

SAFETY OF JOURNALISTS RESEARCH PACK

Centre of Governance and Human Rights (CGHR), University of Cambridge

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Foreward

As a young interdisciplinary research centre, drawing together academics across Cambridge (and beyond) on pressing themes of governance and human rights, I am delighted that CGHR have published this Research Pack. Our work with the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Christof Heyns for six months over 2011-2 was one of the Centre's first initiatives in policy-collaboration. It culminated in an expert meeting in March 2012 to discuss the issues and recommendations that Prof. Heyns would go on to present to the Human Rights Council in June. The project was linked with an academic partnership with the University of Pretoria, South Africa, generously supported by the David and Elaine Potter Foundation.

I want to pay tribute to the CGHR research team that was coordinated by Mona Elbahtimy and Sarah Elliott. Including both undergraduates and post-graduate students across at least three different faculties, their commitment to this project drove it throughout, and allowed the centre to contribute usefully and meaningfully to the work of the Special Rapporteur.

The Syrian context of the Meeting of Experts made the urgency of its subject particularly apparent. The death of Marie Colvin in Homs, the previous week, drew attention to the dangers faced by foreign war correspondents. But one of the key contributions of this Research Pack is that it presents an empirically rich and balanced analysis of the threats facing journalists of all kinds around the world, ranging from national reporters to citizen journalists, "netizens" to media workers. The news-information upon which we have come to rely comes from an ever broader array of sources, and the individuals involved all deserve protection from targeted attacks and intimidation.

After a year which in the UK has been dominated by Inquiries into the extent that media is above the law, it is pertinent to remind ourselves that in many places around the world it is a question of journalists under the law being targeted with impunity by those they hold to the account of public opinion.



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Note

The majority of this research was completed in November 2011: unless otherwise stated, online sources were last accessed at that time.

List of Abbreviations

API	Additional Protocol I to Geneva Convention (1949) regarding the Protection of Victims of International Armed Conflicts (1977)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
CPJ	Committee to Protect Journalists
ICCPR	International Covenant on Civil and Political Rights
ICRC	International Committee of the Red Cross
IFJ	International Federation of Journalists
INSI	International News Safety Institute
IPDC	International Programme for the Development of Communication
OHCHR	Office of the High Commissioner for Human Rights
RWB	Reporters Without Borders
UDHR	Universal Declaration of Human Rights
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNODC	United Nations Office on Drugs and Crime
UNSCR	United Nations Security Council Resolution

Who is a ‘journalist’?

It is important to define the use of the term ‘journalist’ to be able to determine the applicable legal framework and States’ obligations towards journalists. With new forms of electronic media making mass communication available to non-professionals, the understanding of what is meant by ‘journalism’ has expanded to include citizen reporters as well as more traditional print publishers. Some definitions follow:

Recommendation 4 of 3 May 1996 of the Committee of Ministers of the Council of Europe used the term journalist to cover: “all representatives of the media, namely all those engaged in the collection, processing and dissemination of news and information including cameramen and photographers, as well as support staff such as drivers and interpreters”.

Human Rights Committee 2011 General Comment No. 34 on article 19, paragraph 44 defines journalism as “a function shared by a wide range of actors, including professional full time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere”.

The 2010 Annual Report of the Special Rapporteur on the right to freedom of expression (11 August 2010, A/65/284) defined journalists as “individuals who are dedicated to investigating, analysing and disseminating information, in a regular and specialised manner, through any type of written media, broadcast media, (television or radio) or electronic media. With the advent of new forms of communication, journalism has extended into new areas, including citizen journalism.”

These definitions show that the term ‘journalist’ should not be read restrictively, and that our focus should be on the *behaviours* and *practices* which bring individuals into the sphere of performing journalistic activities. These activities in turn, expose journalists to specific types of risks. The report will thus consider threats faced by emergent groups such as ‘citizen journalists’ when their activities involve the dissemination of information about public events. “Citizen Journalists”, who are typically unpaid and untrained reporters, do not automatically possess any of the extra rights or protections accorded to professional journalists by a state. Often reporting anonymously, they may include those trained specifically for voluntary, online journalism, as well as those using online forums such as Twitter to send faster and more direct messages about events.

Finally, journalists are a specific category of human rights defenders, since they play a major role in exerting pressures on governments to fulfil their human rights obligations, raising human rights awareness among the public and exposing many human rights violations. These roles also make them vulnerable to attacks. In some societies, for example, one function of journalism is to alert higher echelons of government to what is going on at lower levels.

PART I: THE EXISTING FRAMEWORK FOR THE PROTECTION OF THE RIGHT TO LIFE AND SAFETY OF JOURNALISTS

I:A International Human Rights Law

A number of rights are at stake pertaining to the protection of right to life of journalists: right to personal liberty and integrity, freedom from torture, freedom of expression, right to an effective remedy. International human rights law instruments guarantee all these rights and impose positive and negative obligations on states to uphold these.

There is a multiplicity of international and regional legal instruments which outline the substantive rights which are potentially infringed in cases of violence against journalists. The latter could range from harassment, hindrance to perform their professional roles, physical and verbal assaults to deprivation of their right to life.

There is no specific international legal instrument that deals exclusively with protecting the personal security of journalists. Nonetheless, provisions protecting the right to life, personal liberty and integrity, freedom from torture, freedom of expression, and the right to an effective remedy which are incorporated within international human rights law instruments provide journalists with the necessary guarantees against violations of their rights and risks to their safety. If these provisions are fully respected, they would cover the different types of interference with the role of journalists.

The right to life and the right to freedom from torture are non-derogable under all the instruments considered (Article 4 of the *ICCPR*, Article 15 of the *European Convention on Human Rights*, Article 27 of the *Inter-American Convention on Human Rights*, and Article 4 of the *Arab Charter on Human Rights*). They cannot be suspended under any circumstances even in times of conflicts or emergencies. Moreover, the other rights are applicable in conflict situations together with the obligations under international humanitarian law.

States have positive obligations to take all effective measures of protection against actions of private parties, the use of lethal force by the State's security forces, and to end impunity of the perpetrators of violations through the independent investigation and punishment of their crimes and the provision of effective remedies to victims. States also have negative obligations to refrain from killings, ill-treatment, unlawful arrest, and other interferences which are likely to threaten the safety and physical integrity of journalists. Therefore, states are internationally responsible for both actions and inaction in relation to the killing of journalists or threats to their safety.

At the international level

The Universal Declaration of Human Rights (UDHR)

The UDHR secures the “right to life, liberty and security of person” (Article 3), the right not to be subjected to “torture or to cruel, inhuman or degrading treatment or

punishment” (Article 5) or arbitrary arrest (Article 9), and the right to an effective remedy for violations of one’s rights (Article 8).

The International Covenant on Civil & Political Rights (ICCPR)

The ICCPR gives the right to effective remedy (Article 3), the right to life (Article 6), prohibition of torture or to cruel, inhuman or degrading treatment or punishment (Article 7), right to liberty and security of the person (Article 9), and freedom of expression (Article 19).

General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant (2004) affirmed that States must adopt legislative, judicial, administrative and other appropriate measures to prevent, promptly investigate, punish, and redress the harm caused by detrimental acts of State agents as well as of private persons; failure to bring the perpetrators to justice was singled out as a separate violation of Article 2.

General Comment No. 6: The Right to Life (Article 6) (1982), the Human Rights Committee underlined that “States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces”, and that “the law must strictly control and limit the circumstances in which a person may be deprived of his life by [State] authorities”. The Comment further stated that “States parties should also take specific and effective measures to prevent the disappearance of individuals”, and to “establish effective facilities and procedures to investigate thoroughly cases of missing and disappeared persons in circumstances which may involve a violation of the right to life”.

Moreover, the *Draft General Comment No. 34 - Article 19* (2010), which clarifies the scope of States’ obligations under Article 19 ICCPR, underlines that States “must also ensure that persons are protected from any acts of private persons or entities that would impair the enjoyment of freedoms of opinion and expression” and that “harassment, intimidation or stigmatisation of a person, including arrest, detention, trial or imprisonment for reasons of the opinions they may hold” amount to a breach of that provision. In the same Draft Comment, the Committee further emphasizes that: “under [no] circumstances, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19 [...] All allegations of attacks on or other forms of intimidation or harassment of journalists, human rights defenders and others should be vigorously investigated, the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress”.

In *Njaru v. Cameroon* (2007), the Human Rights Committee found that the State had violated Article 9 (right to security of the person) by failing to take measures against police brutality and death threats intended to deter and punish a journalist for the publication of articles denouncing corruption and violence of the security forces; it stressed that the victim’s persecution was a restriction of the freedom of expression incompatible with Article 19.3, and that an effective remedy presupposed

the prompt prosecution and conviction of those responsible, as well as full compensation.

In fulfilling their obligations to refrain from deliberately interfering with the right to life of journalists, States are entitled to respect their obligations under the *UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* and the *International Convention for the Protection of All Persons from Enforced Disappearance*.

At the regional level

All regional human rights instruments contain provisions relevant to the issue of journalists' protection.

The *European Convention on Human Rights* contains protections for rights that are relevant to the situation of journalists: right to life (Article 2), freedom from torture (Article 3), freedom of expression (Article 10) and the right to an effective remedy (Article 13).

The *American Convention of Human Rights* protects the right to life (Article 4), right to humane treatment (Article 5), the right to personal liberty (Article 7), and freedom of thought and expression (Article 13).

The *African Charter on Human and People's Rights* guarantees individuals against arbitrary deprivation of the right to life (Article 4), establishes an absolute prohibition of torture and other inhuman or degrading treatment (Article 5), guarantees the right to liberty and security of the person (Article 6), and freedom of expression (Article 9).

The *Arab Charter on Human Rights* recognizes the inherent right to life and prohibits arbitrary deprivation of life (Article 5), prohibits "physical or psychological torture or [...] cruel, degrading, humiliating or inhuman treatment" (Article 8) and establishes an obligation for States to take effective measures to ensure protection against ill-treatment, including criminalization, as well as an obligation to afford redress to the victims. It enshrines the right to liberty and security of person, and expressly prohibits "arbitrary arrest, search or detention without a legal warrant" (Article 14). It establishes an obligation for States to ensure an effective remedy in case of violations of the Charter rights, whether committed by a State agent or not (Article 23). It also guarantees freedom of expression (Article 32).

The international legal framework on the protection of the right to life and security of journalists seems comprehensive in terms of scope. The above mapping of legal instruments has demonstrated that the obligation to respect the life, personal security and professional activity of journalists are fourfold: undertaking measures to guarantee protection, abstention from interference, prevention of third party interference, and investigation and punishment when violations take place.

Thus, the major obstacle facing the protection of the right to life of journalists derives not from the insufficiency of the scope of existing rights but rather from implementation or enforcement gaps.

Suggestions for the future:

The current situation of frequent violations of the fundamental rights of journalists has invited a number of suggestions on the normative regulation of protection of journalists at the international level. These suggestions vary from declaratory proposals aimed at enhancing the effectiveness of the existing framework to the adoption of a specific international legal instrument for the protection of journalists.

A declaration of principles on the protection of journalists adopted by the UN General Assembly is also suggested in the case of absence of political will for the option of a legally binding instrument. This could be an authoritative expression of the *opinio juris* of the international community, and might set the basis for the subsequent adoption of a convention. There are many precedents at UN level for this progressive codification of a particular area of human rights law, starting from a technically non-binding instrument and subsequently proceeding to the adoption of a binding instrument of equivalent content once the acceptance of the relevant norms has become widespread.¹

The need for a new binding instrument might be disputed against the background of the comprehensiveness of existing international human rights instruments, but the arguments in favour of such an instrument include the following:

- The increasing deterioration of the level of protection of journalists worldwide.
- The fundamental role played by journalists in the functioning of societies which make them deserve special protection since violations to their rights also entail violations of others' rights to access knowledge.
- The nature of their profession itself makes journalists subject to heightened risks and targeting more than others who exercise the right of freedom of expression and opinion. This can suggest that journalists be regarded as a vulnerable category of individuals deserving particular protection.²
- Despite the comprehensive scope of international legal instruments, they entail high levels of vagueness or normative gaps which require to be addressed through specification of obligations. A detailed specific instrument could arguably raise the level of awareness and augment pressures on states to fulfil their obligations.³

¹ Working Conference of 'The Initiative on Impunity and the Rule of Law: A Policy Research and Advocacy Project of the Centre for Law, Justice and Journalism at City University London, and the Centre for Freedom of the Media at the University of Sheffield' (1 June 2011)

[http://www.cfom.org.uk/wp-content/uploads/2011/09/Impunity_report_9th_FINAL-August.pdf]
p.39

² Ibid. p. 38

³ Ibid. p.39.

It is recognized that many of the obstacles that journalists face in performing their functions overlap with issues of freedom of expression. Consequently it is suggested that the possible instrument addresses only the physical security of journalists. The suggested content of such an instrument on the protection of journalists includes disappearances, protection from kidnapping (whether by state bodies or others); arbitrary arrest; specific issues relating to the intimidation of women journalists; deportation/refusal of entry; confiscation of and damage to property. It could also include provisions on specific obligations under international humanitarian law in times of conflict.⁴

⁴ Ibid. p 40

I:B International Humanitarian Law

Protection within international armed conflicts

Journalists engaged in dangerous professional missions in areas of armed conflict must be protected and must not be the subject of an attack, provided they do not take part in the hostilities. This rule of customary international humanitarian law is given expression under “Measures of Protection for Journalists” in Article 79 of the Additional Protocol I to the Geneva Convention of 12 August 1949, and relates to the Protection of Victims of International Armed Conflicts (1977) (API).¹ Neither the right to seek information nor the right to obtain information are at issue in this provision. There have been no reservations made to this Article.²

The term ‘journalist’ is undefined in this Article and is given its ordinary meaning. This encompasses all occupations associated with the media, including reporters, cameramen, sound technicians and photographers.³ It does not extend to communications or PR staff employed by the military.⁴ ‘Dangerous professional mission’ means any professional activity exercised in the area affected by hostilities, including all activities which broadly form part of the journalist’s profession such as conducting interviews, taking notes, photographs or filming, sound recording and transmitting news to their agency.⁵

Article 79 of API confirms that journalists are civilians defined under Article 50 and consequently, must enjoy the protection afforded civilians in all the provisions of the Conventions and of API. This includes not being the object of an attack and general protection against the dangers arising from a military situation.⁶ The protection granted by international humanitarian law will be lost should a journalist ‘take action adversely affecting their status as civilians’.⁷ This would include violently opposing arrest, taking up arms other than for self-defence and now may include the publishing of hate propaganda directed against a party to a conflict.⁸ Embedded journalists, who travel with military units, will also lose their protection if they travel

¹ 170 countries have ratified API. Notable exceptions are the US, Israel, Iran, Pakistan and Turkey. The rule in Art 79 is also set forth in military manuals and state practice. See, the military manuals of Argentina, Australia, Benin, Cameroon, Canada, France, Germany, Israel, Madagascar, Netherlands, New Zealand, Nigeria, Spain, and Togo. See also the statements of Brazil, Federal Republic of Germany and United States and the reported practice of Jordan, Republic of Korea, Nigeria and Rwanda. ICRC Customary IHL database, Rule 34, FN 2 -4, [http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule34].

² ICRC Customary IHL database Rule 34, [http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule34].

³ Dieter Fleck (ed.) *The Handbook of International Humanitarian Law* (2008) p.515.

⁴ Dr Amit Mukherjee, “Protection of Journalists under International Humanitarian Law” *Communications & the Law* 17 (1995), p.34.

⁵ ICRC, *Commentary on the Additional Protocols I and II of 8 June 1977*, p.918.

⁶ Art 51.

⁷ Art 79(2) and see Art 51(3).

⁸ In the *Prosecutor v Nahimana (Judgment)* (3 December 2003) the International Criminal Tribunal For Rwanda concluded that hate propaganda broadcast or published in the written media in support of one party to the conflict may be qualified as acts of violence and thus active participation in the conflict. See Gasser, “War, Protection of News Media Workers” p.7.

too closely to a military object which is a legitimate object of attack, or are hurt while wearing clothing that resembles a military uniform.

Article 79 of API further provides that journalists may be given an identity card which attests to their status in accordance with Annexure 2 of API, by either the authorities of the state in which journalists reside, the state of which they are nationals or the state in which their employer is located.

War correspondents

War correspondents are journalists who accompany the armed forces of a state without being members thereof. They too are granted civilian status by Article 50 of API and are afforded civilian protections. When specifically authorised to accompany the armed forces, pursuant to Article 4(A)(4) of the third Geneva Convention of 12 August 1949, relative to the Treatment of Prisoners of War, war correspondents are entitled to prisoner-of-war status upon capture and are granted the same protections as a member of the armed forces whilst in the hands of the enemy Party. Article 4(A)(4) states that the armed forces that war correspondents accompany should issue them with an identity card attesting to their status.

Protection within non-international armed conflicts

Despite the increasing prevalence of non-international armed conflicts, international humanitarian law affords no special protection to war correspondents or other journalists who exercise their professional activities in such conflicts. State practice and military manuals applied in non-international armed conflicts support that journalists are granted the same protection as civilians in non-international armed conflict.⁹ Further, as an expression of the fundamental customary rule that civilians may not be attacked unless they actively participate in hostilities, Article 79 of API applies to non-international armed conflicts.¹⁰ In short, journalists are protected as civilians, but afforded no special protection as a result of their profession.

Protection in times of peace

By definition, international humanitarian law is silent on the rights and duties of journalists on assignment in situations of violence which do not reach the level required to qualify as an armed conflict. International law on the protection of human rights sets the international standards that must be respected in such circumstances.¹¹

⁹ ICRC Customary IHL database, Rule 34, FN 9 and 10, [http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule34].

¹⁰ In 1996, the Committee of Ministers of the Council of Europe reaffirmed the importance of Article 79 of Additional Protocol I, “which provides that journalists shall be considered as civilians and shall be protected as such”. It considered that “this obligation also applies with respect to non-international armed conflicts”. ICRC Customary IHL database Rule 34, [http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule34]. See also Hans Peter Gasser, [13].

¹¹ Hans Peter Gasser, “War, Protection of News Media Workers”, *Max Planck Encyclopaedia of Public International Law* (2011), p.14.

United Nations Resolutions

In addition to preventing attacks on journalists, various resolutions of the United Nations Security Council and General Assembly have emphasised the need for states to *actively* ensure respect for and protection of journalists' professional activities while working in areas of armed conflict only. This is a step beyond their protection from being the target of, or subject to the dangers of armed conflict scenarios.

The UN Security Council adopted Resolution 1738 in 2006 to condemn attacks against journalists in conflict situations. It emphasises "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" and "that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered civilians, to be respected and protected as such". Consequently, the frequency of acts of violence against journalists and breaches of humanitarian law may thus justify the intervention of the Security Council in conflict situations already under the scope of Article 39 of the *UN Charter*.

The UN General Assembly has also adopted resolutions in respect of journalists in non-international armed conflicts.

In a resolution adopted in 1996 on the situation of human rights in Afghanistan, the UN General Assembly strongly urged "all parties to the conflict to take *all necessary measures* to ensure the safety of ... representatives of the media in Afghanistan".¹²

In a resolution adopted in 1998 on the human rights situation in Kosovo, the UN General Assembly called upon the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro), as well as armed Albanian groups, to refrain from any *harassment and intimidation* of journalists.¹³

And in every year since 2003, the UN General Assembly has adopted resolutions urging all countries, organizations of the United Nations system as a whole and all others concerned "[t]o *ensure* for journalists the *free and effective performance* of their professional tasks and condemn resolutely all attacks against them".¹⁴

¹² UN General Assembly, Res. 51/108.

¹³ UN General Assembly, Res. 53/164.

¹⁴ ICRC Customary IHL database, Practice Relating to Rule 34, [http://www.icrc.org/customary-ihl/eng/docs/v1_rul_rule34].

I:C Non-legal Protection

The current situation of frequent violations of the fundamental rights of journalists requires attention to be given not only to legal measures, but also to non-legal ones. A number of positive measures of a non-legal nature could be undertaken that would have an incremental effect to ensure proper safeguards to journalists' safety. Non-legal activities germane to journalists' right to life can be defined by two distinctions: between preventative protection measures and post-facto remedial action, and between UN or governmental action and non-governmental action.

Prior protection and prevention of harm

A number of measures have been taken to reduce the risks faced by journalists internationally. They include non-legal/political actions to increase attention paid to the dangers and practical initiatives such as safety equipment or emergency hotlines.

Raising awareness

The safety of journalists globally is closely linked to the public awareness of the dangers they face and the threats which exist to their right to life. The greater the visibility of the issues, the more difficult it is for a climate of impunity to proliferate.

Organizations such as UNESCO have a significant and expanding role to play in highlighting threats to journalists. The Office of the High Commissioner for Human Rights can also raise awareness, for example through its reports to the Human Rights Council.¹

More or less all NGOs working in this field attempt to expand awareness of the problems journalists face (and the ways in which NGOs help). They achieve this largely through press releases announcing instances of violence against journalists and by lobbying national and international governmental institutions for further action. There was, for example, significant NGO pressure leading up to UNSCR 1738. But for those who worked on achieving that result there was an awareness that its restrictive implementation (only to conflict zones) was the most they could hope for. Rodney Pinder (Director of the International News Safety Institute) has written that the lobbying was undertaken more with a view to achieving a 'declaration of principle by the world's highest political body' rather than any concrete impact on casualties.²

The 'Charter for the Safety of Journalists Working in War Zones or Dangerous Areas' was published by Reporters Without Borders (RWB) in March 2002 and made a number of useful proposals in the form of eight principles that aim at preventing or reducing risks faced by journalists working in dangerous situations.³

¹ 'UN Plan of Action on the Safety of Journalists and the Issue of Impunity' para. 1.9. [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/WPFD/UN%20Plan%20of%20Action_Safety%20of%20Journalists.pdf] (accessed February 2012)

² [<http://www.cfom.org.uk/impunity/research/international-news-safety-institute-insi/>].

³ 'Charter for the Safety of Journalists Working in War Zones or Dangerous Areas' [<http://www.rsf.org/IMG/doc-1288.pdf>].

Training Journalists

Many dangers facing journalists can be at least mitigated by ensuring that they have the opportunity to receive training.⁴ Education of journalists about minimising risk is clearly a fundamental part of prevention.

UNESCO and the International News Safety Institute (INSI) regularly conduct safety trainings courses and workshops for journalists and media workers in conflict areas.⁵ In isolated instances UNESCO has donated press safety equipment (“press” signs, protective vests, helmets, and first aid kits) to Palestinian journalists in Gaza.

In response to UNSCR 1738, the British military updated its “Green Book” to take account of journalist safety in conflict zones.⁶ The International News Safety Institute has tried lobbying American and Israeli Defence Departments to do the same, without success.⁷

The majority of safety training available for journalists is provided by NGOs (sometimes in collaboration with UNESCO). RWB and INSI have developed both written safety guides and practical training sessions for this purpose.⁸ It should be noted that both have in recent years drawn attention to the potential for psychological as well as physical harm, and offered guidance on preparation.

Lending equipment to prevent physical harm

Organizations such as RWB lend safety equipment (donated to them by the French Ministry of Defence) to journalists free of charge.⁹

Insurance

Taking note of the way in which, too often, freelance journalists are assigned to cover conflicts without insurance (exorbitant costs and lack of information being the primary cause), RWB (in an arrangement with Canadian firm April International) offer competitively-priced insurance to freelance reporters. Since it started offering the programme in late 2002, nearly 400 journalists have purchased such a policy (especially to travel to Afghanistan, Iraq, Lebanon, and Sudan).¹⁰

Post-Facto Remedial Action

Clearly no preventative scheme can be perfect, and there will inevitably be continued instances of violence or threats of violence against journalists in the field. A variety

⁴ For example UNESCO’s collaboration with Freedom Forum to run a project, “Fostering the Safety of Journalists Through Training” in Nepal (August 2011)

⁵ UNESCO CONCEPT NOTE UN Inter-Agency Meeting on the Safety of Journalist and the Issue of Impunity 13-14 September 2011, [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/un_interagency_meeting_safety_journalist_concept_paper_en.pdf] p.3.

⁶ [http://www.mod.uk/NR/rdonlyres/BAFF11F2-EF45-4A99-B8BA-A1BDA6AFE8A4/0/green_book_v7_011010.pdf]

⁷ [<http://www.cfom.org.uk/impunity/research/international-news-safety-institute-insi/>]

⁸ [<http://newssafety.org/page.php?page=5722>]

⁹ RWB *Handbook for Journalists* (2009) p.74f.

¹⁰ RWB *Handbook for Journalists* (2009) p.73f.

of measures have been undertaken both by international governmental organizations and by NGOs to attempt to mitigate some of the dangers faced by journalists.

The United Nations and its various agencies have certain comparative advantages as they have an established platform to voice their concerns. UNESCO pressures national governments to pursue judicial action so as to combat the climate of impunity. For example its Medellin Declaration, building on UNSCR 1738, called on member states (among other things) to release all journalists imprisoned for expressing their opinion, to investigate all acts of violence against journalists, to promote awareness among their armed services and police forces and to train them to respect the safety of journalists.¹¹

In 2008, the governing bodies of the International Programme for the Development of Communication (IPDC) adopted the first Decision on the Safety of Journalists and the Issue of Impunity, which urges Member States “to inform the Director-General of UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify her/him of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO”. The Decision also requests the Director-General of UNESCO to provide an analytical report on the basis of the responses received from Member States concerned. Since then, once every two years, the Director-General of UNESCO submits a report to the IPDC Council on the Safety of Journalists and the Danger of Impunity, as a monitoring tool for follow-up actions by Member States. Individual country information from the report is used in UNESCO’s submission to the Office of the United Nations High Commissioner for Human Rights (OHCHR) within the framework of the Universal Periodic Review since early 2011.¹²

Role of the OHCHR

In addition to speaking at UN conferences about the importance of ending cultures of impunity, the OHCHR has on occasion spoken out against individual governments, for example in August 2011 attention was drawn to the deteriorating situation in the Baluchistan region of Pakistan. Evidence was cited that Pakistan was one of the most dangerous places for journalists, with at least 16 killed in 2010, and 9 more up to that point in 2011. The High Commissioner had already spoken out in March, but now expressed concern that the situation did not appear to have improved.¹³

All NGOs working in this field attempt to draw international attention to instances of journalists being attacked, which itself helps to alter the climate of impunity. The Committee to Protect Journalists (CPJ) has a campaign against impunity where it works with local journalist groups to document and publicise murders of journalists and subsequent law enforcement action; to lobby local prosecutors, police, government officials and judicial officials; to conduct discussions and press

¹¹ UNESCO ‘Medellin Declaration’ resulting from the Conference on Press Freedom, Safety of Journalists and Impunity (Medellin, Columbia, 3-4 May 2007).

¹² UNESCO CONCEPT NOTE UN Inter-Agency Meeting on the Safety of Journalist and the Issue of Impunity 13-14 September 2011, [http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/un_interagency_meeting_safety_journalist_concept_paper_en.pdf] p.2.

¹³ [<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=11483&LangID=E>]

conferences to publicise the problem and identify solutions; and to enlist the support of the international community in seeking justice.¹⁴

International Freedom of Expression Exchange

This is a global network that comprises 90 independent organizations worldwide. It is a coordinated mechanism to rapidly expose free expression violations around the world. It issues alerts to its members when there is an attack on journalists and media workers.¹⁵

Emergency Helplines

Both RWB and International News Safety Institute have established 24-hour emergency contact points that journalists in trouble can reach from anywhere in the world.¹⁶ The International Committee for the Red Cross (ICRC) provides a 24-hour hotline for journalists working in conflict zones.

Supporting Journalists in Hiding

One of the more high-profile activities of the CPJ is their support for journalists forced to go into hiding to escape from threats from local officials, militia, or criminal gangs.¹⁷

Providing Support for Families

This easily over-looked secondary consequence of violence against journalists, or kidnapping, is sometimes undertaken by the CPJ: for example supporting those left behind after the Maguindanao massacre in November 2009—grants were provided to cover living expenses, school costs, and emergency medical care.¹⁸ Describing the decision to undertake this kind of work as part of the Journalist Assistance Programme, Gene Roberts recalled that “we were coming to realise that embattled journalists were more likely to stand up against government threats if they knew that our organization would give financial assistance to their families while they were in prison or in exile.”¹⁹

Providing Medical Care

CPJ, for example, helps get medical care for journalists following assaults, or for journalists suffering mistreatment in prison. They also contribute to legal funds for journalists facing prison. CPJ grants supported independent Cuban editor José Luis García Paneque while he was in jail, covering medicine and food that prison authorities would not provide.²⁰

¹⁴ [<http://www.cpj.org/campaigns/impunity/what-we-do.php>]

¹⁵ [http://www.ifex.org/what_we_do/]

¹⁶ [<http://en.rsfs.org/a-hotline-for-journalists-in-17-04-2007,21749.html>]

¹⁷ [<http://www.cpj.org/campaigns/assistance/what-we-do.php>]

¹⁸ [<http://www.cpj.org/campaigns/assistance/impact.php>]

¹⁹ [<http://www.cpj.org/blog/2011/08/how-cpj-began-helping-journalists-with-more-than-l.php>]

²⁰ [<http://www.cpj.org/campaigns/assistance/impact.php>]

Evacuation

In cases of extreme risk, the CPJ has also helped to evacuate journalists to temporary safe-havens. For example they assisted Sunil Jayasekera (editor of the Sinhala weekly *Irudina*) escape Sri Lanka in 2010, and provided aid for emergency evacuation, resettlement and support in exile for prominent Iranian blogger Babak Dad, who now lives in France.²¹

Counselling

The CPJ offers this to counter the danger of long-lasting psychological harm deriving from the traumatic experiences of some journalists. Meanwhile International News Safety Institute call for the news industry to make changes to the macho culture that prods journalists to cope alone. It should be noted, however, that much post-traumatic counselling for journalists responds to what they have witnessed rather than to direct attacks upon them.

Action overlooked or under consideration

There are actions that have either been taken with a detrimental effect, or which have not been taken but which could have beneficial effects for the safety of journalists in the non-legal sphere.

International organizations could become more sensitive to the issue of violence against journalists and could take appropriate non-legal actions against states that give impunity to violence against journalists. There is a disconnect between the legal and political branches of intergovernmental organizations. While the legal structures have taken commendable action (such as the Inter American Commission on Human Rights ordering members to provide direct protection to at-risk journalists, and providing effective mediation when the rights of journalists have been violated), these systems appear to break down at the political level. The OAS and AU have been largely silent on the issue of press freedom. In some cases the political bodies responsible for ensuring compliance with court rulings have balked: for example the Council of Europe's Committee of ministers issued only a cautious reprimand to Azerbaijan when it failed to comply with the ECtHR order to release editor Eynulla Fatullayev.²²

Intergovernmental Organizations, aside from UNESCO, have offered very little in terms of practical assistance to journalists in danger around the world. Meanwhile, the NGO community has taken a strong lead in providing practical, non-legal solutions to these problems, both in terms of preventative counter-measures, and remedial assistance.

Press Emblem Campaign (PEC)

The idea of a press emblem was one practical means devised in the 2006 report to

²¹ [<http://www.cpj.org/campaigns/assistance/impact.php>]

²² Joel Simon 'International Institutions Fail to Defend Press Freedom' in *CPJ Attacks on the Press 2010*.

the Human Rights Council.²³ This was debated in the preparatory talks of establishing the Additional Protocols to the Geneva Conventions, but rejected because journalists could then encounter more risks. It was proposed again in Article 7 of the Draft Proposal for an International Convention to Strengthen the Protection of Journalists in Zones of Armed Conflicts and Civil Unrest in order to strengthen the protection of journalists but is criticised because it is doubtful that a press emblem without any other specified protection could give better protection to journalists.²⁴

²³ [<http://www.pressemblem.ch/>]

²⁴ See for example Kate Mackintosh 'Beyond the Red Cross: the protection of independent humanitarian organizations and their staff in international humanitarian law' *International Review of the Red Cross* No.865 (2007) p.127f.

PART II

THE TARGETING OF JOURNALISTS IN CONTEXT

II:A Journalists working in conflict situations

Types of Journalists

As discussed above, war correspondents are categorised as civilians under international humanitarian law.¹ They are also entitled to prisoner of war status if captured by enemy forces.²

The protection available to ‘embedded’ journalists’ – journalists that move around with troops during war, is generally the same as war correspondents.³

Independent journalists are similarly considered as civilians at all times so long as they do not actively participate in the combat i.e. as long as they do not take ‘action adversely affecting their status as civilians’, action that directly and effectively contributes to one of the combatants.⁴ They are therefore protected against the effects of hostilities, direct attacks and arbitrary conduct if they are captured.

This applies in areas internationally recognised as being in a state of armed conflict. Independent journalists working in low profile conflict zones that do not qualify as ‘war’ – and therefore do not trigger the application of international humanitarian law – remain protected under international human rights law, as discussed in Part I of this Research Pack.

Gaps in Protection

There is a general agreement that the legal protection to journalists reporting in conflict zones is sufficient.⁵ Under existing law, journalists are protected against the

¹ Art. 50 (1) of the Protocol Additional to the Geneva Conventions (1949). War correspondents are ‘persons who follow armed forces without actually being members thereof’ - Art. 4 Para. 4 Third Geneva Convention relating to the Protection of Prisoners of War. They ‘wear uniforms, had officer status and answered to the person heading the armed forces unit they were part of’ - Alexandre Belguy-Gallois ‘The protection of journalists and news media personnel in armed conflicts’ (2004) Vol. 86, No 853 *International Review of the Red Cross* 37 39-40.

² Art. 4 Para. 4 Third Geneva Convention relating to the Protection of Prisoners of War.

³ Alexandre Belguy-Gallois ‘The protection of journalists and news media personnel in armed conflicts’ *International Review of the Red Cross* 86:853 (2004) p.37, 40-41.

⁴ Art. 79 Prot. Add. I to the Geneva Conventions, 1977. If they actively participate in the war, their civilian status is suspended as long as their contribution continues. Although there is no express provision dealing with the protection of journalists in non-international armed conflicts, they fall under the group considered as civilian.

⁵ However, some argue that the protection available in non-international conflicts is not as robust as the protection in international armed conflicts - see Ben Saul ‘The international protection of journalists in armed conflict and other violent situations’ (2008) 14(1) *Australian Journal of Human Rights* 99, 123 observing that ‘The protection of journalists in non-international armed conflict is less developed than in international conflicts, as is true of the law as a whole on non-international conflicts’ - at 119. Common article 3 of the Geneva Conventions, which applies to non-international armed conflicts, only requires human and non-discriminatory treatment of all not directly taking part in hostilities including journalists.

effects of hostilities⁶ as well as against arbitrary conduct such as killings or torture on the part of combatants if they are captured or arrested.⁷ However, they may suffer from ‘collateral damage’.

All journalists in principle benefit from the right to life, and the prohibition against forced disappearance and torture. The right to life and freedom of expression include positive duties such as the duty to investigate and prosecute perpetrators after a journalist is killed.⁸

The main problem, however, continues to be implementation of existing laws. According to a CPJ report, more than 94% of the attacks on journalists are not investigated at all. Iraq and Somalia, two countries in recent years particularly blighted by armed conflict, rank first and second in the number of journalist killings that were not investigated and prosecuted.⁹ Lack of investigation is a particular problem where journalists suffer attacks in full-blown war situations. For example, the killings of two photojournalists and injuries to two others as a result of a mortar attack in Libya have not been investigated.¹⁰ The abduction and killing of a South African photojournalist has similarly not been investigated.¹¹

In cases of lower-profile armed conflict, attacks on journalists are often orchestrated by groups that are outlawed by the state (though, of course, this is not to suggest that state-actors do not also attack journalists). But attacks or abuses committed by groups that have explicitly placed themselves outside the jurisdiction of a state, by taking up arms, are difficult for the state to address without first subjugating the whole armed group, and ending the armed conflict.

Failure to provide protection to journalists who have been threatened is another major problem. More often than not, journalists receive threats prior to an actual attack. However very few states are willing to provide preventive protection to journalists. Similarly, individuals that witness attacks on journalists are often not protected and fall victim to perpetrators – such as in the Philippines.¹²

Categories of Harm

There is a rising toll of kidnapped and murdered journalists covering military conflicts around the world. 887 journalists have been killed worldwide since 1992, 17% of them covering crossfire or conflict situations. Of the 102 journalists killed in

⁶ See, for example, Addition Protocol No I, Arts 48, 51, 57 and 85 (3).

⁷ See generally Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949.

⁸ Principle 3(b), General Assembly resolution 60/147 of 16 December 2005 ‘Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law’ [<http://www2.ohchr.org/english/law/remedy.htm>] (accessed December 2011).

⁹ See CPJ’s 2011 Impunity Index [<http://www.cpj.org/reports/2011/06/2011-impunity-index-getting-away-murder.php>] (last accessed 2 December 2011).

¹⁰ [<http://www.bbc.co.uk/news/uk-13151490>] (accessed December 2011).

¹¹ [<http://www.theatlantic.com/international/archive/2011/05/south-african-journalist-anton-hammerl-killed-in-libya/239187/>] (accessed December 2011).

¹² ‘HRW to Aquino: Investigate killing of massacre witness’ [<http://www.pinoypress.net/2010/07/02/hrw-to-aquino-investigate-killing-of-massacre-witness/>]

crossfire or conflict over the last 10 years, 36 deaths took place between 2003 and 2004, 31 of which were in Iraq. Some deaths resulted from deliberate action, while some others were indirect.

The three main forms of violence against all journalists could be categorised as psychological harm, physical harm, and death (including murder). Though these dangers are not particular to armed conflict journalism, when it comes to physical types of harm, the dangers become more distinct or more pronounced for this category.

Journalists reporting in armed conflict are at risk of being taken hostage, either because of the content of their work or because of their mere presence at the site.¹³

Similarly, journalists can be subjected to illegal imprisonment through an unfair trial or no trial at all. For example the recent trial of Swedish journalists Johan Persson and Martin Schibbye in Ethiopia, after they had been arrested illegally covering the actions of a Swedish oil company in the Ogaden region of the country, to which the Ethiopian government prohibits access to journalists and aid workers while a protracted armed conflict takes place between government forces and separatist ONLF rebels. Ethiopian authorities have charged 10 journalists with trumped-up terrorism charges since June 2011.¹⁴

While jailed, imprisoned, or held hostage, journalists may endure different types of torture, and/or sexual assault.¹⁵ Sexual assault is more frequent among female journalists, but men may experience it as well.¹⁶ This type of violence is rarely discussed adequately, due to cultural taboos as well as the victim's fear that he/she will be perceived as "too weak" and therefore unsuitable for similar future assignments. The fear of sexual harassment also makes female journalists more vulnerable while on dangerous sites, and therefore less likely to undertake such assignments.¹⁷

The issue of sexual assault of journalists has been receiving greater attention in recent years, partly as a result of an excellent short study by Judith Matloff in the *Columbia Journalism Review*. Matloff highlighted that 'female reporters are targets in lawless places where guns are common and punishment rare. Yet the compulsion to be part of the macho club is so fierce that women often don't tell their bosses. Groping hands and lewd come-ons are stoically accepted as part of the job, especially in places where western women are viewed as promiscuous. War zones in particular

¹³ See generally IFJ report "Safety and Protection of African Journalists" (2010) [<http://africa.ifj.org/assets/docs/102/040/b129a66-9d3db28.pdf>]

¹⁴ "CPJ condemns trial of Swedish journalists in Ethiopia" [<http://www.cpj.org/2011/12/cpj-condemns-trial-of-swedish-journalists-in-ethio.php>] (accessed February 2012).

¹⁵ See for example *Guardian* 'Journalist Mona Eltahawy alleges sexual assault in Egypt detention' [<http://www.guardian.co.uk/world/2011/nov/24/journalist-mona-eltahawy-detained-cairo>].

¹⁶ Lauren Wolfe, "CPJ Special Report: The silencing crime: sexual violence and journalists" [<http://cpj.org/reports/2011/06/silencing-crime-sexual-violence-journalists.php>].

¹⁷ [<http://cpj.org/blog/2011/02/documenting-sexual-violence-against-journalists.php>] (accessed February 2012)

seem to invite unwanted advances, and sometimes the creeps can be the drivers, guards, and even the sources that one depends on to do the job.’¹⁸

The gravest danger for journalists covering conflict situations is loss of life. In a war-zone journalists might be murdered (killed directly and deliberately by a gunman), killed in shelling operations towards media stations, or killed because they happened to be in cross-fire (bullet not directed at them). Apart from the significance of these kinds of killing in terms of the principle of the right to life, impunity is a problem of extremely high importance, due to its potential future implications and outcomes.

According to CPJ, 154 journalists were killed in crossfire and/or combat from 1992 until 2011. The ten deadliest countries in this regard are Iraq: 53, Bosnia: 13, Russia: 12, Somalia: 12, Afghanistan: 9, Israel and the Occupied Palestinian Territories: 8, Georgia: 7, the former Yugoslavia: 6, Sierra Leone: 5 and Libya: 5.¹⁹

Regional Variances

The Middle East

Over the past ten years, Iraq has been by far the deadliest nation for journalists, with 53 deaths, more than half the total number of journalists killed worldwide. But 2011 in Iraq was the first year since the war erupted in 2003 that witnessed no killing of journalists in combat or crossfire (2003: 12, 2004: 19, 2005: 6, 2006: 4, 2007: 5, 2008: 2, 2009: 4, 2010: 1).²⁰

CPJ has documented more than 80 attacks on the press since the escalation of the Libyan uprising. From mid February 2011 till May 2011, they include the killing of five journalists in combat or crossfire, at least three serious injuries, at least 50 detentions, 11 assaults, two attacks on news facilities, the jamming of Al-Jazeera and Al-Hurra transmissions, at least four instances of obstruction, the expulsion of two international journalists, and the interruption of Internet service. Four Italian journalists were kidnapped then released later, but six Libyan journalists have been missing since the start of the uprising.²¹ Anton Hammerl, a South African photojournalist, was shot and killed by government forces near Brega in eastern Libya on April 5. Libyan authorities refused to disclose the killing, indeed disseminated misleading information. It was only when three international journalists captured in the same attack were released a month and a half later that Hammerl’s fate was known. Five months later his body had not been returned to his family.²²

In Syria, in the context of the media coverage of the protests during 2011, the CPJ has documented the death of cameraman Ferzat Jarban in Homs in November, 29 cases of journalists who were arrested for their work, nine cases of foreign journalists who have been expelled from Syria and nine cases of journalists who are currently in prison. Syria’s acceptance of the Arab League’s proposal in November entails

¹⁸ Judith Matloff ‘Foreign Correspondents and Sexual Abuse: A Case for Restraint’ *Columbia Journalism Review* (May/June 2007)

¹⁹ [<http://cpj.org/killed/in-combat.php>].

²⁰ Ibid.

²¹ [<http://cpj.org/blog/2011/05/journalists-under-attack-in-libya.php#more>].

²² [<http://cpj.org/blog/2011/09/family-friends-celebrate-life-of-journalist-killed.php>]

allowing international journalists to access Syria and domestic media to report freely.²³ In January 2012 Gilles Jacquier, a French journalist working for France 2 Television, was fatally wounded when a shell exploded as a group of journalists were covering demonstrations in Homs. In the same month, a Belgian reporter was injured also in Homs.

In Israel and the Occupied Palestinian Territory, 10 journalists have been killed since 1992. Journalists work within a highly charged atmosphere where there are reports that journalists are subjected to harassment, detentions, censorship, and strict restrictions on their movements from Israel, the Palestinian authorities and Hamas.²⁴ In 2009, the Israeli military operations in Gaza targeted local and international media facilities at least four times (the offices of the Al-Risala newsweekly, the headquarters of Al-Aqsa TV, Al-Johara Tower which housed more than 20 international news organizations, Al-Shuruq Tower, which hosted more than a dozen international news and production companies, including Reuters, Fox News, and the Dubai-based television station Al-Arabiya) A number of journalists were injured while trying to cover the operation. Israeli authorities also denied foreign journalists access to Gaza during and after the operations.²⁵ Israel has more than once arrested journalists and seized journalistic equipments while boarding humanitarian ships to Gaza without allowing them the right to due process. In August 2010 a Lebanese reporter was killed in crossfire while covering a border clash between Israeli and Lebanese military forces.²⁶ At the moment Israel currently continues the unlawful detention of Hassan Ghani, a correspondent for Iran's Press TV.²⁷

Africa

In Africa, Somalia constitutes the most dangerous country for journalists. A total of 13 journalists died in Africa in 2009, nine of them in Somalia, most in the environs of Mogadishu. Journalists and other media workers were killed, ill-treated, exiled, arrested, injured, threatened with death, intimidated or kidnapped.

Although the types of dangers do not seem to differ qualitatively from the Middle East, reporting in Africa is less intensive, and so comparison is difficult. The General Secretary of the International Federation of Journalists (IFJ) Aidan White said “This troubled and poverty-stricken corner of the world rarely makes headlines beyond death and destruction precisely because it is one of the deadliest trails for journalists to follow”.²⁸

Asia

Journalists in South Asia suffer threats of physical assault in their daily routine and are occasionally the targets of murderous violence as with the suicide bombing of the Peshawar Press Club.

Some common threats journalists face in South Asia include: “Physical attacks,

²³ [<http://cpj.org/2011/12/syria-must-release-imprisoned-journalists.php#more>].

²⁴ [http://www.cpj.org/attacks_on_the_press_2010.pdf].

²⁵ [<http://cpj.org/2010/02/attacks-on-the-press-2009-israel.php>].

²⁶ [http://www.cpj.org/attacks_on_the_press_2010.pdf]

²⁷ www.cpj.org

²⁸ National Union of Somali Journalists 2008. Annual Report. [www.nusoj.org/Docs/Omar%20Nur%20Annual%20Report.pdf].

threats and questionable legal actions directed against journalists, media workers and media institutions with the intention of keeping critics quiet; the risks of reporting on events and issues in locations made dangerous by war and violent dissent; official and unofficial censorship; concentration of media ownership and access to diverse sources of information; and the extent of transparency and accountability permitted by the local regulatory environment, including freedom of information and labour laws”.²⁹

In the Philippines, there is still uncertainty over the ability of the new administration under President Benigno Aquino III to deliver on promises to end impunity. The nine-year watch of Gloria Macapagal Arroyo’s administration had left a total of 79 cases of journalists and media workers killed in the line of duty. The Arroyo administration seemed indifferent and responded only when criticized by international press freedom watch groups. By the end of her term, and despite her creation of special task forces to address the killings, only 5 of the 79 cases had been resolved, and only partially. The new administration of Benigno Aquino III vowed to end impunity: the President claimed in his first State of the Nation Address that half of the cases of extrajudicial killings were “on their way to being resolved.” In August 2010, Aquino’s Communications Group and Justice Secretary Leila de Lima met with representatives of national NGOs to discuss how the government could help end the culture of impunity. Among the measures discussed were the strengthening of the state-run witness protection program, capacity-building for forensics experts in the police and military, and the creation of a multi-sectoral quick response team. However hopes that the killing of journalists would stop under the new administration were dampened by the first work-related killing of a journalist and about 20 extrajudicial killings that occurred during the first six months of the Aquino administration.³⁰

In Afghanistan, Afghan journalists have made significant progress in recent years in moving toward a free, independent and diverse media. At the official commemoration of World Press Freedom Day in 2011, the country’s Minister for Information, Sayed Makhdoon Raheen, remarked upon the growth of Afghanistan’s media as one of the signal achievements of the years since the dismantling of the Taliban regime in November 2001. Within a month of the Taliban collapse, Afghanistan had sprouted no less than 200 independent media outlets. Ten years later, the figure stood at 1000. Among the most significant achievements of journalists in Afghanistan is that they have put in place a nascent media rights monitoring network, with the most serious instances of media rights violations reported to a world audience. Since 2008, there has been a decline in the hazards that journalists face. Despite the above, however, between 2008 and 2009, three journalists were killed in Afghanistan. Several reported being threatened and harassed. Two received harsh penalties after being convicted on charges of causing religious offence. And in a new development, official security agencies threatened several with dire consequences for criticizing foreign powers.³¹

In other cases, such as in Sri Lanka, ruling regimes remain in power but pursue

²⁹ IFJ, *Sixth Annual Press Freedom Report for South Asia* (2007-2008) [<http://asiapacific.ifj.org/en/pages/ifj-asia-pacific-reports>].

³⁰ SEAPA, *Caught in the Crossfire: Southeast Asia’s Press Freedom Challenges for 2011* (2011) p.42ff.

³¹ IFJ, *Reporting in Times of War: Press Freedom in Afghanistan 2008-11* [<http://asiapacific.ifj.org/assets/docs/o82/o29/36e9452-4d93d1d.pdf>]

internal rivalries, often through violence and suppression of press freedom. In Sri Lanka the environment has actually become more dangerous for journalists in the last few years. Although the ceasefire in 2002 brought hope for press freedom, the civil war was resumed in 2006, and the situation for journalists worsened. Media owners co-opted with the Government's "with us or against us" attitude, becoming tools of propaganda, while the journalists became more vulnerable, especially as their key leaders were targeted and forced into silence or exile.³²

In Thailand, the ongoing political conflict spawned events that impacted freedom of the press. The prolonged protest rally of the Red Shirts from March to May 2010 found the media in the middle, as both the government and Thaksin's followers sought to impose their will on journalists. Official reports claimed that 91 people were killed and more than 2,000 were injured when a military operation ended the three-month occupation of Ratchaprasong. Of these, two journalists were killed while almost a dozen other media workers were wounded.³³

Best Practices

The provision of security training courses to journalists reporting in conflict zones can enable journalists to 'smell' danger and reduce the number of fatalities. But the courses do not guarantee safety.³⁴ In Australia, for instance, the Australian Broadcasting Commission has comprehensive training and safety policies and procedures for journalists deployed on dangerous assignments.³⁵ Journalists should have health and life insurance and wear necessary protective equipment.

There is a move to recognise a designated journalist emblem, such as the 'Red Cross' or 'Red Crescent', or the 'Blue Helmet' for UN peacekeepers. The challenge, it has been indicated, is the increase in the number of special status groups in war situations can weaken the protection for already protected groups and can increase the potential of abuse. The possibilities for a press emblem have been discussed in Part I, above.

The ICRC maintains its important role in the protection of civilians during armed conflicts. It has a hotline which is a service at the disposal of journalists who work in zones of armed conflicts. Journalists, their employers or their relatives may notify ICRC when a journalist is missing, wounded, has been killed or is detained, to request assistance. The kind of protection services that can be provided by the ICRC to journalists are: 'seeking notification of a reported arrest/capture and access in the frame of ICRC detention visits; providing immediate information to next of kin and employers/professional associations on the whereabouts of a sought journalist whenever such information can be obtained; maintaining family links; actively

³² For extensive review of the role of journalists in peace-making in Sri Lanka, see IFJ *On the Road to Peace: Reporting Conflict and Ethnic Diversity : A Research Report on Good Journalism Practice in Sri Lanka* [<http://www.ifj.org/assets/docs/152/226/61fe198-0c3a3e2.pdf>]

³³ SEAPA, *Caught in the Crossfire: Southeast Asia's Press Freedom Challenges for 2011* (2011) p.49ff.

³⁴ See CPJ 'On assignment: Covering conflicts safely: Guide for reporting in hazardous situations' [<http://www.cpj.org/reports/2003/02/journalist-safety-guide.php#cover>]

³⁵ Ben Saul 'The international protection of journalists in armed conflict and other violent situations' *Australian Journal of Human Rights* 14:1 (2008) p.99, 133.

tracing missing journalists; recovering and transferring or repatriating mortal remains; evacuating wounded journalists, etc.’³⁶

³⁶ [<http://www.icrc.org/eng/resources/documents/interview/30-international-conference-interview-notari-221107.htm>].

II:B Journalists investigating organized crime

Organized crime is a “powerful parallel economy with enormous influence over the legal economy”.¹ This makes it a particularly difficult topic for journalists to cover. The secrecy surrounding organized crime also makes it a greater threat to the lives of journalists and weakens the ability of governments to protect them.

In some regions, organized crime networks either have financial stakes in media outlets or suffocate ordinary journalism by demanding which stories are run or shaping coverage to their advantage. In regions such as Mexico, this self-censorship is seen by many journalists as the only way to guarantee their safety. This is particularly true in regions in which the police or authorities are in collusion with the criminals, and so offer no protection for journalists who are in danger.² Organized crime is particularly pernicious because it has vested interests in infiltrating media organizations.³ This means that journalists can only report superficially on organized crime, and when they want to dig deeper they place themselves in extreme danger.

According to Reporters Without Borders, 141 journalists and media workers were killed between 2000-2010 by organized criminals.⁴

Types of Journalists

Journalists reporting on organized crime or corruption are affected in all media: radio, print, television or online. Increasingly, journalists have been targeted by organized crime networks for opinions expressed on the internet, rather than in print. In September 2011 the editor of a Nuevo Laredo newspaper in Mexico, Maria Elizabeth Macias, was found decapitated with a handwritten note connecting her murder to her comments on internet social networks.⁵

However, it is important to note that even journalists who do not actively cover issues surrounding crime fall victim to organized criminal groups. In Mexico, Valentín Valdés Espinosa, a 29-year-old reporter who handled general assignments for the daily *Zócalo de Saltillo* in Coahuila state was tortured and brutally murdered in January 2010. He did not report regularly on crime, but had merely been present at the meetings of a reporting team that covered a military raid in which a reputed Gulf cartel leader was arrested. Colleagues of Espinosa said that he merely reported the arrest. Yet despite not being a reporter on organized crime, his killers left a note

¹ RWB Inquiry Report “Organized Crime – Muscling in on the Media” p.2.

² CPJ Blog Press Freedom News and Views “In breakthrough, Mexican media sign crime accord” By Mike O’Connor/CPJ Mexico Representative March 24 2011 [<http://cpj.org/blog/2011/03/in-possible-breakthrough-mexican-media-sign-crime.php>]

³ RWB Inquiry Report “Organized Crime – Muscling in on the Media” p. 2

⁴ RWB Inquiry Report “Organized Crime – Muscling in on the Media” p.2.

⁵ UN News Service, “UN human rights office concerned about killing of journalists in Mexico”, 30 September 2011, [<http://www.unhcr.org/refworld/docid/4e8ae00b2.html>].

next to the reporter's body, warning the entire Saltillo press corps: "This is going to happen to those who don't understand. The message is for everyone."⁶

Though the main journalists under threat are those directly reporting on organized crime, journalists reporting on any issue and through any medium can face repercussions for even being perceived to have involved themselves in the activities of criminal gangs, or shown the potential to do so in the future. Nor do findings necessarily have to have been expressed in print; merely being seen to investigate the actions of criminal groups can face severe repercussions.

Gaps in Protection

Journalists reporting on organized crime often lack protection from police. In some instances this is because the authorities get involved in organized criminal gangs or corruption is systematic. In October 2009, the Mexican press revealed that one of the country's major cartels had infiltrated top positions at the organized crime division of the attorney general's office. Five officials were questioned concerning accusations that they worked as informants for the Beltrán Leyva brothers, an arm of the Sinaloa cartel, and had taken bribes ranging from \$150,000 to \$450,000. The organized crime division of the attorney general's office was at the time investigating several cases of murdered or missing journalists.⁷

Many police forces also fail to protect journalists early on when they are threatened. In the instance of Bladimir Antuna García, a Mexican crime reporter, the police failed to step in even after he had approached them after receiving threatening messages and even when armed men attempted to kill him in the months before his murder in 2009. According to the CPJ, police officials failed to take the simplest investigative steps even after Antuna's death.⁸

However, and to avoid the impression that the only problem is police corruption, it should be highlighted that there are instances of police attempting to investigate targeting of journalists, and in so doing becoming targets themselves. State malfeasance should not distract from the primary source of the threat to journalists.

Journalists are most at risk from organized crime in regions in which there is little state control and the state's legitimate monopoly on violence has been lost. In the Tribal Areas within the Peshawar border region of Pakistan, corruption is systemic and state law has no meaning. The 2010 RWB Inquiry Report into "Organized Crime – Muscling in on the Media" notes that organized crime has penetrated some regional communities so deeply that journalists can face reprisals even from their families. The report cites a Pakistani journalist from Quetta, the capital of the province of Baluchistan, as saying: "The normal law does not apply here and it is completely impossible to report any information about the trafficking and its consequences"; another journalist highlights that "even if we are not directly

⁶ CPJ Special Report "Silence or Death in Mexico's Press" 2010 ch.1.

⁷ CPJ Report - "Drug Trade, Violent Gangs Pose Grave Danger" by Carlos Lauría, February 10, 2009 [<http://www.cpj.org/2009/02/drugs-violence-press-latin-america.php>]

⁸ CPJ Special Report "Silence or Death in Mexico's Press" 2010 ch.3.

threatened, the pressure can come from our own families.”⁹ Within these communities, a level of self-censorship often accrues. In the Pakistani Tribal Areas along the border with Afghanistan, journalists attempted to carry out investigative reporting after the fall of the Taliban in 2001, but after the resultant murder of five local journalists fear of reprisals has led to a relative state of self-censorship since 2005.¹⁰

State authorities’ power to help journalists is further weakened by widespread corruption and dysfunctional judiciaries, creating a lack of accountability that puts journalists at risk of future attack.¹¹ A 2010 CPJ Special Report “Silence or Death in Mexico’s Press” found that “systemic impunity” is present at judicial levels where crimes against journalists were investigated.¹² The criminal justice system had failed to protect journalists by leaving more than 90 per cent of crimes relating to journalists unprosecuted. The CPJ also found that state prosecutors and police forces have been negligent in investigating extrajudicial killings and violence against journalists and have used unlawful methods such as coercion of witnesses and fabrication of evidence. Many people interviewed by CPJ in order to compile the report saw complicity between police and criminals as so widespread that they viewed the judicial system as another arm of the criminal organizations.¹³

The CPJ Report also highlights a less well-publicised problem: that of journalists becoming corrupted. It notes that some reporters and editors have allowed themselves to be infiltrated by drug cartels, meaning that when future journalists join news outlets and pursue investigation into organized crime, they may face aggression from within the news outlets themselves. An International Federation of Journalists (IFJ) Report entitled “A Dangerous Profession – Press Freedom Under Fire in the Philippines” also noted that the Philippine police did little to bring prosecutions for the murders of journalists. Indeed, till 2005 only 1 case had been solved regarding the murder of journalists by the Philippine police, and many cases also involved the police as chief suspects of murders.¹⁴

State complicity or corruption is particularly dangerous for journalists reporting on the links between politics and organized crime. In Brazil, Francisco Gomes de Medeiros of Radio Caicó was shot 46 times in front of his home in October 2010 after reporting on crime and drug trafficking. In September 2010 Gomes had broken a story exposing the relationship between local politicians and organized criminal gangs, which described local political figures buying votes in exchange for crack cocaine. Soon after the piece aired, Gomes received anonymous death threats yet received little police protection. In December, investigators said that Gomes had been killed by a representative of Vládir Souza do Nascimento, a convicted felon serving a prison sentence for drug trafficking because Gomes’ coverage had hindered criminal activities being run by Souza from prison.¹⁵ In Mexico, the 2004 murder of

⁹ RWB Inquiry Report “Organized Crime – Muscling in on the Media” p.4.

¹⁰ Ibid.

¹¹ CPJ Report “Drug Trade, Violent Gangs Pose Grave Danger” by Carlos Lauría, February 10, 2009 [<http://www.cpj.org/2009/02/drugs-violence-press-latin-america.php>].

¹² CPJ Special Report “Silence or Death in Mexico’s Press” 2010 Summary

¹³ CPJ Special Report “Silence or Death in Mexico’s Press” 2010 Summary

¹⁴ IFJ Report “A Dangerous Profession – Press Freedom Under Fire in the Philippines” p.4.

¹⁵ CPJ Report – Journalists Killed in Brazil [<http://cpj.org/killed/americas/brazil/murder.php>]

Tijuana editor Francisco Ortiz Franco and the 2005 disappearance of reporter Alfredo Jiménez Mota in northern Hermosillo are linked to the complicity of state officials as the reporters were investigating possible links between criminal groups and officials.¹⁶ Thus journalists reporting on organized crime not only face retribution from the criminal gangs themselves, but from corrupt political factions or state officials who profit from organized crime.

RWB has also raised concerns over the general view of journalism by governments, particularly in South America. In July 2009 Mexican interior minister Francisco Gómez Mont commented that journalists reporting on organized crime was the equivalent of “glorifying drug trafficking and speaking ill of Mexico” and journalists were entirely to blame for the acts against them in places such as Ciudad Juárez, where journalists were complaining of abuses and violence by the army. In light of these comments, RWB have raised the concern that governments are scathing of the work of journalists and thus see no need to protect them.¹⁷

Organized crime outlets are concerned with what these journalists might know, rather than just what they have reported. Simply being a journalist can be a risk in these circumstances. This means these journalists are under constant threat of attack and can be victims of violence regardless of whether they have actually reported directly on organized crime. The very *potential* of reporting places journalists at risk of violence from organized criminal gangs.¹⁸ This raises concerns about the difficulty of identifying journalists in need of protection.

In order to protect journalists from organized crime, as a consequence of the extensive international reach of organized criminal cartels, close cooperation is required across international borders. The United Nations Convention against Transnational Organized Crime, signed in Palermo in 2000 and which took effect in 2003, focuses in particular on trying to protect the victims of human trafficking and combating money laundering. However, means of protecting journalists have yet to be defined despite their high-risk position as targets of organized criminal groups. International efforts to combat organized crime, such as the Palermo convention, often fail to consider the risks posed to journalists reporting on organized crime, and instead focus on more direct victims such as victims of trafficking.¹⁹

Categories of Harm

On a very direct level, journalists reporting on organized crime face risks in the process of uncovering information. In June 2009 organized crime reporter for the Remate local newspaper, Jojo Trajano, was killed in crossfire between police and criminals during a raid of a crime den in Taytay Rizal province near Manila.²⁰

¹⁶ CPJ Report “Drug Trade, Violent Gangs Pose Grave Danger” by Carlos Lauría, February 10, 2009 [<http://www.cpj.org/2009/02/drugs-violence-press-latin-america.php>].

¹⁷ RWB “Local Newspaper Journalists, Mexico’s Forgotten Victims” 18th June [<http://unhcr.org/refworld/docid/4c2073d3257.html>]

¹⁸ RWB Inquiry Report “Organized Crime – Muscling in on the Media” p.4.

¹⁹ RWB Inquiry Report “Organized Crime – Muscling in on the Media”

²⁰ CPJ Report - Journalists Killed in the Philippines [<http://www.cpj.org/killed/2009/jojo-trajano.php>].

The main risks to journalists reporting on organized crime come from the retribution they face from criminal organizations. Kidnapping, torture and murder are particular forms of harm this retribution can take. The murder of journalists also acts as a provocative warning to others not to pursue investigation into organized crime in the future. Attacks on journalists do not happen only as retribution for reporting on organized crime, but also in order to encourage self-censorship. As well as potentially being murdered, many journalists are attacked, kidnapped, or forced into exile as a result of their coverage of crime and corruption. Reporting basic information about criminal activities—including the names of drug lords, smuggling routes, and prices—can place journalists, as well as their families, at direct risk.²¹

The lack of state protection and fear of reprisal from organized criminals has caused many reporters and news outlets to engage in self-censorship. In Guatemala, the escalation of drug-related violence between criminal gangs seeking to compete for smuggling routes into Mexico has caused journalists to cease reporting on organized crime out of fear of retaliation. According to the local press group *Centro de Reportes Informativos Sobre Guatemala* (Cerigua), self-censorship is so widespread that criminal shoot-outs often go completely unreported. Gonzalo Marroquín, editor of the largest daily newspaper in Guatemala City, *Prensa Libre*, told Cerigua that the risk of retribution was too great and he could not put his reporters at risk by instructing them to report on organized crime.²² In Ciudad Juárez in Mexico, the killing of veteran crime reporter Armando Rodríguez Carreón in November 2008 has terrified much of the local press corps into self-censorship. The major newspaper *Norte de Ciudad Juárez* adopted a strict policy of not publishing information about anything that could be associated with drug cartels. The Editor-in-Chief Alfredo Quijano told CPJ: “We have learned the lesson: To survive, we publish the minimum.” Quijano acknowledged that cartel money flowed easily into local political campaigns: that police are too scared to investigate the disappearance of journalists or are bought off.”²³ Yet self-censorship cannot entirely protect journalists from victimisation by organized crime groups. In Hermosillo in Mexico, the daily *Cambio de Sonora* newspaper stopped publishing in-depth reports on organized crime but was still subjected to two grenade attacks and a series of threats in 2007. This resulted in the paper ending publication.²⁴

These instances of physical attacks on newspaper premises represent an attack not on the actions of individual reporters, but as a reminder to the newspaper and to the press as a whole of the strength of organized crime. The destruction of the *Cambio de Sonora* publishing house and suspension of printing resulted in journalists losing their livelihoods, or becoming scared to continue as journalists at all. It also shows that if one journalist at a news outlet engages in investigation into organized crime, they endanger the wellbeing of the whole news outlet, and the wellbeing of other journalists.

In its most extreme form, self-censorship even involves failure to report on a journalist who has been abducted or kidnapped. In the Mexican border city of

²¹ CPJ Special Report “Silence or Death in Mexico’s Press” 2010 ch.1.

²² CPJ Report - “Drug Trade, Violent Gangs Pose Grave Danger” by Carlos Lauría, (10 February 2009) [<http://www.cpj.org/2009/02/drugs-violence-press-latin-america.php>].

²³ CPJ Special Report “Silence or Death in Mexico’s Press” 2010 ch.1.

²⁴ CPJ Special Report “Silence or Death in Mexico’s Press” 2010 ch.1.

Reynosa, the abduction of journalists in 2010 was not reported on by local press, who feared reprisals. The story was finally revealed by Alfredo Corchado, a U.S. correspondent for *The Dallas Morning News*. Reynosa journalists are still missing, a fact which many see as indicative of the climate of fear drug cartels seek to keep in place over journalists. The CPJ reported that in interviews with more than 20 Reynosa journalists they were told that the Gulf cartel controls local government and dictates what can and cannot be covered in the press.²⁵

Regional Variances

Regional variances of this issue are dependent on the control of organized crime over state's institutions.

Latin America

Organized crime in Latin America is a constant and pervasive problem. According to CPJ research, Brazil is the 12th deadliest country for the press worldwide. In provincial areas of Brazil where state presence is weak reporters face grave dangers: journalists undertaking research in the favelas have faced huge risks. In May 2008 two reporters and a driver working undercover for the daily *O Dia* were kidnapped and tortured in retribution for their investigation into the practice of paramilitary groups—composed of drug traffickers and police—forcing slum residents to pay protection money and controlling local politics. The *O Dia* reporters were beaten and tortured with electric shocks for seven hours, during which the reporters claimed that at least one of their attackers identified himself as a member of the police force.²⁶

The 2008 case was reminiscent of the 2002 killing of Tim Lopes, a reporter for TV Globo who was tortured and killed with a sword while researching the sexual exploitation of minors by drug traffickers.²⁷ Both these cases in Brazil emphasise that reporters face risks not only from publishing damaging material, but merely for becoming known for asking questions or enquiring into the activities of organized criminals. Merely being seen to have knowledge of criminal activities is enough to pose risk to reporters of organized crime in these instances. State authorities' failure to protect journalists when they receive threats can also force journalists into exile; afraid that organized criminals may attack them or their families.

According to the CPJ, it is important to notice the variances within regions, such as in Latin America. For instance, Mexican media have not traditionally been united in defending the rights of their colleagues to work without fear of reprisal. Such unity is crucial, as evidenced in Colombia, where strong press freedom groups and a unified media have helped curb the scourge of deadly, unpunished violence.²⁸

Asia

In Pakistan, the prevalence of organized crime through drug trafficking with the

²⁵ CPJ Special Report "Silence or Death in Mexico's Press" 2010 ch.1.

²⁶ CPJ Report "Drug Trade, Violent Gangs Pose Grave Danger" by Carlos Lauría, February 10, 2009 [<http://www.cpj.org/2009/02/drugs-violence-press-latin-america.php>].

²⁷ Ibid.

²⁸ CPJ Special Report "Silence or Death in Mexico's Press" 2010 ch.1.

Afghan border is compounded by the lack of state control and rule of law within the region. In this instance, though there is official corruption, the issue is less the complete infiltration of state apparatus as simply the absence of state apparatus at all in rural Tribal Areas.

In the Philippines, organized crime is linked closely to political corruption, as is common in Eastern Europe and South America. But, in the Philippines, there is not the level of self-censorship as in Latin America.²⁹

In India, Jyotirmoy Dey, a senior journalist and special investigations editor at Mumbai's daily *Midday*, was killed in broad daylight in June 2011 by four assailants on bikes who chased him before shooting him. Maharashtra State Chief Minister Prithviraj Chavan denied demands from Dey's colleagues to take the investigation out of the hands of the Mumbai police and hand it over to the State's Central Bureau of Investigation. This decision disturbed international analysts. Bob Dietz, of CPJ, commented that "too many Indian journalists can be killed without repercussions: it has become a national embarrassment... India's authorities need to act quickly to address this impunity." Dey had recently exposed the diesel mafia in Thane, and had consequently received threats and had sought police protection. The Maharashtra government had been under pressure from media organizations, seeking a law making attacks on journalists a non-bailable offence. Although chief ministers and other leaders have promised to enact such a law, the government has not brought it before the legislature. After Dey's killing, Prithviraj Chavan promised that his government would introduce such a law, to prevent attacks on journalists and right-to-information activists, stating that "all steps will be taken to ensure that journalists are able to perform their duty without fear."³⁰

Europe

In Eastern European countries such as Ukraine, journalists are more often paid off by organized criminal gangs than attacked or murdered.³¹

Meanwhile in Greece, there is reluctance on the part of the media to investigate the widespread money-laundering that has earned the country the epithet of the "Switzerland of the Balkans", with the Bulgarian mafia moving in after 1990. One Greek journalist has highlighted that Greece is becoming a hub for human trafficking and prostitution, but the fact is poorly covered in the media partly as a result of an impression that having been democratic and "European" for so long, the country should be immune to such problems.³²

In Italy, Silvio Berlusconi spoke of wanting to "strangle" those who wrote books or articles about the mob, for besmirching the image of the nation. Lirio Abbate, a

²⁹ UNESCO Report "Press Freedom – Safety of Journalists and Impunity" p.61.

³⁰ CPJ, "Mumbai crime reporter killed in broad daylight" [<http://cpj.org/2011/06/mumbai-crime-reporter-killed-no-serious-investigat.php>] (accessed February 2012); Khaleej Times "India: police suspect role of crime syndicate in journalist murder"

[http://www.flarenetwork.org/learn/asia_and_pacific/article/india_police_suspect_role_of_crime_syndicate_in_journalist_murder.htm] (accessed February 2012).

³¹ Ibid. p.59.

³² RWB Inquiry Report "Organized Crime – Muscling in on the Media" p.8.

journalist specializing in the mafia who lives in hiding and has police protection, has pointed out that “even if he is joking, he is adopting the language of organized crime and, in effect, supporting the code of silence.”³³

Best Practices

In 2010 Frank La Rue, the UN Special Rapporteur for freedom of expression, called for expansion of internationally-recognised high risk categories beyond simply “war zones”, which is limited to actual declarations of war, to include high risk categories such as organized crime.³⁴

The UN Office on Drugs and Crime (UNODC) has joined with media representatives, universities and federal and state-level governments in Mexico to hold media consultation workshops throughout 2011 in the nine states most affected by crime against the media: Chihuahua, Tamaulipas, Baja California, Sinaloa, Durango, Guerrero, Jalisco, Michoacan and Mexico City.³⁵ The workshops will produce strategies at the state and federal levels which will enable the provision of technical assistance to media practitioners and authorities. During the training, participants identified the risks that the media face and propose solutions to help protect journalists.

In Mexico the Office of the Special Prosecutor for Crimes against Freedom of Expression was established in cooperation with UNODC. This office was created in February 2006 but lacked the jurisdiction to pursue most cases. Its remit was broadened in July 2010, but the incumbent officer, derided by the Mexican press and inefficient, remained.³⁶

A unified national press is vital to conveying the message that the media will not be coerced by criminal force. The paradigm case in this regard has been held up as Colombia in the mid-80s, where, after the killing of Guillermo Cano, the courageous director of *El Espectador* who had denounced drug traffickers and their accomplices by name, the entire Colombian press corps protested. For 24 hours, the country received no news of any kind, in print, on radio, or on television. As a 2010 CPJ report recounted, “This blackout was a sign of mourning, yet it was also a way to seek support from society and emphasize the importance of journalism in a democracy threatened by the intimidating and brutal power of drug traffickers.” In the months that followed, *El Espectador* joined with its main competitor, *El Tiempo*, and other media outlets in the following months to investigate and publish stories about drug trafficking and its many tentacles in society, sending a clear message to the Medellín

³³ Ibid.

³⁴ Ibid.

³⁵ United Nations Office on Drugs and Crime

[<http://www.unodc.org/unodc/en/frontpage/2011/July/unodc-and-mexico-launch-project-to-protect-journalists.html>].

³⁶ CPJ, “Mexico restructures prosecution of press crimes” [<http://cpj.org/2010/07/mexico-restructures-prosecution-of-press-crimes.php>]

cartel bosses that press would not be silenced through violence. When this unity eroded over time, the violence returned.³⁷

In Italy and Greece, journalists who report on organized crime are given state-sponsored protection. However, Colombia offers a cautionary tale regarding such arrangement, where protection offered by the Administrative Department of Security, an intelligence agency infiltrated by paramilitaries, proved disastrous for journalists who criticised President Alvaro Uribe's "national security" policies. The confidentiality of journalists' sources, if not their physical safety, can easily be threatened by such state-sponsored arrangements.³⁸

³⁷ María Teresa Ronderos 'How Colombian Media Met Dangerous Times' in CPJ Special Report "Silence or Death in Mexico's Press" (2010) p.19.

³⁸ RWB Inquiry Report "Organized Crime – Muscling in on the Media" p.7.

II:C Journalists reporting on politics

Types of Journalists

Statistics from the CPJ and INSI suggest that the most dangerous type of media worker is the local print journalist covering domestic politics.

According to the CPJ website, there have been 627 journalists murdered worldwide since 1992.¹ This does not include those journalists killed in crossfire, or on dangerous assignment in conflict zones. 61% of the victims were working in print media, 23% in radio, 20% in television, and 3% online. Since 1992, 44% of the journalists murdered in direct reprisal for their work reported on politics. Of the total number of murders, 93% of the victims were local staff and 32% worked for print media.²

While reporting on politics can be dangerous for professional media workers, freelancers face difficulties as well. China and Iran each imprisoned 34 journalists in 2010; many of whom were freelancers writing on political issues for news organizations (both local and foreign) before their arrest by the authority.³

Besides journalists, those who assist local/foreign media organizations, such as stringers (those who contribute reports/photographs on an ongoing basis but are paid ad hoc), fixers (people who facilitate meetings or interviews), interpreters and drivers, are sometimes subject to harassment by the authority. During the recent anti-government movement in Syria for instance, dozens of people have disappeared after working for a foreign journalist or responding to the foreign media's questions.⁴ The Syrian security agencies are reportedly making unprecedented efforts to identify those who assist foreign journalists or have been interviewed by them.⁵

It should be noted that there is not a clear distinction between journalist and media worker. As INSI suggests, although there are different job descriptions for journalists and editorial staff in the print media, in reality, the same person may be required to perform both tasks. In broadcast media, multi-skills have become more commonplace and the role of producer and reporter overlap more often. With the trend of multi-skills and multi-tasks, the same individual may be responsible for coordinating interviews, reporting news, and filming/taking photos.⁶

¹ CPJ, [<http://www.cpj.org/killed/murdered.php>].

² 'Killing The Messenger', INSI Global Inquiry [<http://www.newssafety.org/category.php?category=global-inquiry>]. The totals sum to more than 100% because more than one category applies in some cases.

³ 2010 prison census: 145 journalists jailed worldwide, CPJ, [<http://www.cpj.org/imprisoned/2010.php>].

⁴ RWB, 'Foreign media urged to take utmost care to protect local sources', 15 November 2011 [<http://en.rsf.org/syria-foreign-media-urged-to-take-utmost-15-11-2011,41390.html>].

⁵ *ibid*

⁶ The International News Safety Institute, *Killing the Messenger* 2007 [<http://www.newssafety.org/category.php?category=global-inquiry>].

Gaps in Protection

There are many loopholes that pose a threat to journalists reporting on politics directly related to the state, such as malpractice of the authorities, disrespect for international human rights law and weak state institutions to enforce the rule of law. In some cases, official investigations are carried out under government direction, which discredits the inquiry.⁷ As with other sections of this Research Pack, there are also insufficiencies to be found in the protection given to journalists by their employers.

The dangers to journalists' facilitators or informants are also of significance here: journalists' integrity and personal safety can be threatened by concerns about putting others at risk.

Impunity

A 2007 report published by INSI recorded 657 deliberate killings of media workers since 1996. Only 27 have resulted in the identification and conviction of the perpetrators; in some 63% of the cases, the perpetrator of deliberate killings of journalists remains unknown; 87% of the murder cases have had no legal proceedings at all.⁸

The investigation of Anna Politkovskaya's murder in 2006 has failed to make a conviction. The trial of four of her alleged killers ended on February 19, 2009 with three of them being acquitted.⁹ The Investigative Committee of Russia has filed new charges on several suspects in 2011 (see below). The trial is still ongoing five years after her death.

In Pakistan's politically unstable province of Baluchistan, journalists have been receiving death threats from government secret services and other parties.¹⁰ At least 13 journalists have been killed and 16 others injured in a series of violence in that province and the authorities have failed to introduce any measures to protect journalists.¹¹

On January 8, 2009, Lasantha Wickramatunga, one of Sri Lanka's leading editors and a prominent critic of the Rajapaska Government, was beaten to death by a group of assailants. The government staged investigative hearings without making any progress.¹²

⁷ James, Barry, *Press Freedom: safety of journalists and impunity*, UNESCO, 2007

[<http://www.unesco.org/new/en/communication-and-information/resources/publications-and-communication-materials/publications/full-list/press-freedom-safety-of-journalists-and-impunity/>].

⁸ The International News Safety Institute, *Killing the Messenger* 2007

[<http://www.newssafety.org/category.php?category=global-inquiry>].

⁹ RWB, 'Call for more effort, more vigilance five years after Politkovskaya murder', 6 October 2011

[http://en.rsf.org/russie-call-for-more-effort-more-06-10-2011_41143.html].

¹⁰ Malik Siraj Akbar, 'Baluchistan's press under siege', CPJ, October 17, 2011

[<http://www.cpj.org/blog/2011/10/baluchistans-press-under-siege.php>].

¹¹ The International News Safety Institute, 'Pakistan provincial spokesman denies attack on TV journalist in Quetta', 18 Oct 2011 [http://www.newssafety.org/casualty_news.php?id=124].

¹² CPJ, 'Getting Away With Murder', June 1, 2011 [<http://www.cpj.org/reports/2011/06/2011-impunity-index-getting-away-murder.php>].

Investigations carried out by Amnesty International in Uganda found that, since the police systematically failed to investigate complaints filed by the press; most journalists who have attempted to seek compensation for physical assaults are unable to access justice mechanisms.¹³ In some cases, the suspect is found dead before trial, which effectively terminates the possibility for further investigation. In Colombia for instance, an unidentified attacker killed a radio program host that often denounced government corruption in 2006. Investigators identified two men with links to local paramilitary groups as the likely perpetrators. These two men, however, were found dead a few days after the murder of the journalist, effectively terminating the investigation and meaning journalists cannot seek justice by fair trial.¹⁴

Intolerance of political topics

Some political topics are more sensitive in one region or country, but are tolerated in other places. In Russia and the former Soviet Union republics, criticizing the authorities (both central and local level) or exposing officials' illegal activities may endanger the journalist concerned. An editor of a weekly magazine in Kazakhstan was arrested on January 6, 2009 after publishing an article linking the National Security Committee to trafficking.¹⁵ In April 2010, the editor of an independent newspaper in Russia was attacked and injured. It is believed that the attack was politically motivated, as he had been covering the allegedly corrupt behaviour of some local politicians.¹⁶

An Uzbek journalist who had written extensively about the Aral Sea ecological disaster was arrested on a drug trafficking charge in June 2008 and sentenced to ten years in prison. It is reported that the police failed to provide convincing evidence, which RWB believes suggests that his arrest was 'deliberately planned' in order to punish him for his reporting.¹⁷

In Africa, journalists affiliated with the opposition or covering opposition parties' activities might provoke the authorities. In Côte d'Ivoire, three journalists with the opposition newspaper were arrested on November 24, 2011.¹⁸ A number of journalists were attacked by people linked to the ruling party while reporting on

¹³ Amnesty International, 'Stifling Dissent: Restrictions on the rights to freedom of expression and peaceful assembly in Uganda', November 2011, Index: AFR 59/016/2011

¹⁴ CPJ, Atilano Segundo Pérez Barrios, [<http://www.cpj.org/killed/2006/atilano-segundo-perez.php>]

¹⁵ RWB, Imprisoned journalist's parole request again rejected, 17 August 2011.

[<http://en.rsf.org/kazakhstan-imprisoned-journalist-s-parole-17-08-2011,39597.html>] (accessed December 2011).

¹⁶ RWB, Newspaper editor badly beaten in his Sochi home by intruders, April 2010

[<http://en.rsf.org/russia-newspaper-editor-badly-beaten-in-29-04-2010,37227.html>] (accessed December 2011).

¹⁷ RWB Report, *The dangers for journalists who expose environmental issues* (September 2009) [http://www.rsf.org/IMG/rapport_en_md.pdf] p.4

¹⁸ RWB, Three Notre Voie journalists charged and transferred to prison, 30 November 2011

[<http://en.rsf.org/cote-d-ivoire-jailed-journalist-aboa-denied-bail-23-11-2011,41449.html>] (accessed December 2011).

opposition rallies in the final run-up to the November 28, 2011 presidential and parliamentary elections in the Democratic Republic of Congo.¹⁹

Pernicious state institutions

And in some countries, governments deliberately put their journalists at risk through the use of pernicious laws or state institutions which target their work. In Ethiopia, ten journalists have been charged since June 2011 under the antiterrorism law which criminalizes any reporting seen to encourage or “provide moral support” to groups the authorities consider terrorists.²⁰ A journalist and four opposition politicians were arrested in September 2011 for involvement in organizing “terrorist acts” against the Ethiopian government.²¹

In summary, the risk of murder or harm with impunity is the most serious problem faced by political journalists. One of the consequences of this unpunished violence against journalists is self-censorship among reporters; meaning many journalists are forced to avoid sensitive topics.

Categories of Harm

Harm inflicted on journalists covering politics include harassment, blackmail, physical attacks, arrest, and imprisonment. The consequences on the subjects range from psychological trauma to physical injury and in the worst case scenario, death.

INSI points out that only one in four deaths of news media staff occurred while covering war and other armed conflicts. The vast majority died in peacetime, working in their own countries.²² Among the 33 deaths unrelated to war reporting in 2011, 21% were related to politics, compared with 24% in 2010 and 30% in 2009.²³

Despite the obligation of states to protect its citizens, among the 627 journalists murdered since 1992, 30% of the cases were suspected to be committed by political groups, 24% by government officials, 7% by paramilitary groups, and 4% by military officials.²⁴ Some of the most notable cases include the murder of the Russian journalists Anna Politkovskaya on October 7, 2006 and the ‘Maguindanao massacre’ in the Philippines where 32 journalists and media assistants were shot and killed on November 23, 2009.

¹⁹ RWB, Concern about political tension and hostility to media on eve of election, 24 November 2011 [<http://en.rsf.org/democratic-republic-of-congo-concern-about-political-tension-24-11-2011,41451.html>] (accessed December 2011)

²⁰ CPJ, Ethiopia charges six journalists with terrorism, November 11, 2011 [<http://www.cpj.org/2011/11/ethiopia-charges-six-journalists-with-terrorism.php>] (accessed December 2011)

²¹ RWB, Anti-terror law denounced as a serious challenge for the media, a journalist named in WikiLeaks cable flees abroad, 21 September 2011 [<http://en.rsf.org/ethiopia-anti-terror-law-denounced-as-a-21-09-2011,41031.html>] (accessed December 2011)

²² ‘Killing The Messenger – 2011’, An analysis of news media casualties carried out for the International News Safety Institute by Cardiff School of Journalism, INSI Global Inquiry [<http://www.newssafety.org/category.php?category=global-inquiry>]

²³ Ibid.

²⁴ CPJ, ‘627 Journalists Murdered since 1992’, [<http://www.cpj.org/killed/murdered.php>]

Outside of killings, non-lethal attacks are also common. In January 2011, a Spanish journalist was brutally attacked in response to a newspaper article regarding the misuse of public funds.²⁵ A reporter for the BBC's Uzbek-language service was arrested in June 2011 for being in contact with the outlawed Islamist party. He claims being tortured while in detention.²⁶

Harassment or blackmail, by the state or others, also constitutes a form of harm to many journalists. If the works of a journalist are considered too critical to the government, he/she might be summoned and interrogated by police (but not charged). The journalist lives under the threat of arrest and possible charges.²⁷

A Yemeni journalist complained that once a journalist is perceived as dissident or anti-government, he/she automatically starts getting threats.²⁸ The typical threats journalists receive include being followed by strangers, receiving text messages from unknown numbers, receiving emails and phone calls threatening the journalist's life or his/her family's. In Cambodia, three journalists received death threats when they tried to investigate a report accusing the Cambodian Prime Minister of being involved in large-scale illegal logging.²⁹

Imprisonment also remains a familiar means of silencing political journalists. In total, 145 journalists were in jail worldwide in 2010.³⁰ The majority of them are held in China (34), Iran (34), Eritrea (17), Burma (13) and Uzbekistan (6).³¹ In the case of Eritrea, the authority jailed at least 10 local journalists without charge or trial in September 2001.³² The CPJ suggests that the crackdown was part of the government's attempts to suppress political dissent before the December election.³³

The threat of arrest is a common problem for those journalists reporting on opposition activities or criticizing the government where such reporting is not tolerated. Journalists facing criminal charges frequently experience considerable difficulty in continuing their daily work. The editor of a daily newspaper in Baku, Azerbaijan, was arrested in October 2011 after a ruling party parliamentarian member accused him of 'attempted extortion' and separate libel suits have forced the newspaper to stop operating.³⁴

There are cases where reporters have gone missing after criticizing officials or reporting on activities which are at odds with the authorities. Since the anti-

²⁵ Protection of journalist from violence, Issue Paper commissioned and published by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 4 October 2011

²⁶ RWB, 'BBC correspondent tells court he was tortured while detained', 23 August 2011 [<http://en.rsfs.org/tadjikistan-bbc-correspondent-tells-court-he-23-08-2011,40553.html>].

²⁷ Amnesty International, *Stifling Dissent: Restrictions on the rights to freedom of expression and peaceful assembly in Uganda*, November 2011, Index: AFR 59/016/2011

²⁸ Journal of Turkish Weekly, 'Yemeni Journalists Targeted By Regime', 26 October 2011 [<http://www.turkishweekly.net/news/125669/yemeni-journalists-targeted-by-regime.html>].

²⁹ RWB Report, *The dangers for journalists who expose environmental issues* p.4

³⁰ CPJ 2010 prison census: 145 journalists jailed worldwide [<http://www.cpj.org/imprisoned/2010.php>]

³¹ Ibid.

³² CPJ Annual Prison Census 2010 – Eritrea, access via UNHCR, [<http://www.unhcr.org/refworld/country,,CPJ,,ERI,,4d4977e8c,o.html>]

³³ Ibid.

³⁴ RWB, 'Newspaper hounded, editor jailed', 4 November 2011. [<http://en.rsfs.org/azerbaidjan-newspaper-hounded-editor-jailed-04-11-2011,41345.html>]

government protests erupted across Syria in March 2011, three freelancers were arrested and have not been heard from; several journalists went missing.³⁵ In the Democratic Republic of Congo, a local journalist went missing in December 2010 after a program he participated in criticized the President.³⁶ A Philippine radio host that often criticized the intensive logging by those companies with allies inside the government was kidnapped in March 2006 and never seen again.³⁷

Regional Variances

In general, journalists in developed countries and mature democracies, such as Western Europe and North America, are less likely to be harmed for exposing misconduct of officials, criticizing the government, or reporting sensitive issues at odds with the authorities. An Israeli journalist, Amira Hass, faces strong pressure from Israelis for criticizing the authority's policies in the Palestinian territories. Nonetheless, she continues to challenge any abuse of power.³⁸

According to the CPJ, the top ten countries where murdering journalists with impunity is commonplace are Iraq, Philippines, Algeria, Colombia, Russia, Pakistan, Mexico, Somalia, India, and Rwanda.³⁹ The list suggests that a democratic government in itself cannot protect journalists, since some of these countries are considered 'democratic'. A New Delhi based freelance journalist once commented on the media situation in India by saying that "if you're not for the government, you're anti-government".⁴⁰

A study by INSI indicates that Russia, the Philippines, and Mexico are countries where there is a significant level of violence directed against reporters which is not directly associated with ongoing conflict between sovereign parties or with intra-state conflict.⁴¹ The journalists killed in these countries had normally been writing articles on drug trafficking, corruption and other criminal activities, many of which involved government officials.

Russia and former Soviet Union

In Russia, many of the journalists who died were killed because of their critical reportage of the authority. The most significant case was the murder of Anna Politkovskaya, who was shot dead on October 7, 2006. Politkovskaya was famous for her critical coverage of Chechnya and her sharp criticism of the Kremlin. The

³⁵ CPJ, 'Syrian journalists, blogger missing', October 31, 2011. [<http://cpj.org/2011/10/syrian-journalists-blogger-missing.php>]

³⁶ RWB, 'Journalist Robert Shemahamba released after ten days in custody, another journalist reported missing', 28 December 2010 [<http://en.rsfs.org/democratic-republic-of-congo-will-journalist-robert-shemahamba-23-12-2010,39155.html>]

³⁷ RWB Report, *The dangers for journalists who expose environmental issues* p.3.

³⁸ Khan, Riz, *Attacks on the Press 2010: Preface*, February 15, 2011, [<http://www.cpj.org/2011/02/attacks-on-the-press-2010-preface-riz-khan.php>] (accessed December 2011)

³⁹ CPJ, 554 Journalists Killed with Complete Impunity since 1992, [<http://www.cpj.org/killed/impunity.php>] (accessed December 2011)

⁴⁰ CPJ, *Attacks on the Press in 2008: India*, [<http://www.cpj.org/2009/02/attacks-on-the-press-in-2008-india.php>] (accessed December 2011)

⁴¹ INSI, *Killing the Messenger 2007* [<http://www.newssafety.org/category.php?category=global-inquiry>].

investigations into the case have dragged on for five years now.⁴²

There are many cases where journalists have been seriously injured in attacks. On 5 November 2010, two men armed with steel rods attacked Oleg Kashin, who had written several blogs and articles criticising federal and local government policies.⁴³ On February 3, 2011, Aleksandr Chernega, the editor and publisher of a local newspaper which frequently exposes government corruption and mismanagement was attacked and suffered injuries to his head and legs.⁴⁴

According to a cameraman in the Ukraine, the situation faced by media workers in Russia is similar to other former Soviet Union republics. For the last ten years, there have been numerous examples of journalists 'killed in the line of duty' while reporting on crime, corruption and politics.⁴⁵

Latin America

In Latin America, government and organized crime cartels remain the major opponents to press freedom in the region.⁴⁶ In Honduras, three death threats against local reporters in September 2011 allegedly involved the government, police, as well as criminal organizations.⁴⁷

Asia

Although reporting on politics in Burma, China and Iran is less likely to cost a journalist's life, they are more likely to end up in jail. According to the CPJ, Iran and China, with 34 imprisoned journalists apiece, are the world's 'worst jailers' of the press, together constituting nearly half of the worldwide total.⁴⁸ Burma has a long record of incarcerating independent journalists, ranked among the world's five worst jailers of the press by the CPJ.⁴⁹

In China, charges against journalists include: 'providing state secrets to foreigners', 'leaking state secrets', and 'subverting state authority'. In Iran, the typical accusations against political journalists include: 'illegal congregation', 'actions against national security', and 'propagating against the regime'. In Burma, journalists

⁴² RWB, 'Call for more effort, more vigilance five years after Politkovskaya murder', 13 October 2011 [<http://en.rsf.org/russie-call-for-more-effort-more-06-10-2011,41143.html>].

⁴³ Amnesty International, 'Beaten up for Speaking Out – Attacks on human rights defenders and journalists in the Russian Federation', October 2011.

⁴⁴ Ibid

⁴⁵ The International News Safety Institute, Killing the Messenger 2007 [<http://www.newssafety.org/category.php?category=global-inquiry>]

⁴⁶ INSI, From Bolivia to Honduras, 12 Latin American Journalists Receive Death Threats – IPI, 4 October 2011 [<http://www.newssafety.org/page.php?page=20438&cat=americas-security>].

⁴⁷ Ibid.

⁴⁸ CPJ, 'Iran, China drive prison tally to 14-year high', December 8, 2010 [<http://www.cpj.org/reports/2010/12/cpj-journalist-prison-census-iran-china-highest-14-years.php>]

⁴⁹ CPJ, 'Imprisoned journalists in Burma', September 20, 2011. [<http://www.cpj.org/reports/2011/09/imprisoned-journalists-in-burma.php>].

were typically charged with violating the country's censorship or engaging in 'anti-state' activities.⁵⁰

Asia - The Philippines

RWB describes the situations in the Philippines as one where 'corruption facilitates the impunity enjoyed by those responsible for violence against journalists. Politicians maintain links with criminal networks... the environment for journalists is marked by fear and violence.'⁵¹

The Philippines in 2009 was considered the most dangerous country in the world for media workers, with 32 journalists murdered on November 23, 2009, in Maguindanao province. The CPJ called it 'the single deadliest event for the press since 1992', when the CPJ began keeping detailed records on journalist deaths.⁵²

On June 30, 2010, three journalists were killed in connection with their work in the two weeks prior to President Aquino's inauguration.⁵³ In 2011, two more radio reporter/presenters critical of the authorities were shot dead.⁵⁴

Middle East

Numbers of journalists were killed while reporting on the 2011 Arab Spring in North Africa and the Middle East. Al-Wadhaf, a Yemeni cameraman for the Arabic Media Agency, was shot twice in the face by a sniper while covering an anti-government protest in Sana'a, the capital of Yemen.⁵⁵ Al-Ashiri, who wrote for a local news website died on April 9, 2011 under mysterious circumstances while in Bahraini government custody.⁵⁶

Other journalists have been killed after being caught up in the violence. Mahmoud was shot on 29 January 2011 as anti-Mubarak protests in Cairo turned violent.⁵⁷ Dolega, a photographer covering protests in Tunisia on 14 January 2011 was struck in the head by a tear gas canister fired by security forces and died three days later.⁵⁸

Although, as reported in the Part II:A above, 2011 was the first year in which there were no journalists killed in combat or crossfire in Iraq, it remains unsafe for

⁵⁰ CPJ, '2010 prison census, 145 journalists jailed worldwide'

[<http://www.cpj.org/imprisoned/2010.php>].

⁵¹ RWB, 'Philippines', [<http://en.rsfsf.org/report-philippines,76.html>]

⁵² Alcuin Papa, 'Maguindanao massacre worst-ever for journalists', Philippine Daily Inquirer, 11/26/2009 [<http://newsinfo.inquirer.net/breakingnews/nation/view/20091126-238554/Maguindanao-massacre-worst-ever-for-journalists>]

⁵³ RWB, 'Philippines' [<http://en.rsfsf.org/report-philippines,76.html>].

⁵⁴ CPJ, '72 Journalists Killed in Philippines since 1992/Motive Confirmed' [<http://cpj.org/killed/asia/philippines/>].

⁵⁵ CPJ, Hassan al-Wadhaf [<http://www.cpj.org/killed/2011/hassan-al-wadhaf.php>]

⁵⁶ CPJ, Zakariya Rashid Hassan al-Ashiri, [<http://www.cpj.org/killed/2011/zakariya-rashid-hassan-al-ashiri.php>]

⁵⁷ CPJ, "Cairo attacks continue; reporter dies from earlier shooting", [<http://www.cpj.org/2011/02/press-attacks-cairo-reporter-dies.php>]

⁵⁸ CPJ, Lucas Mebrouk Dolega, [<http://www.cpj.org/killed/2011/lucas-mebrouk-dolega.php>]

journalists: as demonstrated by the killing of Hadi al-Mahdi, a popular radio journalist often critical of the government, at his home in Baghdad in September 2011. Al-Mahdi, a freelance journalist and theatre director, had been openly critical of government corruption and social inequality in Iraq. His popular talk radio program, “To Whoever Listens,” ran three times a week. His death follows years of targeted violence against journalists in Iraq. Most recently, in August 2011, an assailant beat a prominent journalist, Asos Hardi, in Sulaimaniya with a pistol, requiring Hardi’s hospitalization and 32 stitches. Since the start of protests in Iraq in February over widespread corruption and lack of services, journalists have faced escalating attacks and threats, including from members of the government’s security forces.⁵⁹

Best Practices

Political journalists’ physical safety is best protected by those governments which uphold justice, freedom of speech and the independence and importance of their particular ‘watchdog’ role. The main objective is thus to find ways to end impunity in countries where governments lack the will, determination or capability to protect political reporters.

An editorial of INSI points out that the solution to impunity is straightforward, ‘governments must rigorously apply their laws against murder to the killers of journalists’.⁶⁰

A Working Conference on the “Safety and Protection of Journalists” held at City University London in June 2011 set out a series of recommendations for states to curtail the rampant impunity of perpetrators of harm towards journalists. Those particularly relevant to political journalists included:

Set out expected standards for States, including their positive obligations for the protection of journalists against physical assault or intimidation, as a particular category in recognition of their public function; and accept a common obligation to uphold existing safeguards and to develop additional safeguards to be enshrined in administrative and judicial practices and applied in all states, in order to combat targeted violence and impunity.

Recommend that all states establish a national body (eg. a Commission) with independent statutory authority, which should include civil society organizations as well as state authorities on an equal basis, to monitor and ensure public transparency regarding the handling of cases of targeted violence against journalists and subsequent criminal investigations.⁶¹

⁵⁹ Human Rights Watch report [<http://www.hrw.org/news/2011/09/09/iraq-radio-personality-shot-dead>] (accessed February 2012).

⁶⁰ Rodney Pinder “INSI Editorial: Governments ‘must do more than pay lip service’ to halt rising journalist casualties”, INSI, 25 November 2011 [<http://www.newssafety.org/page.php?page=20467&cat=press-room-news-release>] (accessed December 2011).

⁶¹ Horsley, William, ‘The Initiative on Impunity and the Rule of Law’, Working Conference of ‘The Initiative on Impunity and the Rule of Law: A Policy Research and Advocacy Project of the Centre for Law, Justice and Journalism at City University London, and the Centre for Freedom of the Media at

Despite a history of impunity and unsolved cases where journalists have been killed, governments in some such countries promised to take action to protect their media workers and did make efforts in bringing the perpetrators to justice.

The CPJ Impunity Index found improvement in Russia. Top Russian investigators have pledged to pursue 19 cases of murdered journalists, reopen several closed cases and pursue new leads in a number of other probes.⁶² In April 2010, prosecutors won convictions against the murderers of reporter Anastasiya Baburova who was killed in 2009 in Moscow.

The Investigative Committee of Russia, the organization responsible for investigating the most serious crimes in the country, has been given greater autonomy by reporting directly to the President.⁶³ In 2011, the Investigative Committee charged retired police Lt. Col. Dmitry Pavlyuchenkov in connection with the 2006 murder of journalist Anna Politkovskaya,⁶⁴ and named convicted criminal Lom-Ali Gaitukayev as an organizer of the killing.⁶⁵

Police and the judicial system in the Philippines have made progress in protecting journalists. On November 22, 2005, former police officer Guillermo Wapile was found guilty of the 2002 murder of journalist Edgar Damalerio, an award-winning journalist who exposed police corruption. Task Force 211, a special unit to prevent political violence in the Philippines, has been helping with the investigation of journalists' deaths.⁶⁶

In Turkey, an Armenian-Turkish journalist, Hrant Dink, was shot dead in 2007. The European Court of Human Rights ruled in 2010 that the Turkish authority failed to protect the life and freedom of expression of Dink. Instead of filing an appeal, the Turkish government accepted the decision and promised to abide by the ruling and take actions to prevent reoccurrence of such violations.⁶⁷

On May 5, 2007, Luiz Carlos Barbon Filho, a Brazilian investigative reporter who exposed corruption in politics and police was shot dead. Three years later, a court in Sao Paulo sentenced two former members of Brazil's military police to 18 years and four months in prison on charges of 'aggravated murder and criminal association'. A third person involved in the murder was sentenced to 16 years and four months in prison.⁶⁸

In 2009, the Criminal Code of Serbia was amended to include 'endangering of the safety of a journalist' as a crime punishable by a maximum imprisonment of eight

the University of Sheffield' (1 June 2011) [http://www.cfom.org.uk/wp-content/uploads/2011/09/Impunity_report_9th_FINAL-August.pdf].

⁶² CPJ, 'Russia pledges to pursue journalist murder probes', September 30, 2010

[<http://www.cpj.org/2010/09/russia-pledges-to-pursue-journalist-murder-probes.php>].

⁶³ CPJ, Russia pledges to pursue journalist murder probes, [<http://www.cpj.org/2010/09/russia-pledges-to-pursue-journalist-murder-probes.php>].

⁶⁴ Russian Today, Main suspect in Politkovskaya case pleads guilty, [<http://rt.com/news/politkovskaya-murder-pavlyuchenkov-guilty/>].

⁶⁵ *The Guardian*, New Politkovskaya charges expected, [<http://www.guardian.co.uk/media/greenslade/2011/oct/07/anna-politkovskaya-russia>].

⁶⁶ RWB, Philippines, [<http://en.rsf.org/report-philippines,76.html>]

⁶⁷ CPJ, 'Turkey must bring justice in Dink murder after ECHR ruling', September 15, 2010 [<http://www.cpj.org/2010/09/turkey-must-bring-hrants-murderer-to-justice-after.php>].

⁶⁸ CPJ, Luiz Carlos Barbon Filho, [<http://www.cpj.org/killed/2007/luiz-carlos-barbon-filho.php>].

years. This law was applied for the first time in 2010 when three persons were convicted for threatening Brankica Stanković, a journalist from the Belgrade-based television station B92.⁶⁹

⁶⁹ Protection of journalists from violence, Issue Paper commissioned and published by Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 4 October 2011.

II:D Local journalists

Types of Journalists

The types of journalists covered in this section are journalists working within their own nation, in a professional capacity. As a result they can work in a number of different media such as radio, television, print and online. In fact, most of them will often work in multiple media in order to make a living. Their specialization can theoretically be anything; however, those at risk are typically those reporting on contentious issues like domestic conflict, government corruption or criminal activity.

Local journalists came to the fore as a category of risk in the process of media liberalization that took hold in many countries in the 1980s and 1990s. With this came the emergence and primacy of private as opposed to public media houses that inevitably fostered a level of pluralism, and journalistic critiques of the state, with some even championing the opinions of opposition parties or groups. In more authoritarian political systems this has increasingly made local journalists, who are subject to the state's coercive power, vulnerable to repression and attack. In authoritarian and repressive states journalists often become the public voices of inevitable social change and, even if not directly critical of the state, may constitute an impediment to the state's desired agenda. They can become targets not just as specific critics but as symbols of a defiant and autonomous civil society.¹

The category is extremely broad: local journalists can come from almost any socioeconomic bracket, age range or ethnic group, which in some cases may mean they are specifically vulnerable to certain threats. For example, young and inexperienced local journalists are likely to be poorly trained and low paid and as such are far more likely to be put in vulnerable and dangerous positions compared to urban middle class local journalists who have experience, financial flexibility and a level of notoriety which may protect them to some extent.

Gaps in Protection

Impunity constitutes the single largest gap in protection for journalists. In an analysis of data collected by the International News Safety Organization for its 'Killing the Messenger' 2011 update,² the vast majority of those responsible for local journalist deaths in 2011 were listed as 'unidentified assailants'. This highlights the most consistent problem of widespread impunity. In most cases, whilst those responsible for attacks may be suspected, they are rarely successfully identified; this may be due to extensive corruption or incompetence on the part of the police and the state or to the strength and the skill of those responsible in covering their tracks. Unsurprisingly the same data set reported that of the 54 media deaths, including both local and foreign journalists, they identified in 2011, around 80% resulted in no identification of assailant and no legal proceedings. This, along with the documented

¹ Blankson and Murphy, *Negotiating Democracy: Media Transformations in Emerging Democracies*, University of New York Press: Albany, 2007.

² *Killing the Messenger-2011*, an analysis of news media casualties carried out for the International News Safety Institute by Cardiff School of Journalism, 28th July 2011.

tendency for police to attribute attacks on local journalists to motives other than their profession,³ means that there is little expectation of culprits being brought to justice and the local journalists are thus considered easy targets. According to the CPJ, the top 13 countries where killers ‘get away with’ the murder of journalists are Iraq, Somalia, Philippines, Sri Lanka, Colombia, Afghanistan, Nepal, Mexico, Russia, Pakistan, Bangladesh, Brazil and India.⁴

Another serious gap in protection can be seen to be repressive and all-encompassing laws on terrorism, treason, criminal defamation or ‘false news’ that allows state actors or institutions to infringe on the rights of journalists and to threaten their safety and right to life whilst acting inside the law.⁵ Whilst termed a ‘gap’ in protection, it is more accurately thought of as a total lack of protection and the ultimate form of impunity, as there is no framework at all to protect journalists from these sorts of threats since they are officially sanctioned by the state.

Although statistics on the numbers of journalists killed can vary according to the methodology of the data collecting organisation, the percentage of total casualties made up by local journalists has remained consistent over the last 10 years and across datasets as generally above 80%.⁶ This is another sense in which impunity is the primary problem facing journalists: they are in the majority of cases being targeted by their own governments.

In many cases the status of local journalist itself will constitute a gap in protection as local journalists make up a large majority of reported assassinations because their deaths rarely attract international attention or scrutiny.⁷ This will of course vary depending on the specific circumstances of the journalist, and some journalists will have a higher profile locally, which may provide a level of protection. The financial situation and seniority of a local journalist will affect their vulnerability to certain threats, and their ability to protect themselves, but there is very little evidence about this on more than an individual case-by-case basis. Clearly what we don’t know is as important as what we do know about threats to local journalists. It is the silence, confusion and ambiguity around the statistics and nature of the category of local journalists, which is a serious contributory factor to the extent of the threats to their right to life.

Categories of Harm

The categories of harm with which local journalists may be threatened are of course diverse and specific. However, the main threats against them can generally be divided into four categories.

The first of these is the threat of legal action and the employment of repressive laws.

³ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, (2011).

⁴ CPJ, *Getting Away With Murder, 2011 Impunity Index*, 1st June 2011

⁵ Article 19 ‘False News’ [<http://www.article19.org/pages/en/false-news.html>].

⁶ Based on data from the Committee to Protect Journalist’s statistical analysis of journalists deaths in the years 2000-2011, the International Federation of Journalist’s report ‘*Gunning for media, Journalists and media staff killed in 2010*, published in 2011 and the International News Safety Organization’s data from the ‘*Killing the Messenger update*’ for 2010 and 2011.

⁷ UNESCO, *Press Freedom, Safety of Journalists and Impunity*, 2007

This can result in relatively arbitrary arrest, extended periods of detention and ultimately execution. This kind of threat usually involves the use of terrorism, treason or criminal defamation laws to justify the use of the state's coercive apparatus to threaten the lives of journalists and thus control their output. For example in Uganda, new offences created under sections 8 and 9 of the Anti-Terrorism Act including establishing, running or supporting an institution for "publishing or disseminating news or materials that promote terrorism". Amnesty International has criticized this legal development for "leaving the potential for an interpretation which criminalizes legitimate media coverage".⁸ What is more, this is the kind of threat specific to local journalists as foreign journalists are less likely to be prosecuted under vaguely defined and controversial laws because of the legal overlap and attention that would draw from their home nations. A further example can be found in the new 'Secrecy bill' the ANC party are hoping to pass in South Africa, which would mean that "if the bill is passed, journalists will no longer be able to argue that they are acting in the public interest by publishing sensitive information about the government. They could face up to 25 years in prison for publishing information which state officials want to keep secret."⁹ Of course poor conditions and the likelihood of privation and beatings in cases such as this means lengthy jail sentences constitute a threat to the right to life of local journalists. Similarly in Cambodia, the government has amended the Penal Code to introduce provisions on defamation, libel, slander and contempt.¹⁰

The second category of threat is that of direct violence from external actors, usually gangs or criminal groups, who may attack, kill or threaten journalists or their loved ones. For example in Mexico, Maria Elizabeth Macias Castro, the editor in chief of the newspaper, 'Primera Hora', was found dead and decapitated. Next to the body was a message saying, "attributed to a criminal group", linking the murder to her profession.¹¹ Similarly, and also in Mexico, the journalist Cecilio Cortez, who works for the paper 'El Bravo' claims to have been abducted by cartel members prepared to kill him, from whom he was lucky to escape.¹²

The third category relates to inadequate employer support for many local journalists which can contribute to the risk they face. This includes failures by media houses or individual employers to implement the necessary training or provide the equipment necessary to ensure the journalist's wellbeing and safety in the case of dangerous missions. In Tanzania journalistic safety has been compromised and the profession made increasingly vulnerable to corruption because of "poor working conditions, low pay, and the lack of job security."¹³ However it can also mean low wages or irregular pay structures driving those who rely on journalism for their livelihood into taking more dangerous jobs or omitting proper training and precautionary measures, a particularly big threat if they are prevented or discouraged from unionizing

⁸ Amnesty International, *Stifling dissent: restrictions on the right to freedom of expression and peaceful assembly in Uganda*, 2011

⁹ Amnesty International News, *South Africa: Controversial secrecy bill could 'smother free speech'*, 21 November 2011

¹⁰ Southeast Asian Press Alliance, *Caught in the Crossfire Southeast Asia's press freedom challenges for 2011* (2011)

¹¹ CNN [<http://edition.cnn.com/2011/09/25/world/americas/mexico-editor-decapitated/>]

¹² INSI, [http://www.newssafety.org/casualty_news.php?id=174]

¹³ CPJ, *Tanzania*, 2011

effectively,¹⁴ seen particularly in the Philippines.¹⁵ This can ultimately be attributed to the poor working environment fostered by those in control of the large media houses. When, as in some cases, the state controls the vast majority of media outlets, this intersects with legal violence, as the threats to journalists can be directly attributed to the state rather than simply being indirectly fostered by the state's inaction.

The fourth category of threat is impunity, that is, the inability or reluctance of the state to correctly investigate and prosecute the murder, attack or intimidation of journalists. While this does not constitute a direct threat in itself, it must be considered very seriously as expectations of social and legal impunity encourages all other threats. The Committee to Protect Journalists (CPJ) currently report on their website that 554 journalists, both local and international, have been killed with *impunity* since 1992. They state that “impunity is a key indicator in assessing levels of press freedom and free expression in nations worldwide. CPJ research shows that deadly, unpunished violence against journalists often leads to vast self-censorship in the rest of the press corps. From Somalia to Mexico, CPJ has found that journalists avoid sensitive topics, leave the profession, or flee their homeland to escape violent retribution.”¹⁶ As a result the environment in which those guilty of threatening journalists' right to life feel able to freely do so, may be considered the ultimate unifying factor between even the most diverse and specific type of threats to journalists.

Regional Variances

It can generally be said that to some extent a level of each of these threats is present in all regions across the globe, however, there is significant variance in which is the most significant threat in different regions. The International Federation of Journalists (IFJ), when looking at media deaths in 2010, identified subtly different emphases in threats across five different regions of the globe: Africa, Asia-Pacific, Europe, Latin America, the Middle East and North Africa.¹⁷ In each of these areas, while a multiplicity of threats is often present, we can see the primary category of threat as distinct from one another. The International News Safety Institute's 'Killing the messenger' updates have shown the areas of risk highlighted in these regions were the 'hot spots' of journalistic risk through 2009-2010 and into 2011¹⁸. While both of these updates were discussing journalistic deaths in general many of the threats identified are either only or primarily relevant to local journalists.

Africa

¹⁴ Federation of African journalists Congress, *Standing Up For Africa, Union solidarity and Quality Journalism Working for Democracy*, published by the IFJ, November 2008

¹⁵ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010, 2011*

¹⁶ Center to Protect Journalists, *Getting Away With Murder: CPJ'S Impunity Index*, 2011

¹⁷ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010, 2011*

¹⁸ *Killing The Messenger – 2010* and *Killing the Messenger-2011*, both an analysis of news media casualties carried out for the International News Safety Institute by Cardiff School of Journalism 28th July 2011

In Africa the threats to journalists are consistent and serious across most of the region. Whilst all categories of threat exist to a serious degree in this region emphasis is largely on the significant danger of criminal litigation, closely linked to arbitrary arrest. In 2010 Burundi became the second country in Africa to charge journalists with treason for practicing their profession¹⁹, and this charge can carry a death sentence. Similarly, places like Cameroon, Senegal, and Tunisia are listed by the IFJ as places where litigation poses a serious threat to journalists²⁰. Eritrea has a media environment that is said to be "among the worst in the world, as it remains one of the few countries that lacks any form of privately owned media"²¹

This is often accompanied by open hostility towards the press from the state, for example the Prime Minister of Ethiopia has labelled the non-state press the "gutter press".²² Foreign journalists are not excluded from state press conferences or attacked at said conferences in the way that local journalists are.²³ The far-reaching anti-terrorism laws that were brought into effect in Ethiopia have intensified this repression and the CPJ have said of this law that it "effectively institutionalizes censorship of reporting the government deems favourable to groups and causes it labels as 'terrorist'." Worse, the law grants the federal police and national security agency exclusive discretion to carry out warrantless interception of communications, and search and seize goods solely on the basis of a "reasonable belief" that a terrorist act is in progress or "will be" committed.²⁴

What is more, legal developments in Uganda and South Africa already mentioned may mean the situation is getting worse, as a legal framework is put in place that allows for more and more serious repression. While arbitrary arrest in its self is not a threat to journalists' right to life, it is often accompanied by significant police brutality, beatings and is closely related to disappearances.

Asia-Pacific

In the Asia-Pacific region threats are focused in specific areas of danger. The IFJ highlighted Pakistan, the Philippines, Indonesia, Thailand, India, Afghanistan, Nepal and Sri Lanka as areas of violence where threats to journalists in general manifest themselves most pervasively, trends which hold true for local journalists as one of the highest risk groups of all.²⁵ The most significant risks highlighted here were those related to employer negligence. In Indonesia media companies were accused of providing insufficient safety training or equipment for journalists working in vulnerable areas or reporting on 'risky' topics such as elections or corruption, not

¹⁹ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, 2011

²⁰ Ibid.

²¹ UNHCR, *Freedom of the press 2011- Eritrea*, 14th September 2011

²² See CPJ overview [<http://www.cpj.org/2003/03/attacks-on-the-press-2002-overview-africa-1.php>]. But as African Journalists continued to garner support both abroad and at home, Zenawi was forced to concede their role as government watchdogs: see Article 19, *The Legal Framework for Freedom of Expression in Ethiopia* (1 March 2003) [<http://www.article19.org/data/files/pdfs/publications/ethiopia-legal-framework-for-foe.pdf>].

²³ CPJ, "Anti Terrorism further restricts Ethiopian Press" 23 July 2009 [<http://cpj.org/2009/07/anti-terrorism-legislation-further-restricts-ethio.php>]

²⁴ Ibid.

²⁵ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, 2011

providing a normalized framework of standard procedures and safety protocols for dangerous reporting, of often failing to provide insurance policies for journalists, or financial support for their families in the case of an accident or fatality.²⁶ In the Philippines, poor working conditions and a lack of safety support was reported by an IFJ investigatory committee to be a strong contributing factor to the high local journalist death toll.²⁷ In Nepal low wages and irregular payments were said to underlie and exacerbate many of the threats professional journalists faced. While the source of violent threats was often extra-state actors, mobs or political opposition groups, these risks were exacerbated and made potentially fatal by poor working conditions and practices.²⁸ In Sri Lanka the low level of reported killings was in fact viewed as ominous by the IFJ, as it did not tally with their research and expectations, and was viewed as the result of poor data collection on the part of the state.²⁹ This is part of a wider professional journalistic tradition and environment in which these crimes were underreported and played down.

Europe

In Europe figures on killings and threats were the smallest, and the relatively strong legal framework of protection and cultural entrenchment of journalistic rights and independence, means that this is probably the safest region to work in. However Southern and Central Europe still manifests serious dangers and high-profile deaths in Russia and Bulgaria mean that the safety of European journalists has remained on the political agenda.³⁰ During 2010 local journalists were also killed in Turkey, Latvia and Greece, Bulgaria and Russia; these were identified by the IFJ as cases where the individual's profession had singled them out as a specific target, showing that, while threats may exist at a relatively low level, they are still very much present. For example, Amnesty International have claimed that 22 local journalists were killed in Russia in the period between 2000 to 2010 and that, while this could be seen to merely reflect the generally high levels of violence in Russia, many of them were targeted because of their profession.³¹ In the same article they claim that one of the serious problems contributing to this violence is that “despite the occasional recognition of the importance of independent, critical journalism by Kremlin officials, and President Medvedev in particular, too little is being done to address the threats they face and ensure that attacks are effectively investigated” they go on to claim that “this has created an environment in which attacks against them are formally condemned, but institutionally tolerated.”³²

²⁶ Southeast Asian Press Alliance, *Caught in the Crossfire Southeast Asia's press freedom challenges for 2011*, 2011

²⁷ IFJ, *IFJ Fact-Finding Mission Condemns Safety Crisis in the Philippines as Delegation is Snubbed by the President*, 31st January 2005

²⁸ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, 2011

²⁹ Ibid.

³⁰ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, 2011

³¹ Amnesty International, *Beaten Up for Speaking Out: attacks on human rights defenders and journalists in the Russian federation*, 2011

³² Amnesty International, *Beaten Up for Speaking Out: attacks on human rights defenders and journalists in the Russian federation*, 2011

Latin America

Latin America is another area where threats to journalists are consistent and at a high level across the region. Violence is most significant in Mexico and Honduras, although Ecuador, Brazil, Guatemala, Columbia and Venezuela are also very dangerous areas.³³ The danger largely comes from gang/criminal groups who not only pose a serious threat to the right to life of journalists who report on their activities, but who often kill them in a gruesome and public manner. The murder of peers as well as death threats and threats to local journalists' families are widely employed.³⁴ The consequent psychological impact on the journalistic community should not be overlooked. Indeed the perpetrator's desire to have this psychological impact means that the families and relatives of local journalists become targets also³⁵. The state's reluctance to properly investigate and prosecute these crimes is a serious shortcoming, as seen in the woefully small budget allocated in Mexico to the investigation of crimes against journalists (less than 700,000 pesos in 2010)³⁶. What is more, when journalists are beaten or attacked, the crimes are often listed as 'common crimes' such as robbery or attributed to personal issues³⁷ meaning that the threat posed by their job and the subtleties of the crime are entirely ignored in the investigatory and legal process. In some cases, as in Columbia, the action of criminal gangs and the negligence of the state may come from the endemic corruption of the police force. Indeed the legal and non-legal actors intersect to such an extent that in Columbia it was found to be a branch of the Secret Police, directly answerable to the President himself, who was playing a large part in the active harassment of journalists.³⁸

Middle East and North Africa

Reports of local journalist deaths in this region inevitably largely focus on Iraq which, as conflict continues, remains a dangerous place to be a journalist.³⁹ This is exacerbated by the power vacuums that emerged during the delays in forming governments after elections and the persistent failure of the Iraqi leadership to investigate and prosecute attackers, perhaps made worse by the political paralysis that characterizes Iraqi politics. Lebanon, Palestine and Yemen have also been listed by the IFJ as areas of considerable danger to local journalists in this region.⁴⁰ Mass demonstrations against religious persecution have led to clashes between the military and civilians in which local journalists have been caught up and killed in Egypt;⁴¹ and Iranian authorities have arrested 4 local journalists, critical of the regime, on charges of "anti-state crimes" in addition to dozens of other journalists

³³ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, 2011

³⁴ Mariela Hoyer Guerrero, *From Bolivia to Honduras, 12 Latin American Journalists Receive Death Threats*, International Press Institute, 4th October 2011

³⁵ International News Safety Institute, *Attacks on Journalists in Mexico*, 28th October 2011

³⁶ International News Safety Institute, *Attacks on Journalists in Mexico*, 28th October 2011

³⁷ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, 2011

³⁸ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, 2011

³⁹ CPJ, *Iraq: Journalists in Danger: a statistical profile of media deaths and abductions in Iraq 2003-09*, July 2009

⁴⁰ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010*, 2011

⁴¹ CPJ, *Attacks on press swell in Egypt; Journalist dead*, 12 October 2011

already imprisoned.⁴² In these areas, especially Yemen, detention without charge and disappearances have been highlighted as the most serious risks facing local journalists.⁴³

Best Practices

Since many of the threats which emanate directly from states can be attributed to their deliberate inaction, policies of ‘best practice’ as opposed to ‘worst practice’ are difficult to formulate. Internationally, trans-national authorities are helpful. They are able to work with states to ensure attacks on local journalists are consistently investigated well, and ensure states do not enact repressive laws. For example, in Europe, bodies such as the European Union (EU) and the Council of Europe serve this purpose. EU legislation and international rulings work in concert with many European NGOs, while media owners are making the European media world a smaller place.⁴⁴ This helps protect openness, protection of sources, of privacy, labour laws and copyright.

The two ‘worst’ practices of states are repressive laws that threaten journalist’s lives for doing their jobs and a failure to investigate attacks against journalists properly. Best practices would thus include enacting progressive laws that protect local journalists’ freedom of speech, such as the new freedom of information act in Liberia;⁴⁵ or the establishment of separate investigative bodies to investigate and prosecute attacks on journalists. An example of the latter can be found in Mexico, where a special prosecutor’s office has been established to investigate attacks on journalists; however as yet this has made little difference to a poor record on the protection of journalists and the eradication of impunity among the culprits.⁴⁶

⁴² CPJ, *Iranian Authorities arrest four more journalists*, 18 October 2011

⁴³ IFJ, *Gunning for Media, Journalists and Media Staff killed in 2010* (2011)

⁴⁴ IFJ, *There can be no press freedom if Journalists exist in conditions of corruption poverty or fear*, April 2008

⁴⁵ The National Legislature of the Republic of Liberia, *Freedom of Information Act* (2008).

⁴⁶ International Human Rights Programme and PEN Canada, *Corruption, Impunity, Silence: The War on Mexico’s Journalists* (2011)

II:E Citizen journalists

Types of journalist

Citizen journalists are unpaid and often untrained reporters, who do not automatically possess any of the extra rights or protections accorded to professional journalists by states even though in some areas of the world they are the only journalists able or willing to report.¹ Additionally some are trained specifically for voluntary, online journalism, and other, such as professional journalist Nada Alwadi, use online forums such as Twitter in a ‘citizen’ capacity to send faster and more direct messages about events, in her case about the protests in Bahrain in early 2011.² This report is concerned with the majority of citizen journalists who operate online. As Lee Salter has highlighted, citizen journalists pose a legal dilemma, since “a citizen is a subject of a state, but the internet allows material to transcend the jurisdictional boundaries of the state.”³

Many citizen journalists to be discussed here are critics of state activity; referred to by many as “netizens”, a term which implies an alternative non-state based form of citizenship. However, Evgeny Morozov argues that citizen journalists can further entrench authoritarian regimes, as in Russia where, he claims, citizens ‘got drafted (or volunteered) to assist in state-waged propaganda wars’.⁴ Citizen journalists may also, according to Morozov, bolster or exacerbate the hegemony of the most powerful nation states on the international stage, along with their own definition of what constitutes acceptable free speech.⁵ This issue will be returned to in the section on “best practices” below, but the manipulation of citizen journalists in these ways may be a cause for future concern to the right to life of both journalists and other citizens.⁶

Geert Lovink calls blog culture “a post 9/11 beast”,⁷ and Kahn and Kellner argue that it is precisely 9/11 that politicised the censorship of blogs and internet forums. They claim that the growing movement towards online censorship in the US, mentioned later in this report, pits “postsubcultural groups, many that did not previously have an obvious political agenda, against the security policies of government.”⁸ Another consequence of this is that internet corporations that previously had no explicit political agenda are now openly vehicles of government policy, both in the

¹ CPJ, *Attacks on the Press 2009 - Uganda*, 16 February 2010

[<http://www.unhcr.org/refworld/docid/4b7bc2dcc.html>].

² Cyberdissidents.org *Cyber Dissident Database: Nada Al-Wadi*

[<http://www.cyberdissidents.org/bin/dissidents.cgi?id=141&c=BH>].

³ Lee Salter ‘Issues for Citizen Journalism’ in Stuart Allen *Citizen Journalism: Global Perspectives* (Peter Lang, 2009) p. 176

⁴ Morozov, Evgeny August 13 2008 *Russia/Georgia: War of the Web* on OpenDemocracy,

[<http://www.opendemocracy.net/russia/article/russia-georgia-war-of-the-web>] (accessed December 2011).

⁵ Evgeny Morozov, “Picking a fight with Clay Shirky,” *Net.Effect*, January 15, 2011,

[<http://neteffect.foreignpolicy.com/blog/5386>].

⁶ Sarah Joseph, “Social Media, Human Rights and Political Change,” *SSRN eLibrary* (June 2, 2011)

[http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1856880].

⁷ G. Lovink *Zero Comments. Blogging and Critical Internet Culture* (London: Routledge, 2008).

⁸ Richard Kahn and Douglas Kellner, “Internet Subcultures and Oppositional Politics,” in David Muggleton and Rupert Weinzierl (eds.) *The Post-subcultures Reader* (Berg, 2003) p.303.

proliferation of a certain US corporate-centric conception of ‘free speech’ and in the censorship of political dissent, such as Nokia Siemens provision of electronic surveillance technology to Iran⁹ and the complicity of Yahoo in the identification of journalist Shi Tao to Chinese authorities.¹⁰ An increase in cyber-activism came with increasing cyber-surveillance post-9/11, and the WikiLeaks phenomenon is argued by many to be a consequence of both.¹¹ An increase in surveillance has also been noted with the growth in the global occupy movement, particularly in China.¹²

Types of Citizen Journalism

The most common form of citizen journalism is blogging. Blogging forms include critical opinion pieces such as Pham Minh Hoang’s pieces on Vietnam’s relationship to China¹³; exposés, for instance Abdel Monem Mahmod’s description of errors in Egyptian military trials;¹⁴ features such as Mosad Abu Fagr’s work on the Coptic Christians and Bedouins in Egypt;¹⁵ investigative reports like the research of Sami Ben Abdallah’s into businessman Kamel El-Taief in Tunisia¹⁶; and the simple documentation of daily conditions as in Vasilii’s writing on the living conditions of Russian naval conscripts.¹⁷

Citizen journalists also use the media of film and photography. This could be video footage of unreported events; for example Egypt’s Khaled Said’s video of police officers sharing the spoils from a drug bust among themselves,¹⁸ video blogs, such as Azerbaijan’s Emin Milli and Adnan Hajizade’s ANTV¹⁹ or journalism hidden within YouTube TV series’ such as the Saudi Arabian *Malub Aleyna*, which reports the living conditions of the poorest people in Riyadh.²⁰

Citizen journalists may also design and moderate internet forums and polls, which may be specifically designed for the purpose, such as Syria’s *Akhawia* or Tunisia’s

⁹ CPJ, “Attacks on the Press 2010: Iran - Committee to Protect Journalists”, n.d., [<http://www.cpj.org/2011/02/attacks-on-the-press-2010-iran.php>].

¹⁰ CPJ, “Falling Short: Online Rules: A Study in Paradox - Reports - Committee to Protect Journalists”, n.d., [<http://www.cpj.org/reports/2008/06/9-2.php>].

¹¹ Christian Fuchs, “WikiLeaks: power 2.0? Surveillance 2.0? Criticism 2.0? Alternative media 2.0? A political economic analysis,” *Global Media Journal* 5, no. 1 (2011).

¹² RWB 27 October 2011 *Respect for free speech continues to deteriorate in China* [<http://en.rsf.org/chine-respect-for-free-speech-continues-27-10-2011,41303.html>].

¹³ CPJ August 11 2011 *Vietnamese blogger handed harsh prison sentence*, [<http://www.cpj.org/2011/08/vietnamese-blogger-handed-harsh-prison-sentence.php>].

¹⁴ Abdel Dayem, M. October 14 2009 CPJ *Middle East Bloggers: The Streets lead Online* [<http://www.cpj.org/reports/2009/10/middle-east-bloggers-the-street-leads-online.php>]

¹⁵ Ibid.

¹⁶ RWB “Crackdowns on pro-democracy protests continue to affect journalists, Morocco and Tunisia still try to gag information” 14 September 2011 [<http://en.rsf.org/bahrain-crackdowns-on-pro-democracy-15-09-2011,40988.html>].

¹⁷ RWB, “Government eager to use Net surveillance software currently in test phase” 28 October 2011 [<http://en.rsf.org/russia-government-eager-to-use-net-28-10-2011,41309.html>].

¹⁸ We are all Khaled Said *Background Story* [<http://www.elshaheed.co.uk/home-khaled-said-full-story-background-truth-what-happened-torture-in-egypt-by-egyptian-police/>].

¹⁹ Alumni Network Television *Political Prisoners in Azerbaijan: Emin Milli and Adnan Hajizade* [<http://antv.ws/?lang=en&menu=news-view&id=512>].

²⁰ RWB “Three online television journalists freed” 31 October 2011 [<http://en.rsf.org/arabie-saoudite-three-online-television-31-10-2011,41254.html>].

TUNeZINE, whilst others use Facebook and Twitter. Where electronic media outlets are highly censored, citizen journalists use professional foreign media organizations as vehicles for their reporting. For example in China, Hu Jia sought out foreign media professionals to report human rights abuses and print his open letter to the international community as well as using online commentaries.²¹ Similarly, Sami ben Gharbia claims social media played a key role in the coverage of the Tunisian uprising through feeding reports to Al-Jazeera and France 24.²²

Gaps in Protection

The majority of gaps in protection are an indirect consequence of legal proceedings. Violence against citizen journalists mostly occurs at the point of arrest or in prison, but with the exception of Mexico, can still be linked to intentional state persecution of journalists rather than general negligence.

Smear Campaigns, Cyber Attacks and Hacking

In the UAE, Ahmed Mansoor, Farhad Salem, Nasser bin Ghaith, Hassan Ali Al-Khamis and Ahmed Abdul Khaleq were all subjected to a smear campaign on Facebook and Twitter after their laptops were seized during arrest for ‘threatening state security, disturbing public order and insulting the vice president and Abu Dhabi’s crown prince.’²³ In Russia, bloggers Oleg Kozyrev and Alexey Navalny have been subjected to cyber attacks and hacking, which many bloggers regard to be part of a government orchestrated smear campaign.²⁴ In 2002 in Egypt, the interior ministry created the Directorate for Computer and Internet Crimes which according to Egyptian blogger Mostafa El Naggar has engaged in “relentless pursuit of bloggers and citizen journalists, invading their privacy, hacking into their personal accounts, and using their blogs against them”.²⁵ Similar practice is found in Burma, where cyber-attacks against exile-run news outlets with the view to blocking coverage of violence and malpractice during elections were highlighted as an area of concern by the Committee to Protect Journalists (CPJ) in 2010.²⁶

²¹ RWB ‘Activist Hu Jia freed, but kept under close surveillance’ 27 June 2011 [<http://en.rsf.org/china-activist-hu-jia-freed-but-kept-27-06-2011,40527.html>]

²² Evgeny Morozov, “Tunisia, social media and the politics of attention,” *Net.Effect*, January 14, 2011, [http://neteffect.foreignpolicy.com/posts/2011/01/14/tunisia_social_media_and_the_politics_of_attention].

²³ RWB ‘Blogger and four other activists continue to boycott trial, verdict in five weeks’ 24 October 2011 [<http://en.rsf.org/united-arab-emirates-blogger-to-appear-in-court-next-13-07-2011,40636.html>].

²⁴ RWB ‘Government eager to use Net surveillance software currently in test phase’ 28 October 2011 [<http://en.rsf.org/russia-government-eager-to-use-net-28-10-2011,41309.html>].

²⁵ M. Abdel Dayem *Middle East Bloggers: The Street Leads Online* October 14 2009 [<http://cpj.org/reports/2009/10/middle-east-bloggers-the-street-leads-online.php>].

²⁶ CPJ, September 27 2010 *Burma's exile media hit by cyber-attacks* [<http://www.cpj.org/2010/09/burmas-exile-media-hit-by-cyber-attacks.php>].

Misuse of law

Several citizen journalists have been arrested and charged in spurious ways. For example, Muhamed Rashid Shouhi Majan of the UAE was charged with defamation and libel after a complaint was filed against his website by the head of Ras Kheima medical services. He was sentenced to a year in prison which, as the Arabic Network for Human Rights reports, appears an excessive punishment for writing that “doesn’t exceed political criticism against a public official.”²⁷ In Tunisia, Naziha Rejiba, who edits the online publication *Kalima*, was sentenced to eight months on what the CPJ believes to be “spurious charges of violating currency exchange laws” where Rejiba was actually targeted for criticising the government’s human rights record.²⁸ In Azerbaijan, Emin Milli and Adnan Hajizade were arrested for “hooliganism” after two unknown men violently interrupted a debate about politics in a restaurant, whilst it is widely believed that their arrest had more to do with critical video.²⁹ In Vietnam, Nguyen Van Hai was sentenced for two and a half years for tax evasion, which according to CPJ should have been paid by a tenant,³⁰ while in Morocco, RWB claim that Mohamed Dawas was arrested on a “trumped-up charge of drug trafficking and the real reason was his blog posts.”³¹ Another way in which countries could be said to ‘misuse’ law is through the exercise of ‘Emergency Law’ powers as in Syria, where this allows authorities to try citizen journalists in a military court for such ambiguous offences as “crimes that constitute an overall hazard.” Eleven bloggers have been convicted under this law.³²

Specific laws against citizen journalism

Several countries have anti press-freedom laws that penalise citizen journalists and some prosecutions result in significant harm to their right to life. In Egypt, the 1996 Press Law bans “spreading false news” and the penal code bans “insulting” material. Attorney Marwa Mostafa of the Legal Aid Unit for Freedom of Expression in Cairo reported 160 cases of harassment of bloggers in the first six months of the unit’s establishment in 2008.³³

In Iran, the press law was amended in 2000 to include all forms of electronic media in the prohibition of anything that “promotes subjects that might damage the foundation of the Islamic Republic” or “propagates luxury and extravagance.” As a result, in 2004, 23 bloggers and online journalists were jailed, and four, all of whom had been tortured, were only released after they wrote letters attesting to good treatment while held and “admitting” to the charges against them. In February 2009,

²⁷ Arabic Network of Human Rights ‘Emirates deal a blow to freedom of expression Website head administrator jailed for one year and another writer arrested’ 21st August 2007

[<http://www.anhri.net/en/reports/2007/pro821.php>]

²⁸ CPJ *Without a Net* (1 October 2004) [<http://www.cpj.org/reports/2004/10/yahyaoui.php>].

²⁹ CPJ *2009 Prison Census*

³⁰ CPJ, *Annual Prison Census 2010 – Vietnam* (8 December 2010)

[<http://www.unhcr.org/refworld/docid/4d497df8.html>]

³¹ RWB ‘Crackdowns on pro-democracy protests continue to affect journalists, Morocco and Tunisia still try to gag information’ 14 September 2011 [<http://en.rsfs.org/bahrain-crackdowns-on-pro-democracy-15-09-2011,40988.html>]

³² M. Abdel Dayem *Middle East Bloggers: The Street Leads Online* October 14 2009

[<http://cpj.org/reports/2009/10/middle-east-bloggers-the-street-leads-online.php>].

³³ Ibid.

legislation was approved by the parliamentary commission that makes online expression perceived to be “against the will of God” punishable by death.³⁴

In the UAE the crime of “insulting the vice president and Abu Dhabi’s crown prince” resulted in the detention, vindication and harassment of several bloggers as mentioned above. Further, the 2006 Cyber Crime Law criminalises “abolishing, destroying or revealing secrets or republishing personal or official information,” or insulting religion or family values.³⁵

In 2001, Saudi Arabia’s Council of Ministers passed a resolution in the form of an executive decree to regulate internet use and prohibit users from publishing or accessing ‘anything contrary to the state or its system.’³⁶

China’s State Internet Information Office has used a law banning the spread of rumours to punish several citizen journalists with consequences to their health and wellbeing as detailed above,³⁷ whilst in Burma, the Electronics Act, which bans unauthorised use of electronic media to send information outside the country, has been used to suppress and intimidate.³⁸

Finally, in the US, a 2006 proposal for an Anti-Counterfeiting Trade Agreement (ACTA) gives the right to various trading partners to ask ISPs to identify their clients, which RWB claims “could lead to security abuses including loss of online anonymity and tracking of dissidents”. The recent US Stop Online Piracy Act provides for the prosecution of anyone developing a censorship circumvention tool, in the US and abroad, which according to RWB “would be a very dangerous precedent for netizens who live under repressive regimes”.³⁹

Consequent denial of civil rights

Citizen journalists have been made to sign statements under force (Morocco⁴⁰), been denied open trials (UAE,⁴¹ Burma,⁴² Iran,⁴³ Vietnam⁴⁴), access to a lawyer

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ RWB “Respect for free speech continues to deteriorate in China” 27 October 2011

³⁸ CPJ February 15 2011 *Attacks on the Press 2010: Burma* [<http://www.cpj.org/2011/02/attacks-on-the-press-2010-burma.php>].

³⁹ RWB “Domestic Reality does not match bold words on Internet freedom of expression” 2 November 2011 [<http://en.rsf.org/etats-unis-domestic-reality-does-not-match-02-11-2011,41324.html>]

⁴⁰ RWB “Crackdowns on pro-democracy protests continue to affect journalists, Morocco and Tunisia still try to gag information” 14 September 2011

⁴¹ RWB “Blogger and four other activists continue to boycott trial, verdict in five weeks” 24 October 2011

⁴² Asian Human Rights Commission “UPDATE (Burma): Closed door trial sentenced blogger to over 20 years” [<http://www.humanrights.asia/news/urgent-appeals/AHRC-UAU-070-2008>].

⁴³ RWB “World’s youngest detained blogger on trial in northern Iran” 18 November 2011 [<http://en.rsf.org/iran-world-s-youngest-detained-blogger-18-11-2010,38848.html>].

⁴⁴ Canadian Journalists for Free Expression “Blogger Nguyen Van Hai continues to be detained” 20 May 2011 [http://www.cjfe.org/resources/protest_letters/blogger-nguyen-van-hai-continues-be-detained]

(Vietnam⁴⁵) and access to the prosecution case files (UAE⁴⁶). Lawyers for Chinese cyber dissident Wang Lihong reported her trial to be unfair due to constant interruptions of the defendant by the judge which prevented her from defending herself.⁴⁷ Several citizen bloggers have been detained without charge. These include Alaa Abd el-Fattah (45 days, Egypt)⁴⁸, Hossein Derakhshan (detained since November 2008, Iran)⁴⁹, Nafiseh Zare Kohan and Hojjat Sharifi (detained since 2008 in Iran)⁵⁰, Raafat al-Ghanim (imprisoned without known charge July 2009 in Saudi Arabia)⁵¹, Nay Phone Latt (went missing January 2008 in Burma, not charged until July)⁵² and Karim al-Arbaji (imprisoned in Syria in June 2009, not charged until September 2009).⁵³

Failed duty to protect

Citizen journalists have reported torture (Syria,⁵⁴ Tunisia,⁵⁵ and Cameroon⁵⁶) and violence and maltreatment in prison and at the hands of the police (several countries see below). Outside of the legal system, direct state commissioning of violence against journalists has been documented in Tunisia,⁵⁷ China⁵⁸, the Palestinian Territories⁵⁹ and Yemen,⁶⁰ while in Mexico, citizen journalists are attacked as a result of the absence of state and police control over the violence and terrorism in border cities.⁶¹ This violence is also used against the families of citizen journalists and demonstrates the state's failed duty to protect in its implicit condolence of, active participation in or negligence towards these attacks.

⁴⁵ RWB "Blogger Lu Van Bay serving 4 year sentence" [<http://en.rsf.org/vietnam-blogger-lu-van-bay-serving-four-26-09-2011,41059.html>]

⁴⁶ RWB "Blogger and four other activists continue to boycott trial, verdict in five weeks" 24 October 2011

⁴⁷ RWB "Respect for free speech continues to deteriorate in China" 27 October 2011 [<http://en.rsf.org/chine-respect-for-free-speech-continues-27-10-2011,41303.html>]

⁴⁸ RWB "Military prosecutors detain blogger in connection with Copt demonstration" 31 October 2011 [<http://en.rsf.org/egypt-situation-for-netizens-worsens-in-27-10-2011,41301.html>]

⁴⁹ CPJ "Iran press crackdown continues a year after disputed vote" [<http://www.cpj.org/2010/06/iran-press-crackdown-continues-a-year-after-disput.php>].

⁵⁰ CPJ 2009 Prison Census [<http://www.cpj.org/imprisoned/2009.php>].

⁵¹ CPJ Attacks on the Press 2009: Middle East and North Africa Developments [<http://www.cpj.org/2010/02/attacks-on-the-press-2009-middle-east-and-north-af.php>]

⁵² CPJ 2009 Prison Census

⁵³ M. Abdel Dayem *Middle East Bloggers: The Street Leads Online* October 14 2009 [<http://cpj.org/reports/2009/10/middle-east-bloggers-the-street-leads-online.php>].

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ Mohammed Keita "Fearing Egypt-style revolt, Cameroon bars Twitter service" 14 March 2011 [<http://www.cpj.org/blog/2011/03/fearing-egypt-style-revolt-cameroon-bars-twitter-s.php>].

⁵⁷ CPJ Attacks on the Press in 2001 - Tunisia February 2002 [<http://www.unhcr.org/refworld/docid/47c56649c.html>]

⁵⁸ RWB "Activists attacked while trying to visit human rights lawyer under house arrest" 20 September 2011 [<http://en.rsf.org/chine-activists-attacked-while-trying-to-20-09-2011,39533.html>]

⁵⁹ Cyberdissidents.org "Cyber Dissident Database: Asma Al Ghoul" [<http://www.cyberdissidents.org/bin/dissidents.cgi?id=133&c=PS>].

⁶⁰ Cyberdissidents.org "Cyber Dissident Database: Nashwan Abdu Ali Ghanim" [<http://www.cyberdissidents.org/bin/dissidents.cgi?id=81&c=YE>].

⁶¹ RWB "Fourth netizen murdered in two months in Nuevo Laredo, cartels feared" 14 November 2011 [<http://en.rsf.org/mexique-fourth-netizen-murdered-in-two-14-11-2011,41385.html>].

Categories of Harm

Death

In Mexico, where the threat of death to citizen journalists is perhaps most severe, four citizen journalists have been brutally decapitated and killed so far, their bodies left with messages that claim their deaths are revenge for their use of the internet to report the activity of criminal groups. It is not known how the killers discovered the identity of these journalists who all used pseudonyms. One message left on the fourth body read: “This happened to me for not understanding that I shouldn’t report things on social networks”.⁶²

In China, on seeing a fight break out after city officials (the *chengguan*) attempted to dump waste near his neighbours’ homes, Wei Wenhau recorded it on the internet. RWB report that he was attacked by the officials involved and was dead on arrival at hospital. Chinese authorities have detained and questioned various officials but bloggers suggest that this is to placate the blogging community rather than a genuine desire to prosecute.⁶³

Political motivations are also being investigated for the murder of Brazilian blogger, Ricardo Gama, who was shot in Copacabana after recent outspoken critique of local and state politicians.⁶⁴

Elsewhere, death is an indirect result of government crackdowns on journalism. The five bloggers from the UAE mentioned above were given death threats by members of a pro-government crowd during their trial fuelled by the smear campaigns outlined above.⁶⁵ Prison violence also threatens death; it is unknown whether Syrian blogger Tareq Al-Ghorani, who was arrested for his posts on Akhawia.net, is still alive after guards opened fire on prisoners at Sedynaya prison in 2007.⁶⁶ In Yemen, Nashwan Abdu Ali Ghanim blogged about Yemeni complicity in the terrorist attacks on the US embassy and claimed “three unsuccessful attempts on his life” by Yemeni authorities before he committed suicide in 2010.⁶⁷

Violence

Citizen journalists face violence from police in the act of reporting as well as during and post-arrest. In Miami, Narces Benoit used a camera phone to film police shooting a car and four bystanders. He had a pistol put to his head by the police and

⁶² Ibid.

⁶³ *Guardian* “Wei Wenhau: the first citizen journalist to be killed?” January 15, 2008 [<http://www.guardian.co.uk/news/blog/2008/jan/15/weiwenhauthefirstcitizenj>].

⁶⁴ CPJ “Critical Brazilian blogger shot in Rio” 24 March 2011 [<http://www.cpj.org/2011/03/critical-brazilian-blogger-and-journalist-shot-in.php>]

⁶⁵ RWB “Blogger and four other activists continue to boycott trial, verdict in five weeks” 24 October 2011

⁶⁶ Cyberdissidents.org “Cyber Dissident Database: Tareq Al-Ghorani” [<http://www.cyberdissidents.org/bin/dissidents.cgi?id=73&c=SY>].

⁶⁷ Cyberdissidents.org “Cyber Dissident Database: Nashwan Abdu Ali Ghanim”

was subsequently handcuffed. Recording police activity is not yet illegal in Florida, unlike in Illinois and Massachusetts.⁶⁸

Several journalists including tweeter Nada Alwadi were beaten in detention in Bahrain,⁶⁹ and similar violence is reported in prisons in the UAE.⁷⁰ In Tunisia, Zouhair Yahyaoui's prison experience involved being hung from the ceiling, kicked, slapped, punched, placed naked in solitary confinement for two days and given only rotten food. Sixteen months after his release he died of a heart attack at only 36 years of age.⁷¹ André Blaise Essama, a blogger in Cameroon, was picked up by military police whilst filming and reported "They undressed me, brutalized me, and tortured me. I received several kicks on my head and on my left arm that I used to shield myself from the boots of the military police officers...In the cell, they poured dirty water on me and I was asked for whom I work for, who has bought my equipment, who has asked me to film, and for whom I will broadcast the footage."⁷²

Apart from violence in detention and prison, attacks against citizen journalists that appear to originate directly from state authorities have been reported in Tunisia where Sihem Bensedrine was attacked in January 2004 by an assailant working with state security.⁷³ In China, cyber-dissident Govruud Huuchinhuu was harassed and beaten by authorities when under house arrest⁷⁴ and five "netizens" visiting blogger Chen Guangcheng were attacked by presumed police auxiliaries.⁷⁵ In the Palestinian Territories, Asma Al Ghoul blogged about Hamas's closure of the Sharek youth forum and the arrest of her brother by Hamas security personnel, and was consequently beaten.⁷⁶

Disappearance

Some journalists simply disappear after arrest, as with Hossein Ghoureir and Manaf Al Zeitoun in Syria.⁷⁷ In Russia, blog posts from a naval conscript known as Vasiliy or Sosigusyan have "disappeared" and been replaced by an unknown contributor.⁷⁸ This is a dangerous precedent for the experiences of other cyber dissidents who have experienced hacking and cyber attacks in the country.

⁶⁸ Chris Arsenault, "US police smash camera for recording killing," *Al-Jazeera*, 21 June 2011 [<http://www.aljazeera.com/indepth/features/2011/06/201162114131825860.html>].

⁶⁹ Cyberdissidents.org "Cyber Dissident Database: Nada Alwadi" [<http://www.cyberdissidents.org/bin/dissidents.cgi?id=141&c=BH>]

⁷⁰ RWB "Blogger and four other activists continue to boycott trial, verdict in five weeks" 24 October 2011

⁷¹ M. Abdel Dayem *Middle East Bloggers: The Street Leads Online* 14 October 2009 [<http://cpj.org/reports/2009/10/middle-east-bloggers-the-street-leads-online.php>].

⁷² Mohammed Keita "Fearing Egypt-style revolt, Cameroon bars Twitter service" 14 March 2011 [<http://www.cpj.org/blog/2011/03/fearing-egypt-style-revolt-cameroon-bars-twitter-s.php>].

⁷³ CPJ *Without a Net* 1 October 2004 [<http://www.cpj.org/reports/2004/10/yahyaoui.php>]

⁷⁴ RWB "Inner Mongolian cyber-dissident often beaten, famous human rights lawyer still missing" 3 October 2011 [<http://en.rsf.org/chine-inner-mongolian-cyber-dissident-03-10-2011,41097.html>].

⁷⁵ RWB "Respect for free speech continues to deteriorate in China" 27 October 2011

⁷⁶ Cyberdissidents.org "Cyber Dissident Database: Asma Al Ghoul"

⁷⁷ RWB "Journalist Lina Ibrahim freed" [<http://en.rsf.org/syrie-more-arbitrary-arrests-and-03-11-2011,41340.html>]

⁷⁸ RWB "Government eager to use Net surveillance software currently in test phase" 28 October 2011

Harassment of families

Governments also harass the families of citizen journalists. Whilst blogger Ali Abduleman was allegedly being tortured in solitary confinement, his family were threatened with dismissal from their jobs in Bahrain⁷⁹ Removing the capability of a family to earn a livelihood could pose a grave threat. Harassment of families continues after citizen journalists are released or acquitted, as seen in the case of Zouhair Yahyaoui in Tunisia, whose brother was arrested while his family house had its phone line cut.⁸⁰ The work of citizen journalists may also threaten the families of the subjects of their critique, as in China, when after a call by several citizen journalists for an investigation into the death of a herdsman known as Zorigt, his family have been threatened by the police while violence against other herdsman over oil and gas disputes continues. Also in China, violence against the family of blogger Chen Guanhcheng worsened since the wave of unrest in the Arab world. Their computers, cameras, video cameras and books were confiscated and their six year old daughter was denied access to school.⁸¹

Withdrawal or prevention of treatment

In the UAE, Ahmed Mansoor was denied access to dermatologists for a “severe allergy”.⁸² Zeng Jinyan, Hu Jia’s wife, reported that her husband’s prison in China did not have facilities to treat his chronic liver condition and she was denied a request for medical parole.⁸³ Egyptian citizen journalist Maikel Nabil Sanad is currently confined to El-Khanka psychiatric clinic in Egypt. His lawyer fears that electroconvulsive therapy will be used on him which could prove fatal as Sanad is in a critical condition with renal and neurological problems.⁸⁴

Regional Variances

The countries where citizen journalists’ right to life is most often and most extremely threatened are Burma, Iran, Egypt, China, Syria, Tunisia, Cameroon and Mexico. Detention without charge is often for a much greater length of time in countries where systematic abuse of human rights is most commonplace, such as Iran and Burma. Police violence against citizen journalists appears to be most common in Tunisia, Syria and Egypt.

These countries can be divided between those which have laws specifically targeting “cyber-criminals”, such as Iran, Egypt, China and Burma, and those where the political reasons for the arrest of citizen journalists are “disguised”, such as Tunisia, the UAE and Vietnam. In Brazil and in China, local political disputes threaten the lives of journalists, even if the state does not grant impunity. As mentioned, in

⁷⁹ Cyberdissidents.org “Cyber Dissident Database: Ali Abduleman”

[<http://cyberdissidents.org/bin/dissidents.cgi?id=132&c=BH>]

⁸⁰ Abdel Dayem, M. October 14 2009 CPJ *Middle East Bloggers: The Streets lead Online*

⁸¹ RWB “Respect for free speech continues to deteriorate in China” 27 October 2011

⁸² RWB “Blogger and four other activists continue to boycott trial, verdict in five weeks” 24 October 2011

⁸³ RWB “Activist Hu Jia freed, but kept under close surveillance” 27 June 2011

⁸⁴ RWB “Military prosecutors detain blogger in connection with Copt demonstration” 31 October 2011

Mexico, threat to social networkers comes from extra-state authorities and a high degree of impunity.

Countries where access to the internet is currently restricted (through very slow connections or extreme oppression) may see an increase in attacks on citizen journalists in line with those on other journalists as internet access expands. These countries include North Korea, Eritrea, Cameroon, the Xinjiang region of China and Turkmenistan.⁸⁵

Best Practices

It is very difficult to determine what determines ‘best practice’ in the area of citizen journalism. In Finland, Order no. 732/2009 holds internet access to be a fundamental right for all citizens with the consequence that every Finnish household will have at least a 100 MB/s connection by 2015,⁸⁶ while the "Icelandic Modern Media Initiative" aims to guarantee transparency and independence of information which according to RWB will make Iceland “a cyber-paradise for bloggers and citizen journalists.”⁸⁷ However, the veneration of the ability to publish anything online without threat of censorship or arrest is arguably symptomatic of a ‘cyber-utopianism’ which, according to Morozov, mistakenly sees citizen journalism as inherently emancipatory. The promotion of citizen journalism by “western” nations via faulty exports such as Haystack (a tool purported to circumvent online censorship in Iran) has directly led to crack downs on internet freedoms in authoritarian regimes.⁸⁸ The increasingly complex internet technologies used to promote and facilitate net-based citizen journalism in oppressive regimes can just as easily be used against journalists.⁸⁹ Furthermore, the association of citizen journalism with ‘best practice’ states may simply exacerbate inequalities of power on the international stage, with the result that some “free speech” in the form of citizen journalism becomes exponentially more powerful than others. Tunisian Sami Ben Gharbia argues that “U.S official and corporate involvement in the Internet Freedom movement is harmful for that same freedom”, since many believe it is “just a cover for strategic geopolitical agendas.”⁹⁰

One might get around this dilemma by looking for individual states where citizen journalism has facilitated greater freedoms in general and reduced threats to citizen journalists in particular. A case in point is South Korea, where independent citizen-sourced news site *ohmynews* played a key role in the election of Roh Moo Hyun after younger “netizens” became disillusioned with the bias of major newspapers.⁹¹ Sami

⁸⁵ RWB *Enemies of the Internet : Countries under surveillance* (12 March 2010) [http://en.rsf.org/IMG/pdf/Internet_enemies.pdf]

⁸⁶ Ibid p. 3

⁸⁷ Ibid.

⁸⁸ Evgeny Morozov, *The Net Delusion: The Dark Side of Internet Freedom* (Public Affairs, 2011). “Haystack” was anti-censorship software designed for Iran by Austin Heap in the US which consequently proved to be both ineffective and dangerously revealing.

⁸⁹ Evgeny Morozov, “What if Tunisia’s revolution ended up like Iran’s?”, *Net.Effect*, January 15, 2011, [<http://neteffect.foreignpolicy.com/blog/5386>].

⁹⁰ Sami ben Gharbia, “The Internet Freedom Fallacy and the Arab Digital activism” 17 September 2010 [<http://samibengharbia.com/2010/09/17/the-internet-freedom-fallacy-and-the-arab-digital-activism/>].

⁹¹ I-Y. Rhee “The Korean Election Shows a Shift in Media Power” *Nieman Reports* 57:1 (2003) p.95.

Ben Gharbia's fear of the entrenchment of national hierarchies via citizen journalism is groundless in this case, as one of the most famous stories broken by *ohmynews* was the killing of two Korean schoolgirls by US army vehicles in 2002, leading to wide anger against the US and its involvement in the country.⁹² Kim and Hamilton argue, however that *ohmynews* is "a unique response to unique enabling conditions,"⁹³ and therefore perhaps should not be highlighted as "best practice".

The recent hosting of a conference for bloggers across the Arab world in Tunisia might be lauded as a "best practice" for a state with a history of brutal oppression of citizen journalists. Yet the event, which included workshops on various skills including data presentation and use of Twitter, was marred by the rejection of 11 of the 12 Palestinian participants' visas by the Tunisian government.⁹⁴ One might consequently argue that the involvement of governments and legal apparatuses in the proliferation of citizen journalism is anathema to the very concept of the medium. To cite Sami ben Gharbia again:

"The digital activism field in the Arab world forms one of the most decentralized, unstructured, and grassroots oriented dynamics of change that even most of the cyber-savvy local NGOs and opposition parties have a serious trouble in "infiltrating" or exploiting it for their own benefit. Consequently, this has made this movement independent, attractive, and resistant to any kind of control."

Yet while it is difficult to laud the "positive" role of the state in promoting national vehicles for citizen journalism, there is still perhaps a place for the state's protective capacity. For example, the Australian Senate's decision in March 2011 to afford citizen journalists the same protection as professional journalists in their "shield laws", so long as courts decide that it is not in the public interest to disclose a source.⁹⁵

⁹² Shaun Sutton, "The 'my' in *ohmynews*: a uses and gratifications investigation into the motivations of citizen journalists in South Korea" September 2006 [http://ics.leeds.ac.uk/pg%20study/ma%20showcase/shaun_sutton.pdf].

⁹³ Eun-Gyoo Kim and James W. Hamilton "Capitulation to capital? OhmyNews as alternative media," *Media, Culture & Society* 28: 4 (1 July 2006) pp.541 -560.

⁹⁴ Yasmin Ryan, "Tunisia denies visas for Palestinian bloggers," *Al-Jazeera*, October 5, 2011 [<http://www.aljazeera.com/news/africa/2011/10/201110512433882676.html>].

⁹⁵ Matthew Franklin "Shield law to cover bloggers and 'citizen journalists'" *The Australian* [<http://www.theaustralian.com.au/news/nation/shield-law-to-cover-bloggers-and-citizen-journalists/story-e6frg6nf-1226025684310>].



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