

[Human Rights Council must act to end impunity for attacks on journalists](#)

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A strong resolution followed by local implementation is key to end the cycle of violence and protect freedom of expression, says Article 19's Ricardo Gonzalez



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In his [inaugural address](#) to the Human Rights Council at its 27th Session, UN High Commissioner for Human Rights Ra'ad Zeid al-Hussein was unequivocal in his support for freedom of expression, condemning the murders of journalists as 'barbaric'.

While journalists and media workers working in conflict zones face high risks, the dangerous situation for those reporting in contexts considered 'peaceful' has often escaped international attention. During 2013 alone, four journalists have been killed in Mexico, as well as four in Brazil, five in Pakistan, three in the Philippines, and one in Russia - just some of the countries ARTICLE 19 monitors. The rate of impunity for such attacks remains staggeringly high. This points to a failure to protect and promote the right to freedom of expression in non-conflict situations, which must urgently be addressed.

It is the need to combat not only the attacks, but also the impunity with which they are committed, which remains a key challenge for international fora, and one to be tested at the 27th session of the Human Rights Council as a [resolution](#) on this issue - tabled by Austria, Brazil, France, Greece, Morocco, Qatar and Tunisia - comes up for consideration.

Why should ending impunity be the priority?

Ending impunity for attacks on journalists and media workers is essential to end the cycle of violence. Impunity magnifies and spreads the silence imposed on victims to their families, their colleagues, their audience and society at large. Each case represents both an attack on journalists as individuals and an attack on the right of all people to seek, receive and impart information. The failure by States to ensure

accountability for attacks is therefore an assault on freedom of expression and democracy itself.

What should States do to put an end to impunity?

Expressing political commitment to combat impunity for attacks on journalists and media workers by the highest authorities in the country is the first step that a State must take, but by itself this is inadequate. In 2012, international and regional [special rapporteurs](#) on freedom of expression identified that ending impunity for attacks on journalists requires five elements: prevention and prohibition; protection; independent, speedy and effective investigations; redress for victims, and mobilisation of other responsible stakeholders.

It is critical that States punish perpetrators and bring to justice the instigators of attacks against journalists and media workers. This requires impartial, speedy, thorough, independent and effective investigations and prosecutions to hold those responsible. Where a journalist is killed or dies in violent or suspicious circumstances, protocols should be in place to promptly establish lines of inquiry as to whether the attack is related to the journalist's work or not. Too often, these questions are asked too late or not at all.

Justice is not served by merely going after the foot soldiers either. In June 2013, the third trial relating to the 2006 murder of journalist Anna Politkovskaya resulted in six perpetrators now serving custodial sentences, but after almost eight years the Russian authorities have still failed to bring the instigators to justice. Ending impunity requires accountability for those who command, conspire to commit, aid, incite and cover up attacks.

Securing effective investigations and accountability where impunity is high requires the creation of properly resourced and supported special investigative units and the appointment of specialised trained prosecutors whose independence from those implicated in attacks is guaranteed. All such measures will help ensure motives are identified early, that adequate evidence is collected and witnesses protected. Investigations should be transparent, requiring comprehensive information to be publically accessible, including to the media and independent complaints mechanisms.

All too often killings are the final signpost on a road of failures - alerting us too late that the State failed to prevent or protect.

What can States do prevent, prohibit and protect?

Prevention presupposes a legal framework that protects freedom of expression and promotes a safe enabling environment for journalists and media workers. Where States prioritise shielding the powerful from criticism through law, authorities are encouraged to suppress dissent rather than protect it, tacitly endorsing violence against journalists and cultivating impunity. As the OHCHR recently recommended, 'mechanisms of censorship and legal harassment must be removed'. This requires decriminalising defamation, sedition, and insult laws, and ensuring national security and anti-terrorism legislation complies with international standards.

Where attacks on journalists are likely or frequent, special mechanisms to prevent and protect should be established and tailored to local circumstances. The development of these programmes is enhanced when they are designed and their effectiveness monitored with the full participation of journalists and media workers. Collecting data on threats and attacks systematically, in conjunction with civil society, allows prevention and protection mechanisms to be greatly enhanced.

These responses must also take into account that freelance journalists and media workers working for smaller independent, community and indigenous media outlets are particularly vulnerable. Such actors often serve minority communities, and can face discrimination from law enforcement.

What must the Human Rights Council do?

The international community still has a long way to go to ensure the safety of journalists. Enough has been said to raise awareness, it is time to agree on the specific measures States should take to end impunity and in turn stop future attacks on journalists. Once the Human Rights Council adopts a resolution doing just that, it will then fall upon States to act on it, bringing impunity to an end for good.

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