

## **Impunity for Murders of Journalists: A Challenge to Freedom of the Media, 11.12.2017**

### **Conference report**

The Office of the OSCE Representative on Freedom of the Media in co-operation with the Media Governance and Industries Research Lab at the Department of Communication of the University of Vienna organized a joint conference on the challenges to media freedom caused by the impunity for murders of journalists. In the meeting of approximately 100 participants, experts from across the OSCE region discussed the practical, methodological and ethical aspects of monitoring the deaths of journalists and collecting information on such cases. Ways to improve and amend current practices in the OSCE region, and in particular in Ukraine, to enhance journalists' safety were also discussed during the panel discussion and the subsequent round table.

The **aim** of the conference was to explore the ways forward for 57 OSCE participating States and wider international community in countering impunity for murders of journalists, especially in conflict zones, and alleviating pressures on journalism. The event was structured in three parts: the opening statements of intent by Ambassador Florian Raunig, the Head of the Austrian OSCE Chairmanship Task Force; Mr Harlem Desir, OSCE Representative on Freedom of the Media; Professor Katharine Sarikakis, Jean Monnet Chair and Professor of Media Industries, Media Organisation and Media Governance, Department of Communication, University of Vienna and the keynote speech by Mr Paul Caruana Galizia together with his brothers Matthew and Andrew Caruana Galizia, sons of the killed Maltese journalist Daphne Caruana Galizia; the panel discussion by international stakeholders, chaired by the Senior Advisor of OSCE Representative on Freedom of the Media, Dr. Andrey Rikhter; the Round Table discussion with 14 speakers, chaired by the Director of the Media Governance Lab, Professor Sarikakis. The annotated **agenda** of the event is here: <http://www.osce.org/fom/360036?download=true>.

The event highlighted the following areas, as **areas demanding attention** by the international community and which were raised by several stakeholders:

1. Universally agreed set of indicators, common minimum data standards are needed for monitoring of violence against journalists

2. The necessity for the international community to join forces to address the problem of killings and harassment of journalists
3. The need to stay away from limiting definition of “who counts as a journalist”
4. The implementation of training and awareness raising campaigns for judges, police, even journalists and raising awareness among the lay public
5. Importance of accurate coverage of killings and assaults to deepen knowledge of magnitude and nature of problems, raise awareness, increase accountability of governments, as well as to create new and enhance existing mechanisms to prevent, protect, prosecute
6. The role of international organisations in solving the problem of violence against journalists
7. Importance of the ground research for fact finding, comparative and analytical processing of what is effective in countering impunity and identifying gaps in legislation
8. The necessity of prosecution to combat impunity
9. Challenges to methodology of research: quality of sources and knowledge
10. The need to take actions at the early stage, as harassment has an impact of lives
11. The ways in which regulatory and legislative frameworks, even when developed, often lack implementation through lack of political will
12. Re-evaluating the role of a potential International Court on Murders of Journalists
13. The necessity for national and supranational laws protecting whistle-blowers
14. Where national systems do not prove effective in bringing perpetrators to justice, an international independent instruments or authority should be called in to support the investigations.
15. National governments have responsibility (obligation) to fully investigate and end impunity for all crimes committed against media workers as essential for the effective functioning of our democracies.

The **outcomes** of the event were:

1. The need for intensified international coordination of efforts in countering impunity
2. The need for coordinated efforts in assessing methodological aspects of monitoring as well as their impact and potential development of such tools, also with the aim to produce common standards of monitoring and reporting.
3. The establishment of an international task force composed of IOs, NGOs, Academia... to explore the improvement in the quality of monitoring, translating monitoring into action against impunity, and to strengthen the combined actions and policies of international actors.

## Opening Statements

The event began with the Opening Statement by the Head of the Austrian OSCE Chairmanship Task Force Ambassador **Florian Raunig** with these words:

“When we talk about the fight against impunity, and overall safety of journalists, it is so easy to forget the real people and their stories that are affected by this”.

According to the Ambassador, it is society’s duty to constantly safeguard the right to freedom of expression, and defend investigative journalism.

“This is important because media acts as a mirror of the society; not only does it bridge the gap between government and the public, it also provides information about what is happening in other parts of the world. Without media we are deprived of important information – we become literally “a frog in the well”, said Florian Raunig.

The Head of the Austrian OSCE Task Force also stated: “Freedom of expression and freedom of the media have been priorities during the 2017 Austrian OSCE Chairmanship. Violence, harassment, or intimidation against journalists cannot be tolerated, for any reason. And Austria has committed to addressing these issues, as a priority throughout this year”.

The OSCE Representative on Freedom of the Media **Harlem Désir** then greeted the participants with his opening remarks, saying that we have to put an end to the impunity for violence against journalists. “In around 85 percent of cases concerning killing of journalists in the OSCE region, the perpetrators and masterminds remain unpunished. This is a shameful truth that requires action,” the Representative said, making reference to the report provided by his Office during the conference. “Impunity leads to self-censorship and breeds further violence. Governments must step up their efforts to fully investigate and end impunity for murders of journalists.”

No country is spared from violence against journalists, according to the Representative. The difference is that in some countries the journalists are being killed in time of wars and armed conflicts, whereas in the others murders happen in peace time. As an example of it Harlem Désir spoke about Anna Politkovskaya, who was killed in Moscow in 2006, and about the Maltese journalist Daphne Caruana Galizia, who was assassinated in October 2017.

The OSCE Representative on Freedom of the Media underlined that, unfortunately, in some countries there is “a climate when journalists are regarded as threat”, whereas impunity for murders of journalists is a system failure.

The full text of the OSCE draft report is available here: <http://www.osce.org/fom/363446>. The database consists of members of the media who have been killed in the OSCE region in the last 25 years. This information was compiled in close cooperation with a number of national and international non-governmental organizations and media associations throughout the OSCE region. Throughout 2017 national authorities were invited to check the information and provided updates if necessary.

Mr Désir concluded: “Ending impunity is an absolute imperative for me as the OSCE Representative on Freedom of the Media. I reiterate my call on all OSCE participating States to take all steps necessary to fully investigate all crimes committed against media workers. This is essential for the effective functioning of our democracies.”

“One murdered journalist is one too many: As a global society we must mobilize all our forces to assess the true cost for a free press. Caring about democracy and human rights means caring about free and fearless journalism. We are here to help cement the foundations of democracy by strengthening international efforts for the protection of journalists and for people’s right to the facts,” said **Katharine Sarikakis**, Professor of Media Industries, Media Organisation and Media Governance at the University of Vienna, and a co-organiser of the event. “No state is above the law, no government is more important than human rights”

Professor Sarikakis presented highlights of the study “[Killings of journalists worldwide: The Full Cost of a Free Press. An Investigation of the Period 2000-2016](#)”, which was conducted by the Media Governance and Industries Research Lab at the Department of Communication of the University of Vienna and is accessible online.

According to the study, “2294 journalists were killed in the period 2000-2016 worldwide. It was found that the number of killed journalists, even when accounting for definitional conflicts in methodology, far exceeds the most cited numbers currently in the public debate”. The overall trend is that the number of killed journalists is rising and we need stronger coordination around the world that cares. “The record shows that we are not doing well. We have been doing the monitoring, trying to record the numbers. They are necessary. Is it enough? The answer is no. We have learnt that it’s necessary to do it and perhaps we can do it together. But one third of all the incidents are the cases we don’t know anything about. Suicides of journalists as a result of trauma are also not recorded”.

The keynote speech was delivered by **Paul Caruana Galizia** also on behalf of his brothers **Matthew and Andrew Caruana Galizia**, sons of the killed Maltese journalist Daphne Caruana Galizia.

Paul Galizia began his speech with a very important issue: “We are late, far too late if we speak only about murder. Before a journalist is murdered, they are harassed physically, psychologically, financially”.

“The death threats our mother received and the arson attacks on our home have gone unpunished”, said Paul Caruana Galizia. “The lawsuits against her remain. The last time she left our house was to go to the bank. She wanted access to her account; frozen by Malta’s Economy Minister. She barely made it out of our drive, dying without access to her own money, while the Minister remains in cabinet, and we her heirs continue fighting him in court to have that money released. Here again, we have impunity. Journalists are killed for what they write. What they write remains after them as does their reputation and credibility. Those who harass journalists in life have the same reasons to harass them in death, seeking to undermine their reputation, destroy their credibility, and erase their memory”.

“The impunity with which journalists are harassed and murdered is more our problem than theirs”, stated Paul Caruana Galizia. “Each blow they suffer hits each and every one of us, summing up to a social loss we see only too late. And that’s the strange thing about a journalist’s death: that the collective loss outweighs the individual loss. The journalist loses their life, but we the living lose our right to know, to speak, to learn”.

According to Paul Galizia, “Two thirds of journalists are killed for covering corruption and politics at home. That’s the most dangerous area to cover if you’re a journalist: corruption and politics”.

Paul Caruana Galizia quoted this year’s CPJ Global Impunity Index, according to which in only 4 percent of cases involving murdered journalists there has been full justice. “We need an international mechanism for whistleblowers and the sources of murdered journalists to go to with information. They can’t be expected to go to national authorities”, said Paul Caruana Galizia. “To end impunity for the harassment and murder of journalists, we need cultural and political change”.

The full speech of Paul Caruana Galizia is available here: [www.osce.org/fom/362021](http://www.osce.org/fom/362021).

**Panel discussion: Freedom of the Media and Impunity of Murders of Journalists**

The panel discussion was then opened by the Director of the UNESCO Division of Freedom of Expression and Media Development **Guy Berger** who told the participants about UNESCO's efforts of preventing violence against journalists worldwide and calling for stronger and more intensified international collaboration, stating the UNESCO's readiness for such a goal.

Guy Berger said that any violence against the journalists should be public information. Apart from collecting metadata of killings and other kinds of violations and abuse against journalists and reporting, UNESCO established International Day to end Impunity (IDEI) and calls for the member states to consider national monitoring and to strengthen related data collection.

**Sergey Tomilenko**, Chairman of the National Union of Journalists of Ukraine, informed the participants about three high-profile assassinations of the journalists in Ukraine that are still not investigated properly: the cases of Pavel Sheremet, Vyacheslav Veremyi and Georgiy Gongadze.

As Tomilenko noted, it has been 17 months since the assassination of Pavel Sheremet. "We consider the investigation to be ineffective. The information is confidential; we don't have access to it. The official investigation lost our trust", said Tomilenko. "We understand that one year is not enough for a full investigation, but it is enough to gain trust or to lose it".

According to the Tomilenko, during the Euromaidan events 271 journalists were harmed in Ukraine in that way or another.

"Lack of punishment for perpetrators encourages new threats", said Chairman of the National Union of Journalists of Ukraine. "Every 4 days a journalist is a target either of an assault or physical abuse in Ukraine. 99% of cases remain unpunished. During 11 months of this year 85 incidents of violence against journalists in Ukraine were recorded. 92% of all the incidents never come to the court".

The panel discussion was continued by **Thomas Hughes**, Executive Director of Article 19, who underlined that attacks and murders of the journalists is a tip of the iceberg. "Impunity thrives and encourages further attacks", said Hughes. Mr Hughes reiterated what many participants would state during the event that there are strong international standards that defend journalists, but they are not implemented properly due to the lack of political will on the national level to take actions.

**Anthony Mills**, Vienna correspondent of France24 and Member of the Media Governance and Industries Research Lab at the University of Vienna, highlighted that “It is our right to know when a journalist is murdered. Many organisations monitor killings and intimidations of journalists, but the number of threats and intimidations is so great that it is literally impossible for any one organisation alone to track them all down. We see no progress in impunity, but a continuing climate of impunity”.

Mills, too, emphasised the lack of political will to change the situation, saying that “Many national states appear simply not to care”. According to Mills, there is also lack of progress in improving the monitoring by organisations on the one hand and by academia on the other. “The paradox is that in the public statement the perpetrators will be prosecuted but in reality no action follows”, said Mills. “An international court for investigating crimes against journalists is needed”.

### **Round Table: Practical and Methodological Issues of Monitoring Killings of Journalists**

During the second part of the event – Round table – practical and methodological issues of monitoring killings of journalists were discussed.

This roundtable part of the meeting aimed to bring experts from the Council of Europe, UNESCO, the Reporters Without Borders, the International Federation of Journalists, the European Federation of Journalists, the Association of European Journalists, Article 19, Index on Censorship and other organizations. They discussed practical, methodological and ethical dilemmas in the process of collecting information and monitoring the deaths of journalists. The issue of robust methodologies and global collaborative synergies to compile the most accurate and comprehensive data sets was the core theme of this roundtable, which aimed to explore the ways in which improvements and amendments to current practices might benefit the objectives of the OSCE, and international community at large, to enhance journalists’ safety.

The Round table was moderated by Professor **Katharine Sarikakis**, who underlined the role of academia in the protection of free journalism and in monitoring killings of journalists: “Working in academia gives us an opportunity to think in larger patterns”, said professor Sarikakis. “We should do more work in connection to harassment with intimidation”. She highlighted the fact that killings are preceded by assaults, by harassment and by intangible

everyday pressures on journalists which accumulate to reach even murder. The outcome is a less free press, less accurate information, less democracy. Professor Sarikakis called on participants to discuss national and international conditions of impunity, as well as think and contribute with ways forward towards strengthening national and civil society efforts. She stated that the need for an international multi-stakeholder task force on exploring the precise ways of coordination forward is necessary.

Director of the UNESCO Division of Freedom of Expression and Media Development **Guy Berger** proceeded with a presentation on UNESCO's activity of monitoring the violence against journalists. According to Guy Berger, monitoring of harassment and killings of journalists matters: "Quality information is vital fuel for knowledge of magnitude and nature of problems, awareness-raising and education, accountability and interventions and creating mechanisms to prevent, protect, prosecute".

Unfortunately, said Guy Berger, there is no systematic monitoring of other harmful acts against journalist: "It is not the same as being killed, but other issues need our attention as well". A lot of research and coordination is needed on the influence of all other assaults, claimed the Director of the UNESCO Division of Freedom of Expression and Media Development.

**Mogens Blicher Bjerregard**, President of European Federation of Journalists, reiterated that killings of journalists are a tip of the iceberg and underlined the need for all parties to work together. "It's important that we are trying to join our forces", said Bjerregard. "We report and submit all the violence to the Council of Europe. We want responsibility. We need more answers from all states. We need to talk about arbitrary detention and all kinds of violence. We need to be aware of what happens".

President of European Federation of Journalists urged governments in Europe to develop national plans and mechanisms for defending media workers, while staying away from a definition of journalists. "Let pluralism take the lead", said Bjerregard, suggesting to set up a core group, develop mechanisms and share best practices of preventing violence against journalists. "State leaders should condemn violence against journalists. They should stand up for press freedom and safety of journalists, and raise awareness in the media", underlined Mogens Blicher Bjerregard.

Executive Director of Article 19 **Tomas Hughes** highlighted a need to match monitoring with monitoring of other organisation and to ensure that mechanisms are used as fully as they can be.

**Elena Lopatina**, Programme manager of Media and Internet Division from Information Society Department at the Council of Europe then made a presentation on Freedom of the media and impunity of murders of journalists, sharing with the participants some statistics from her organisation. Thus, according to a new study, presented by Lopatina and conducted by the Council of Europe in all its member states and Belarus in 2017, among 940 journalists and other news providers 31% experienced physical assault, 46% experienced threat with force and 37% of respondents reported that unwarranted interference affected their work. “There is a decline in protection of journalists and this trend continues”, said Lopatina.

**Izabela Korbiel**, researcher and a Member of the Media Governance and Industries Research Lab at the University of Vienna, proceeded with the presentation of methodological issues in monitoring safety of journalists, in particular in the research conducted by the University of Vienna – a study “[Killings of journalists worldwide: The Full Cost of a Free Press. An Investigation of the Period 2000-2016](#)” introduced during the conference opening the morning. The database created in this study shows a broader picture of missing information, such as age, media organisation or covered topics, that remain even after consulting multiple sources. Furthermore in course of the study significant inconsistencies in existing data were identified. In consequence when it comes to the exact number of killed journalists every year we can say that “we only see the tip of the iceberg”.

**Veran Matic**, Chief Executive Officer of B92 media and Chairman of the Commission for investigating killings of journalists from Serbia told the participants about the Commission’s work to resolve 3 deaths of journalists that took place in Serbia 1990’s: “There were the same results every year – no investigations”, said Matic. “So we proposed to the Serbian government to form a special commission that would be dealing with the murders of these journalists. The commission consists of 3 journalists, 3 police officers, 3 members of the security services. We gather information for the prosecutors to follow-up. Solving these cases

is a precondition to have safe environment for the journalists in future”. According to Matic, the commission has received support by the EU and the OSCE<sup>1</sup>.

**Oksana Romaniuk**, Executive director at the Institute for Mass Information in Kiev, presented activity of her NGO that monitors freedom of speech in Ukraine for the last 15 years, doing “fact checking in the post-truth world”. The Institute for mass information is a Network of representatives in 20 regions in Ukraine, explained Romaniuk. It carries out trainings to journalists and provides legal aid to victims of violence. “Only in 2017, said Romaniuk, there were recorded 27 beating and 30 threats to the journalists in Ukraine”.

**Ernest Sagaga**, Head of Human rights and Safety at the International Federation of Journalists, also spoke about impunity and the need to defeat it in order to prevent further attacks. “Having done all that, having collecting all the information – what’s next?” said Sagaga, highlighting a lack of implementation of both national and international laws and proposing to establish a committee of the protection of journalists.

**Boris Timoshenko**, Head of the monitoring service at the Russian Glasnost Defence Foundation, expressed support to Ukrainian colleagues, saying that number of threats to media professionals in Russia has also increased in recent years and journalists are leaving the country, whereas criminal prosecutions against the perpetrators are rare. “Sometimes responses from general procurator offices are not informative”, said Timoshenko. “Glasnost defence foundation monitors the situation very closely. In 2014-2017 more than 500 threats have been recorded, some journalists were killed. We should investigate the killings, but also act to prevent them”.

Executive director of International Press Institute **Barbara Trionfi** spoke about practical methodological challenges. “Sources on the ground are the only sources, the quality of information depends on the knowledge of the sources”, said Trionfi. “But why we monitor how many journalists are killed? Are we trying to highlight the problem? But the second point is follow-up. Following investigations and judicial procedures are important”. Barbara Trionfi underlined that international organisations can support civil society organizations, “but the real work is done on the ground”. International organisations should provide legal

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<sup>1</sup> Similar initiatives were established in Montenegro and there is a discussion to establish a similar institution in Kosovo.

and structural resources, legitimise civil society organizations and especially help organisations in Philippines, Pakistan and other countries where journalists are being killed on the regular basis.

**Joy Hyvarinen**, Head of advocacy at the Index of Censorship, told the participants about intimidations and civil laws suits against journalists in Europe – altogether 307 incidents since 2014. “You can have perfect monitoring system – but without political will it doesn’t really matter. What is needed is international political group of countries that tries to highlight this issue, political leadership that wants to work on this and put it in the political agenda”, said Hyvarinen.

**Prem Samy**, Head of the World Press Freedom Index at the Reporters Without Borders reiterated that “Killings of journalists is a form of censorship” and presented the data from the website of his organization.

**Adis Mustedanagic** of the OSCE Office of the Representative on Freedom of the Media presented the work on the just released report.

Safety of journalists is the most important priority area for the Office of the OSCE Representative on Freedom of the Media (RFoM), since its establishment in 1997. Since taking up his mandate in July 2017, the OSCE Representative on Freedom of the Media, Harlem Désir has set out safety of journalists as his first priority. In order to quantify the extent of impunity for killings of journalists and to provide the authorities of OSCE participating States with a database of information on investigations and prosecutions, the Office of the RFoM compiled a list of members of the media who have been killed in the OSCE region in the last 25 years. This information was compiled in close cooperation with a number of national and international non-governmental organizations and media associations throughout the OSCE region. Existing databases from other intergovernmental organizations were also a substantial resource. Furthermore, OSCE participating States have been informed about the cases listed here from their respective countries. Throughout 2017 national authorities were invited to check the information and to provide updates if necessary. In some cases answers received from different sources were contradictory, confirming the need for such a database as well as continued inquiry on the part of authorities to effectively investigate and report these cases and punish those responsible.

The full text of the OSCE draft report is available here: <http://www.osce.org/fom/363446>

**William Horsley**, Media Freedom representative from Association of European Journalists, presented statistics and studies from the United Kingdom, saying that “We need to give the civil society a more effective voice” and urging member-states “to review existing legislation on media freedom”. Mr Horsley also emphasised the need for better coordination among stakeholders.

The Round Table concluded with a discussion, during which the most important issues raised in the speeches of the participants – monitoring of violence, lack of political will to defend journalists and implementation of laws – were discussed in detail, while international delegations expressed their opinions and made their statements.

(Report prepared by the Media Governance and Industries Research Lab at the Department of  
Communication of the University of Vienna)