring freedom of the press.

Five interwoven discussion sessions have here in Medellin built the basis for our considerations of the correlation between press freedom and safety of journalists.

I am thankful to each and every panelist who has contributed from his or her geographical background and professional experience and made it, almost all too visible for us, that media professionals are still in peril in many countries all over the world.

Throughout the course of this conference, several key points kept reoccurring:

- * The safety of journalists is in itself of paramount importance to assuring freedom of the press.

- * A free press able to carry out its functions under guaranteed safety is not only essential to democratic societies and good governance but an indicator in itself of the state of health of a democracy;

- * Concerning coverage of conflict situations there needs to be more training and respect for international humanitarian law, including truly understanding the protections afforded journalists under that law.

- * In matters of internal conflicts or coverage of drug trafficking or other criminal enterprises, the role of governments is essential both in ensuring safe conditions for the reporters and, equally important, in ending impunity for crimes against journalists, particularly through the strengthening of the institutions involved in prosecuting such crimes.

- * A free press with its role to expose corruption is essential for the successful implementation of poverty reduction strategies and the achievement of the UN Millennium Development goals;

- * Assuring the safety of journalists requires collective action and cooperation on the part

Abdul Waheed Khan
*Assistant Director-General
for Communication
and Information*

Session 5:

of journalists, media owners and governments. I might add that conferences such as this one organized under the aegis of UNESCO are particularly suited to bringing these actors together and fostering this type of cooperation.

The conference discussions provide a blueprint for our final and most significant aim today: the elaboration and adoption of the Medellin Declaration, building on UNESCO Resolution 29 condemning violence against journalists and the UN Security Council Resolution 1738 condemning attacks on journalists in conflict situations.

The Medellin declaration takes the issue of safety one step further in combating impunity for the majority of crimes against journalists that are committed outside conflict zones.

We have discussed the wording and the content – paragraph by paragraph – of the new declaration for 2007. I thus urge us to let this declaration become a roadmap for the years ahead in our common striving for the realization of securing safety and ending impunity.

As with the former declarations, I am confident that the Medellin declaration will also be enthusiastically endorsed by UNESCO's 192 member states when they gather in October this year for the thirty-fourth session of the general conference.

I know we all realize that these freedoms come with responsibilities. It has often been said that a free press is a responsible press, and I know that all of you here today see upholding the professional ethics and values of a free and independent media to be a sacred duty. The media professionals have themselves large responsibility for seeing this realized. Only when they dare confront the pertinent issues related to journalism as a profession, can they support adequately the continued existence of free and independent journalism.

I promise that we, at UNESCO, will do our best to take the issues raised here the last two days in Medellin further and to give our contribution to enhancing the safety of journalists and to bring an end to impunity.

MEDELLIN DECLARATION: SECURING THE SAFETY OF JOURNALISTS AND COMBATING IMPUNITY

We, the participants at the UNESCO conference on Press Freedom, Safety of Journalists and Impunity, meeting in Medellin, Colombia, on World Press Freedom Day, 3-4 May 2007,

Deeply concerned by attacks on the freedom of expression of the press including murder, deliberate attacks, abductions, hostage-taking, harassment, intimidation, illegal arrest and detention against journalists, media professionals and associated personnel because of their professional activity,

Believing that press freedom can only be enjoyed when media professionals are free from intimidation, pressure and coercion, whether from political, social, economic forces,

Recalling Article 19 of the Universal Declaration of Human Rights that guarantees freedom of expression as a fundamental right, and confirming that freedom of expression is essential to the realization of other rights set forth in international human rights instruments,

Recalling 29 C/Resolution 29 entitled "Condemnation of violence against journalists", adopted by the General Conference of UNESCO on 12 November 1997, which condemns violence against journalists and call on Member States to uphold their obligations to prevent, investigate and punish crimes against journalists,

Underscoring the provisions of the Colombo Declaration of 3 May 2006 on Media and Poverty Eradication, and Dakar Declaration of 3 May 2005 on Media and Good Governance, and of the Belgrade Declaration of 3 May 2004 on Media in Violent Conflict and Countries in Transition,

Welcoming the adoption by the Security Council of the United Nations of Resolution 1738 on 23 December 2006 calling on all parties to an armed conflict to fulfil their obligations towards journalists under international law, including the need to prevent impunity for crimes against them and further requesting the Secretary-General to include as a sub-item in his next reports on the protection of civilians in armed conflict the issue of the safety and security of journalists, media professionals and associated personnel,

Noting the potential contribution of a free, independent and pluralistic press to sustainable development, poverty eradication, good governance, peace and reconciliation, and respect for human rights,

Urging all the parties concerned to ensure the safety of journalists, media professionals and associated personnel, and respect for their media equipment and installations,

Session 5:

Considering that most murders of media professionals occur outside of conflict zones and that the safety of media professionals is an urgent problem that is not limited to situations of armed conflict, Reaffirming our condemnation of all incitement to violence against media professionals,

Call on Member States:

To investigate all acts of violence of which journalists, media professionals and associated personnel are victim which have occurred in their territory or abroad when their armed or security forces may have been involved in them;

To search for persons alleged to have committed, or to have ordered to be committed, a crime against journalists, media professionals or associated personnel, to bring such persons, regardless of their nationality, before their own courts or to hand them over for trial to another concerned State, provided this State has made out a credible case against the said persons;

To fulfil the duty incumbent upon them to prevent crimes against journalists, media professionals and associated personnel, to investigate them, to sanction them, to provide witness protection for those testifying against them and to repair the consequences so that such crimes do not go unpunished;

To adopt the principle that there should be no statute of limitations for crimes against persons when these are perpetrated to prevent the exercise of freedom of information and expression or when their purpose is the obstruction of justice;

To release immediately journalists detained to this day for having freely exercised their profession;

To promote awareness and train their armed forces and police forces to respect and promote the safety of journalists in situations of risk, and to ensure that journalists are able to work in full security and independence in their territory;

To recommend to multilateral and bilateral institutions of international cooperation and financial assistance that they require from recipient countries as a specific condition of eligibility respect for freedom of expression and effective protection of the exercise of press freedom, also to recommend to these institutions that a state's failure to comply with its obligation to investigate and punish killers of journalists could be cause for revision, suspension or revocation of such cooperation;

To sign and ratify the Additional Protocols I and II to the Geneva Conventions, the Rome Statute of the International Criminal Court and other relevant international instruments of international humanitarian law and international human rights law, and to take the appropriate legislative, judicial and administrative measures to ensure application of the aforementioned instruments nationally, in so far as they provide protection for civilians, in particular those working in journalism;

To comply with the commitments of UNESCO Resolution 29 to promote legislation with the intention of investigating and prosecuting the killers of journalists and to combat impunity;

Call on International Community and Professional Associations:

To take resolute action for the safety of journalists in situations of risk and to ensure respect for their professional independence;

To sensitize news organizations, editors and managers about the dangers surrounding their staff when covering hazardous stories, particularly the dangers present to local journalists;

To urge news associations to develop and sustain safety provisions that work regardless of whether their staff are covering domestic stories such as crime and corruption, disasters and demonstrations or health issues or international armed conflict;

To promote actions that secure the safety of journalists, including, but not limited to, safety training for journalists, safety codes, healthcare and life insurance, and equal access to social protection for freelance employees and full-time staff;

To coordinate widespread publicity campaigns on unpunished crimes against journalists and other acts of violence to bring about news coverage of all violations of press freedom;

To encourage journalism schools and mass communication departments to include in their curricula studies on the impact that crimes against journalists – and subsequent impunity – have on democratic societies. In addition to promote the inclusion in the curricula of subjects or specific courses on press freedom and to coordinate activities, including safety training, among press freedom associations, news media and journalism schools;

To further encourage collaboration amongst journalists, media owners, educators, press freedom groups and appropriate development agencies, at national and global level, to ensure the inclusion of media development activities in social and economic development programmes;

Call on UNESCO:

To invite the Director General of UNESCO to study, in consultation with the relevant international organizations and non-governmental organizations:

- (a) to act in favour of measures to better ensure application of the rules and principles of a humanitarian nature safeguarding journalists, media professionals and associated personnel in situations of armed conflict, and to promote the security of the persons concerned;
- (b) to work against the emergence of new threats to journalists and media staff, including hostage-taking and kidnapping;
- (c) to encourage mechanisms for including media development in programmes aimed at improving the social, economic and political life of societies in the process of development, political transition or emerging from the crisis of social conflict.

To require that data be submitted to the General Conference in a report on crimes against journalists and the number of cases that continue with impunity;

To sensitize governments regarding the importance of freedom of expression and threat that impunity for crimes against media professionals represents to this freedom;

To invite the Director General of UNESCO to recall to member states at the General Conference their legal and moral obligations to comply with Resolution 29 and prevent crimes against journalists

UNESCO/GUILLERMO CANO WORLD PRESS FREEDOM PRIZE AWARDED POSTHUMOUSLY TO RUSSIAN REPORTER ANNA POLITKOVSKAYA

Accepting the recommendation of an independent international jury of media professionals, the Director-General of UNESCO, Koïchiro Matsuura, designated Anna Politkovskaya, the late Russian journalist, as the laureate of the 2007 UNESCO/Guillermo Cano World Press Freedom Prize.

Kavi Chongkittavorn, president of the UNESCO/Guillermo Cano World Press Freedom Prize jury of fourteen professional journalists and editors, explained the jury's choice:

"Anna Politkovskaya showed incredible courage and stubbornness in chronicling events in Chechnya after the whole world had given up on that conflict. Her dedication and fearless pursuit of the truth set the highest benchmark of journalism, not only for Russia but for the rest of the world. Indeed, Anna's courage and commitment were so remarkable, that we decided, for the first time, to award the UNESCO/Guillermo Cano World Press Freedom Prize posthumously."

Born in 1958, Ms Politkovskaya studied at the school of journalism of Moscow State University. She was a columnist for the *Novaya Gazeta* newspaper. An outspoken campaigner for human rights, Ms Politkovskaya was particularly well known for the hundreds of articles she published on the conflict in Chechnya. Her work was recognized nationally and internationally. She received the Golden Pen of Russia award, a special diploma of the jury of the Andrei Sakharov Prize "For the life Sacrificed to journalism" and the Olof Palme Prize, to name but a few. She was killed in the entrance of her home in Moscow on October 7, 2006.

The UNESCO/Guillermo Cano World Press Freedom Prize is awarded annually on World Press Freedom Day (3 May). Created in 1997 by UNESCO's Executive Board, it honours the work of an individual or an organization defending or promoting freedom of expression anywhere in the world, especially if this action puts the individual's life at risk. Candidates are proposed by UNESCO Member States, and regional or international organizations that defend and promote freedom of expression.

This year, the 10th anniversary of the prize, World Press Freedom Day is celebrated in Medellin, Colombia, the home city of Guillermo Cano, the newspaper publisher after whom the prize is named. This year also marks the 20th anniversary of the assassination of Guillermo Cano for denouncing the activities of powerful drug barons in his country.

Since its creation, the US \$25,000 prize, financed by the Cano and Ottoway foundations, has been awarded to the following laureates: May Chidiac (Lebanon, 2006), Cheng Yizhong, (China, 2005), Raúl Rivero (Cuba, 2004), Amira Hass (Israel, 2003), Geoffrey Nyarota (Zimbabwe, 2002), U Win Tin (Myanmar, 2001), Nizar Nayyuf (Syria, 2000), Jesus Blancornelas (Mexico, 1999), Christina Anyanwu (Nigeria, 1998), Gao Yu (China, 1997).

(Footnotes)

- 1 http://www.cpj.org/Briefings/2007/DA_spring_07/DA_spring_07.pdf
- 2 <http://www.newssafety.com/stories/insi/KillingtheMessenger.pdf>
- 3 <http://www.ifj.org/pdfs/JournalistsKilled2007finalweb.pdf>
- 4 For an excellent commentary on this see The Struggle to Defend Free Expression is defining Our Age, Timothy Garton Ash, The Guardian, October 5th 2006 <http://www.guardian.co.uk/comment/story/0,,1887692,00.html>
- 5 The text of this resolution and a detailed analysis of killings of journalists and the problem of impunity is available in Killing The Messenger; the report by the International News Safety Institute, 2007, available at <http://www.newssafety.com/>
- 6 **Details of all these cases are in the report Justice Denied on the Road to Baghdad**, <http://www.ifj.org/pdfs/iraqreport2003.ppdf>
- 7 Information on IAPA's impunity campaigning is available at <http://www.sipiapa.org/>
- 8 Figures taken from "Killing the Messenger: Report of the Global Inquiry by the International News Safety Institute (INSI) into the Protection of Journalists." INSI, March 2007. Ref. www.newssafety.com
- 9 As with all civilians and persons who are not taking part in the fighting, at least the rules of Common Article 3 of the Geneva Conventions apply to media staff:
Persons taking no active part in the hostilities (...) shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria. To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
 - (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) taking of hostages;
 - (c) outrages upon personal dignity, in particular, humiliating and degrading treatment;
 - (d) The passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.
- (2) The wounded and sick shall be collected and cared for.
- 10 ICTY, Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, 8 June 2000, paras. 55, 75 and 76, at: <http://www.un.org/icty/pressreal/nato061300.htm> (hereinafter Final Report NATO Bombing). On 23 April 1999, at 2.20 a.m., NATO planes deliberately bombed the headquarters and studios of Serbian State radio-television (Radio Televizija Srbije, or RTS), in the heart of Belgrade; of the civilians working in the building at the time of the attack (technicians and other production staff), at least 16 died and another 16 were wounded. On the basis of the information available, the committee established by the ICTY Prosecutor to review the NATO bombing campaign against the Federal Republic of Yugoslavia recommended, in its final report of 8 June 2000, that the Office of the Prosecutor open no investigation into the RTS bombing (see, for example, Reporters Without Borders, Serbia Broadcasting: Chronicle of Martyrdom Foretold, Report, November 2000, 28 p.).
- 11 ICTY, Final Report NATO Bombing, paras 55, 75 and 76.
- 12 ICTY, Final Report NATO Bombing, paras 47, 55, 74 and 76. The ICTY committee nevertheless considered that NATO's targeting of the RTS building to inflict damages on its propaganda machine was an incidental (albeit complementary) aim of its primary goal of disabling the C3 network (para. 76).
- 13 Ibid., paras 55 and 76.
- 14 It also figures, in identical wording, in Article 3 (3) (c) of Protocol II on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices, to the 1980 Convention on Certain Conventional Weapons, and in Article 3 (8) (c) of the same Protocol as amended on 3 May 1996.
- 15 Art. 19 of the Instruction for the Government of Armies of the United States in the Field, prepared by Francis Lieber and proclaimed by President Lincoln as General Order No. 100 on 24 April 1863 (hereinafter the Lieber Code); Art. 16 of the Project of an International Declaration concerning the Laws and Customs of War; Brussels, 27 August 1874 (hereinafter the Brussels Declaration); Art. 33 of the Laws of War on Land, adopted by the Institute of International Law in Oxford on 9 September 1880 (hereinafter the Oxford Manual); Art. 26 of the 1907 Hague Regulations; Art. 6 of the 1907 Hague Convention (IX) concerning Bombardment by Naval Forces in Time of War; Art. 19 of the Fourth Geneva Convention; Art. 5 (2) of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices (Protocol II to the 1980 Convention on Certain Conventional Weapons); Art. 3 (11) and Art. 6 of Protocol II to the 1980 Convention on Certain Conventional Weapons, as amended on 3 May 1996.
- 16 See the Ground Rules Agreement established by the Coalition Forces Land Component Command (CFLCC) for the media, at http://www.rsfo.org/article.php?id_article=5334.
- 17 United Nations Security Resolution 1738 of 23 December 2006.
- 18 Reporters Without Borders, Press Freedom in 2006.
- 19 The Ninth International Anti-Corruption Conference, The Papers.
- 20 Annual Report 2006, Office in Colombia of the United Nations High Commissioner for Human Rights.