

**Urgent Action**

**In Focus**

An insight into the stories behind UAs

Public

**May 2007**

AI Index: ACT 60/010/2007

## **Mightier than the sword: The struggle for press freedom**



**Detained journalists Ali Farahbaksh and Shi Tao (© Private / Chinese Pen Center (ICPC))**

Journalists are often "easy targets" in wars. While most civilians in a dangerous situation turn the other way and try to get to safety, journalists do the exact opposite. The job of a journalist is to report, which often means that – as most people are fleeing danger – journalists pass them on the road heading towards the fighting.

It's easy to forget that journalists are nevertheless civilians. Foolhardy, even

reckless at times, perhaps, but still civilians due the same protections under international law as any other civilians.

When journalists are deliberately shot, blown up, taken hostage or imprisoned for simply doing their jobs, that's a crime. When these violations against journalists are committed in an armed conflict, they constitute grave breaches of the Geneva Conventions – they are war crimes.

2006 was a year in which killings of reporters and media staff reached historic levels with at least 155 murders, assassinations and unexplained deaths, according to the International Federation of Journalists (IFJ). On 23 December, the UN Security Council adopted a resolution condemning intentional attacks on journalists, media professionals and associated personnel in situations of armed conflict, and called upon all parties to put an end to such practices.

However, around the world, whether in war or in peace, too few states take their obligations seriously. In situations of open conflict, such as in Iraq and Afghanistan, rather than offering protection from the serious dangers journalists face, the authorities restrict their ability to report freely.

Freedom of expression is enshrined in Article 19 of the Universal Declaration of Human Rights. A free press is an essential component of freedom of expression and is equally important as a key player in the protection of all human rights. All of society pays the price when journalists are killed with impunity and censorship and fear stifle expression. These are the conditions under which abuse of power and injustice will thrive.

### **Conflict situations**

In Iraq, at least 64 journalists and media workers were reported killed in 2006, bringing the total to at least 139 since the March 2003 invasion. A few were killed by US troops and Iraqi forces while covering fighting between these troops and insurgents, but the majority were killed by armed groups opposed to the government and the presence of foreign troops, or militiamen belonging to Shi'a religious groups.

On 22 February, Atwar Bahgat, a correspondent with the TV channel al-'Arabiya, and her colleagues Khaled Mahmoud al-Falahi and 'Adnan Khairallah, were kidnapped. Their bodies were found the next day near Samarra. On 26 March,

a freelance journalist, Kamal Manahi Anbar, was fatally hit by Iraqi forces' fire during a clash with insurgents near a Shi'a mosque in Baghdad's Ur district.

Iraqi forces, backed by the US military, were reported to have opened fire after several shots were fired from a building next to the mosque. Civilians rushed for cover, among them Anbar, who was found shot several times in the face and neck.

On 12 October, masked gunmen killed 11 people and wounded two at the Baghdad office of the satellite TV channel Al-Shaâ'abiya in the Zayouna district of East Baghdad.

In Afghanistan, the deteriorating security situation has made intimidation, harassment and violence an everyday reality for Afghan journalists and human rights defenders. Afghan journalist Ajmal Naqshbandi was abducted in March along with an Italian reporter, Daniele Mastrogiacono, and their Afghan driver, Sayed Agha. While Daniele Mastrogiacono was released in a prisoner exchange, Ajmal Naqshbandi and Sayed Agha were killed by their captors.

The government and newly established parliament have made attempts to limit reporting that would reflect badly on them. The Afghan intelligence service, the National Security Directorate, issued a decree on 18 June 2006, attempting to limit reporting about the declining security situation. The Afghan government and parliament have since late 2006 been discussing revisions to the media law that would seriously undermine freedom of speech and freedom of the press.

### **Impunity**

It is not just in situations of open conflict that journalists are at risk. In Mexico, at least 11 journalists have been murdered since the start of 2006 and a number of others have been abducted. Journalists

reporting on corruption and the activities of organized criminal networks are particularly at risk.

The state has acknowledged the increasing attacks on journalists around the country and the authorities' failure to hold those responsible to account, but, despite the establishment of the Office of the Special Prosecutor on Crimes against Journalists (*Fiscalía Especial para la Atención de Delitos Cometidos contra Periodistas*) in February 2006, there is total impunity for such crimes.

### **State repression**

Journalists are often seen as an irritation – they publish stories that embarrass governments, they give coverage to the opposition and to campaigners, they expose human rights violations and other abuses of power. While individual journalists themselves might not be dissidents, the fact that they write about dissent and the issues that cause it makes them targets of governments who want to suppress that same dissent.

In Russia, where the murder of human rights journalist Anna Politkovskaya threw a spotlight on press freedom in that country, reporting on human rights violations and dissent is at best difficult and often dangerous. Journalists who have covered the recent "Dissenters' marches" have been detained and several newspapers have received warnings for publishing information about opposition movements and giving voice to dissenting opinions. One human rights organization has been closed for publishing non-violent statements by representatives of Chechen separatist leaders.

Nigeria's intelligence services have raided broadcasters, stopping programmes, seizing tapes, intimidating, arresting or beating up journalists too critical of the government and the President. In the widespread political violence in the run-up to April's elections, at least two journalists lost their lives. During the

mass protests of May Day 2007, organized in response to irregularities during the elections, local media have reported that a cameraman was beaten into a coma by the police, who also threatened other journalists at gunpoint. In a separate incident, 15 journalists reportedly had to be rescued from an attempted lynching by a group of supporters of one of the parties.

In Cuba, working for a news agency not sanctioned by the authorities can also cause problems, as Pablo Pacheco found in March 2003. After a period of apparent movement towards a more open and permissive approach, the authorities carried out an unprecedented crackdown on the dissident movement on the island that month. Pacheco, who works for an agency called Avileña Co-operative of Independent Journalists (*Co-operativa Avileña de Periodistas Independientes*) was one of 75 people sentenced during this period. He was sentenced to 20 years' imprisonment and remains in jail. Pablo Pacheco is one of 13 imprisoned Cuban journalists who are recognized as prisoners of conscience by Amnesty International.

Media workers in Zimbabwe live in constant fear of arrest, torture and death for reporting on the country's continuing human rights crisis. Journalist Gift Phiri was arrested in Harare on 1 April 2007 and severely beaten during four days in police custody. Another journalist, Edward Chikomba, was abducted at his home on 31 March 2007 and killed. His body was found two days later with bruises suggesting that he had been severely beaten.

Media workers who have been critical of government policies have been targeted in the past through repressive laws such as the Access to Information and Protection of Privacy Act, of 2002, which was used by the government to shut down privately owned newspapers and deny journalists registration to practise.

Journalists are often unjustly accused of ordinary crimes in order to persecute them for their work. Sakit Zakhidov, a well-known opposition journalist in Azerbaijan, was imprisoned on charges of possessing heroin, which appears to have been planted on him. He did not receive a fair trial, and may have been imprisoned solely for peacefully exercising his right to freedom of expression. (See UA 179/06, EUR 53/006/2006, 27 June 2006)

For journalists in some countries mere contact with the outside world can have serious repercussions. Iranian journalist Ali Farahbakhsh was arrested on 27 November 2006 after returning from an NGO-sponsored conference in Bangkok on government and the media. A Revolutionary Court in Tehran is reported to have sentenced him to three years' imprisonment and a fine of about US\$71,000 in March 2007, on charges of espionage and "receiving money from foreigners" in connection with his participation at the conference. (See UA 40/07, MDE 13/018/2007, 16 February 2007, and follow-ups.)

In what is possibly the best-known case worldwide, Chinese journalist Shi Tao was arrested in 2004 for sending an email to a foreign website and charged with "illegally divulging state secrets abroad". The email described a briefing that he and other journalists had received from the Chinese Communist Party's Propaganda Department on how they should report anniversary

commemorations of the Tiananmen Square massacre. He was sentenced to 10 years' imprisonment in 2005 after an unfair trial. He is a prisoner of conscience.

In recent months, the Chinese authorities have sought to further tighten controls over the internet. This has been followed by further censoring of certain websites, blogs and online articles. A website providing news broadcasts over the internet, [www.ccztv.com](http://www.ccztv.com), was closed down in March.

### **Journalists caught up in conflict and lawlessness**

Sometimes journalists are targeted just because of who they are and not because of what they say or write. BBC journalist Alan Johnston, abducted by Palestinian gunmen on 12 March (see UA 81/07, MDE 21/005/2007, 5 April 2007, and follow-up), has become a symbol of the dangers journalists face in conflict areas. Though he is well-liked and respected in Gaza, Alan was seemingly abducted just because he was a high profile foreigner. Since his abduction, foreign journalists are no longer going to Gaza and the humanitarian crisis there has dropped off the world news agenda.

The 23 December Security Council resolution shows that there is growing global recognition of a serious problem in the way journalists are treated around the world. What is needed now is global action to protect journalists and protect the freedom of the press.