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### **Safety of Journalists**

Presentation by Thomas Hammarberg  
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I am happy to be here today and to have the possibility to discuss safety of journalists - a topic which is really at the heart of media freedom. I also would like to thank the Government of Lithuania, as well as the OSCE Representative on Freedom of the Media, Dunja Mijatović, and her Office, for organising this conference.

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I am sure you have all seen the picture. It is from a surveillance camera. Anna Politkovskaya is about to enter the building. Inside waits the assassin, and she is about to be murdered. She is all alone, unprotected.

Once a Russian officer told her "If it were up to me, I'd shoot you." This day someone had decided that it was up to him.

You have certainly also seen the picture of Hrant Dink. Stretched out on the ground, face down. Shot, from behind, as he walked down the street to his office. Alone and unprotected.

There are many other pictures. But there are also deaths that are not documented, as well as disappearances. In several countries in Europe today journalists are threatened, put to prison and sometimes even murdered for merely doing their job.

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The purpose of journalism is not to please those who hold power or be the mouthpiece of governments. Journalists report, investigate and analyse, they inform us about politics, religion, celebrities, the arts, sports, revolutions and wars. They entertain and sometimes annoy us. But most important of all, they are "public watchdogs".

This role is fundamental for democracy. Free, independent and pluralistic media based on freedom of information and expression is a core element of any functioning democracy.

Freedom of the media is also essential for the protection of all other human rights. There are many examples where misuse of power, corruption, discrimination and even torture have come to light because of the work of investigative journalists. Making the facts known to the public is often the first, essential step to start redressing human rights violations and hold those in power accountable.

This is why the role of governments in ensuring safety of journalists is so important.

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In 2007, Italian investigators listened to a wiretapped conversation. Members of the mafia talked about how to silence Lirio Abbate, an Italian journalist based in Sicily. He has been writing articles about organised crime and immigration for the state news agency and a newspaper. He also angered the Mafiosi by writing a book ("The Accomplices") about links between politicians and the mafia. Since the police overheard the conversation about the plans to silence Lirio Abbate, he goes to work in a bullet proof car accompanied by two bodyguards. This has not stopped members of the mafia from placing a bomb under Abbate's car. Luckily, his police bodyguards found the explosives before any harm could be done.

According to a report by an Italian journalism observatory, in 2010 at least 12 journalists had police escorts. 78 cases of threats were reported. In 23 cases the entire editorial staff of the publication was concerned. In total the threats affected more than 400 journalists. These are just the officially reported cases.

Lirio Abbate keeps doing his work because the government is protecting him. An armed police escort is a drastic measure. But sometimes this is what governments have to do to protect a journalist; for the sake of media freedom and the public's right to know. Security measures and protection personnel can be extremely expensive. But it is not too high a price to pay to protect the functioning of democracy.

However, the necessary protection is not always given. The police and security services in Turkey received information that an ultranationalist group was planning the murder of Hrant Dink well before a sixteen years old member of the group fired the deadly shots. But the officials failed to act upon the information, according to an investigation by the Ministry of the Interior. The negligence by the police and security services was thoroughly scrutinized. Despite this, the criminal proceedings against them were shelved.

In 2010, the European Court of Human Rights passed a judgment in the case of *Dink v Turkey*. The Court concluded that by abandoning the criminal proceedings against the responsible policemen (for negligence in the protection of Hrant Dink's life), the government had been in breach of its obligation to protect Dink's right to life which is enshrined in the European Convention on Human Rights.

Soon after the murder of Anna Politkovskaya, the shooter was identified. He fled the country and now figures on the wanted list. Several others accused of involvement in the murder went on trial. Two brothers and a former officer from the organised crime squad were accused of having helped to organise the killing. The prosecution also alleged that a serving officer from the FSB, the Russian foreign intelligence service, had played a major part in planning Anna Politkovskaya's assassination.

Three years after the murder, in February 2009, all four were acquitted and immediately released. The prosecution objected to the acquittals. Later the same year, the Russian Supreme Court upheld the prosecution's complaint and ordered a new trial, which is still pending.

To date no one has been sentenced by a court for the murders of Anna Politkovskaya or Hrant Dink. The ones who held the gun have been identified. But it has been much more difficult to name the ones who ordered, planned and financed the murders, left alone to prosecute, judge and punish them.

This is often the case. A troubling pattern is emerging.

Anna Politkovskaya and Hrant Dink are not the only ones who paid the ultimate price. The Committee to Protect Journalists reports that since 1992 in the Council of Europe region more than one hundred journalists have been killed because of or in the line of their work.

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The killing of one journalist has the devastating effect of silencing many others.

Very often it is investigative journalists who pay with their life. Other journalists will go on working but fear will prevent them from reporting and writing about what the public ought to know. Most of them will start to exercise self-censorship.

It is not enough to sentence the ones who pulled the trigger. The masterminds have to be punished as well, otherwise they will continue with their cruel business.

Impunity creates more impunity. If murders, assaults and psychological violence against journalists prevail, media cannot be free, information cannot be pluralistic and democracy cannot function.

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So what can governments do to protect the safety of journalists?

- *Governments* who are serious about media freedom and democracy need to *effectively* investigate murders and other serious violent crimes against journalists; investigations should be carried out promptly and efficiently.
- *Prosecutors and investigators* must be independent, as well as be trained and qualified for the job. No political interference should hinder them in doing their work.
- *Judges* have to be aware of the importance to bring everyone responsible for violence against journalists to justice. Unless the *real* culprits are investigated, judged and punished, they will go on planning and ordering the killing of journalists.
- It is unacceptable to drag out investigations, put criminal proceedings on hold (without good reasons), give early pardons and symbolic sentences. They do not reflect the seriousness of the crime and function as obstacles to do away with impunity.

- *Police and security officials* need to effectively protect journalists from danger. Threats have to be taken seriously. The Court in Strasbourg has confirmed time and time again, that the European Convention on Human Rights (Article 2) “enjoins the State not only to refrain from the intentional and unlawful taking of life, but also to take appropriate steps to safeguard the lives of those within its jurisdiction”.
- *Politicians* need to take a clear position and speak out against violence against journalists. Often the aggression comes from groups and individuals with fundamentalist or nationalistic positions. It is important that politicians take a clear stance against right-wing or any other form of extremism.
- *Politicians and government officials* also have to accept a higher degree of public criticism and scrutiny, including from journalists. Their behaviour sends an important signal to the public and the media, that violence is not acceptable.

The Strasbourg Court has made clear that governments have an obligation (under the European Convention on Human Rights) to protect the lives of threatened journalists, that murders of media professionals need to be investigated, prosecuted, judged and punished. No effort must be spared to apprehend and bring to justice not only the actual killers, but also those who ordered these murders.

Only if all this is taken seriously is it possible to break the vicious cycle of impunity.

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The governments' responsibility in ensuring safety of journalists is paramount. But, it is also a difficult role. It requires strong adherence to human rights principles, determination and perseverance. Governments must demonstrate forcefully that they are prepared to protect the freedom of the media, not only in words, but also through concrete action.

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