

# How to bring the killers of journalists to justice

A panel discussion at the  
Freedom Forum European Centre, March 14, 2001

Reporters Sans Frontières (Reporters Without Borders — RSF) launched its Damocles Network — a drive to keep murderers of journalists looking over their shoulder for the rest of their lives.

General Secretary Robert Ménard outlined the strategy of the network that will use experts in international law to pursue the killers wherever the law permits. “We must go beyond denouncing those who murder journalists and have them arrested and brought to trial,” he said. More than 750 journalists have been killed in the exercise of their profession over the past 15 years since the founding of RSF, Ménard said, and hundreds of support staffers have lost their lives working for news organizations. In 95 percent of the cases the killers of journalists have never been brought to justice,” Ménard said, adding that “often no attempt is even made to track down the killers.”

Jeremy Bowen spoke movingly about the “worst day of his life and the last day of life” of his driver Abed Takoush, who was killed by Israeli fire in southern Lebanon in May 2000 and the BBC investigation that followed which he described as “exemplary”. He added, however, “I personally would have liked more aggressive legal moves from the corporation; I’m still hoping those might come.”

The editor of the BBC Sinhala Section Priyath Liyanage gave an emotional account of the murder of local Sri Lankan correspondent for the BBC World Service, Maylwaganam Nimalarajan, in October last year. He voiced dismay that the killing, in which the journalist’s parents and young nephew were also badly wounded, was largely ignored outside the country. He lamented the lack of pressure to ensure a proper investigation to bring the perpetrators to book.

The RSF-UK branch, which organised this panel discussion, was founded one year ago, and uses an office at the Freedom Forum European Center. It is one of eight European branches of the Paris-based Reporters Sans Frontières. RSF makes around 500 protests and other interventions a year in response to attacks on freedom of the press worldwide. It also protests when laws are passed that strike a blow against freedom of the press. In addition, every year RSF makes about 100 donations, either to media organisations in difficulty or individual journalists who need help — for example, paying for an imprisoned journalist to have access to medical care. Donations also go toward helping exiled journalists when they arrive in Europe.

*Veronica Forwood*  
UK representative, Reporters Sans Frontières

Killers of journalists was edited by Kelly Haggart, with photographs by Matthew Issep.  
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# How to bring the killers of journalists to justice

Panel:

Robert Ménard

*(General-Secretary, Reporters sans frontières)*

Veronica Forwood

*(UK representative, Reporters sans frontières)*

John Owen

*(Director, Freedom Forum European Centre)*

Jeremy Bowen

*(Presenter and former Middle East correspondent, BBC News)*

Richard Tait

*(Editor-in-chief, ITN, and member of the International Press Institute executive board)*

Lindsey Hilsum

*(Diplomatic correspondent, Channel 4 News)*



Veronica Forwood  
*REPORTERS SANS FRONTIÈRES*

RSF set up a branch in the UK a year ago, and we've been working to get ourselves better known with the press and broadcasters here. We put out press releases in the form of ready-to-go stories, and protest letters when journalists are harassed, jailed and, sadly, sometimes killed. We also work with exiled journalists, helping them when they come to this country with no work and other problems that need sorting out. For example, we've been helping a group of journalists from Sierra Leone, one of whom, Ibrahim Seaga Shaw, has set up in the past year a brilliant Web site of the newspaper he had to leave behind, and that's been a great success story [*The Expo Times*, [www.expotimes.net](http://www.expotimes.net)].



Robert Ménard  
*REPORTERS SANS FRONTIÈRES*

RSF is 15 years old now. Any time there is an attack on freedom of the press anywhere in the world, we intervene. This amounts to about 500 interventions a year. At the moment 80 journalists are imprisoned around the world. We also protest when laws are passed that strike a blow against freedom of the press. The work we do has a lot in common with the work of Amnesty International, but we concentrate on freedom of the press.

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ROBERT MÉNARD, VERONICA FORWOOD, JEREMY BOWEN, LINDSEY HILSUM, RICHARD TAIT

In addition, every year we make about 100 donations, either to media organisations in difficulty or individual journalists who need help — for example, paying for an imprisoned journalist to have access to medical care. Donations also go toward helping exiled journalists when they arrive in Europe. We're working on a big project to set up a centre where we can welcome refugee journalists when they arrive in Paris. It will be the first such centre in Europe, and we'll start with 15 rooms.

Without the media using the information we give them or helping us intervene with governments, RSF really couldn't achieve anything. Without the help of the Western press, we also could not fight the impunity with which journalists are killed, with nobody brought to justice.



John Owen  
FREEDOM FORUM

Killing a journalist has been called the ultimate act of censorship. It has also been said, and sadly it

appears to be true, that you can murder journalists and get away with it. But tonight in this room we want to serve notice — to governments, regimes, militias, bandits, paramilitaries and to hired killers — that we are determined to bring the killers of journalists to justice. And if news organisations —

supported by journalists' rights groups such as RSF, CPJ [Committee to Protect Journalists], IPI [International Press Institute], WAN [World Association of Newspapers] and the IFJ [International Federation of Journalists] — use their institutional and editorial powers, we can all get the bastards.

The good news is that there are a few, precious examples where that is now happening. In Ireland, John Gilligan, accused of being the muscle behind the murder of Veronica Guerin, is now on trial.<sup>1</sup> The two killers have already been put away. Even in Russia, those who blew up Dmitry Kholodov are in the dock, if not the Russian general who ordered the killing.<sup>2</sup> Still, if those now on trial for Kholodov's murder are convicted, it would be the first conviction of anyone in Russia who has done harm to a journalist. It couldn't come at a better time, as attacks on Russian journalists have increased dramatically in recent months.

1 Veronica Guerin, 37, who covered organised crime for Ireland's Sunday Independent newspaper, was shot dead in Dublin in June 1996.

2 Russian prosecutors have charged five paratroop officers and a security guard in the October 1994 slaying of Dmitry Kholodov. The 27-year-old journalist for the outspoken daily *Moskovsky Komsomolets* was investigating military corruption when a briefcase provided by a supposed informant exploded in his hands, killing him.

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Several organisations have done more than just wring their hands and denounce governments, and certainly no one individual has done more than Robert Ménard of RSF — witness the courage he has shown in investigating the murder of Norbert Zongo in Burkina Faso.<sup>3</sup> Robert has a new book out in French, called *The Journalists They Want to Silence*,<sup>4</sup> and it tells us something about Robert. At age 19, he and some like-minded revolutionary friends decided to protest against what they saw as a lack of safety measures at a Union Carbide subsidiary close to the heavily populated area of Béziers in southern France. Deploying sit-ins, protests, graffiti and the use of a person placed inside, they published leaked documents and managed to get the company to clean up its act. Robert said: “At that moment I reached the firm conclusion that it’s possible to reach one’s ends without the use of force. And making a great deal of noise with very few resources — for me it was the very definition of activism.” Robert has put that into practice in trying to pursue the killers of journalists, and tonight RSF is putting forward a new idea for how that might be improved.

### Robert Ménard

The impunity with which journalists are killed is the biggest problem facing journalists today. During the past 15 years, 750 journalists have been killed around the world. Though other journalists have been killed in other circumstances, those 750 were killed because they were doing their job. In 95 per cent of cases, there has effectively been impunity: the perpetrators of the crime have not been found or, indeed, even hunted. If we can’t put an end to this, there is no reason the killers won’t continue.

Very often we do know who has killed a journalist, but the judicial authorities on the spot do little to find the culprit. In the case of Norbert Zongo in Burkina Faso, we know he was killed by the presidential guard on the orders of the president and his brother. We’re approaching the first anniversary of the murder of Jean Dominique, who was the best-known journalist in Haiti.<sup>5</sup> He was almost certainly killed by a senator who was a former security chief under [President Jean-Bertrand] Aristide, and nothing is being done to bring him to justice. In the case of [Georgiy] Gongadze in the Ukraine, nothing has been done to bring his killers to justice.<sup>6</sup> They are connected to the militia under the control of the Interior Ministry. I could give many more examples in which journalists are killed and the judicial authorities do little to bring the culprits to justice. What we can do in these instances is denounce what has happened and, by the process of denouncing, try to change things.

There was a meeting here at the Freedom Forum in February with other organisations, where we talked about doing more than just denouncing. We also need to act, and we need to do this because often the people who are close to journalists who are killed have nobody they can turn to who can do anything. In many cases, local journalists who work for small newspapers simply don’t have the means to pay lawyers to pursue a case. Of the 750 journalists killed, only 7 per cent were foreign correspondents. The others were all journalists working in their own countries.

Now the idea is that we go much further than denunciation. This is why we are announcing the plan to set up the Damocles network, and you can imagine why we have used this name. The network will have three tasks. The first is to investigate on the spot. By going in there, we can often find out what happened. The second is to find out whether the judicial authorities and police are doing or are not doing their jobs. And the last is the new one — to see how we can use justice to bring the killers of journalists to account.

I’ll give one example. Today we know the names of a number of torturers in Tunisia and the journalists who have the information about what the torturers did, when and how. What is the role of the Damocles network in that sort of case? It is to gather the evidence about what torture took place and who is responsible for it. These torturers often visit France or Switzerland, and now there is the possibility of having these people arrested in those places. There are conventions in place that allow for the arrest of people who have committed crimes against people that are not from that country, crimes that were carried out in other countries. Nobody does this at the moment, at least as far as the press

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3 An RSF investigation concluded that Norbert Zongo, a prominent journalist in Burkina Faso who died in a car fire in December 1998, was likely slain because of his investigative reporting that reached close to the country’s leaders. Zongo, 49, was publication director of L’Indépendant, the country’s leading non-official weekly newspaper.

4 *Ces journalistes que l’on veut faire taire: L’étonnante aventure de Reporters sans frontières* (published by Albin Michel)

5 Jean Dominique, 69, was shot and killed in April 2000, shortly before his morning newscast at Radio Haiti Inter. He had been an outspoken critic of dictatorships for 40 years, and was honoured with three days of national mourning.

6 Georgiy Gongadze, 31, editor of the Internet newsletter *Ukrainska Pravda*, had openly criticised the government and alleged high-level corruption. His headless body was found in a forest outside Kiev in November 2000, two months after he disappeared.

is concerned. Now we want everyone that's involved with the press itself and the defence of journalists to co-operate in collecting the necessary information so that these people can be brought to book. We need to carry out investigations, carefully watch the movements of these people and have legal experts on our side who can enable us to act. In this way, torturers and murderers of journalists will realise that one day they will be brought to account, and they will think twice before they torture and kill journalists in future.

## John Owen

Robert points out that it is overwhelmingly local journalists that are tortured. The reality is that local journalists end up working as fixers, translators and assistants to many of you here in this room. RSF and CPJ's statistics often don't reflect the deaths of those local journalists. If you look at the IFJ's list of those media workers, the local journalists are included in the totals. So if you add the media workers and the local journalists, the totals are much higher than those given by Robert.

RSF wants to be careful that people were working as journalists at the time they were killed, and there is a good rationale for why they proceed so carefully in making this distinction. But for those of you who have worked closely with local journalists, you develop an enormous sense of loyalty to those journalists who have meant so much to the quality of your work. No one has felt that more painfully than Jeremy Bowen who, on May 23 [2000], lost his long-time driver, fixer and companion Abed Takoush. He was killed in southern Lebanon when the BBC was there reporting on the withdrawal of Israeli troops



**Jeremy Bowen**  
*BBC NEWS*

That day last May was the worst day of my life, and the last day of Abed's. I've worked for many years

for the BBC and have been very critical of it over the years. But I must say, in the aftermath of his death, they responded well. The day after — maybe even that evening — they sent over investigators consisting of various ex-military guys, people who knew about weapons and how people get killed. One of them went to the side we were on, the Lebanese side. Another went to Israel and travelled up

north to the kibbutz where the fatal shots had been launched from an Israeli tank, and got very good information within a couple of weeks — by mapping the area, taking samples on the Lebanese side of some of the munitions, speaking to witnesses on the Israeli side. We had a very good account of everything that led up to it. I certainly understood things much better after reading the account than I did at the time.

I'm a presenter now, but for many years I was a foreign correspondent. I covered many wars for the BBC — 10 or 11, I think — and how many times did I hear the line from the corporation, "No story is worth a life." Of course no story is worth a life — nothing is, really, apart from something like saving your children from a fire. But the reality is that anyone who goes to report from a war zone is risking their life. It's an inherently dangerous pursuit. It's like climbing: It can be fine but if you're in the wrong place at the wrong time, it doesn't matter if you're the best rock climber in the world. It doesn't matter if you're the best-trained journalist in the world. I think increasingly now big companies, and even small ones, put their staff on training courses to familiarise them with the sorts of things they might experience. It doesn't matter how well trained you are — if you're in the wrong place at the wrong time you'll die and that's a risk that everybody should realise when they go there. It's a risk the management that send people there have to take on. I don't think it's a reason not to do front-line journalism, but it's something that people have to know about.

If I can show some pictures to explain what was happening that day: The Israeli withdrawal was happening so we went out to try and find the story. We were filming this shot — very peaceful as you can see — but then, see it moving right to left, that was the shell. It hit the car that I'd just left along with the cameraman who took these pictures, and that's it burning. I couldn't believe what had happened initially. It didn't really click that the car had been hit. But then, as you can see, I was aghast. It was clear what had happened, and that nobody could survive it.

The tank was just below a kibbutz, and it was a really good vantage point. Journalists could film into Lebanon from Israel. What we hadn't known was that the Israelis had been taking out people down this road for 24 hours before we got there. There was no fighting in the area so they had been taking out civilian cars in the main. The road was busy, traffic was moving, and we thought it was pretty safe to move along. That's the wreckage of Abed's car on the road afterward.

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The point of these pictures is to show that we were in plain view of the Israeli position. Experts later calculated that with the kind of optics they had, they could see us as well as someone with normal sight could see someone 100 yards away. The Israelis later said that they felt we were terrorists carrying anti-tank weapons. As you can see, I was wearing a pink shirt. I don't think I looked like a terrorist that day. These pictures were presented to the Israelis and were pretty much dismissed by them. These were civilians — note the child and the woman — but the Israelis said they were under imminent threat of attack. But my knowledge of Israel tells me that they wouldn't have allowed these people close to that point if they really thought they were under attack.

In a sense the BBC's response was exemplary, because they sent over members of management to see Abed's family, and they also paid his family a large amount of money. They also received money from people in Lebanon who were sympathetic. I personally would have liked more aggressive legal moves from the corporation; I'm still hoping those might come. The reason I haven't pressed it is because there is the hope that the Israelis might come up with some compensation. There's a feeling of "let's not rock the boat too much." The family needs more money. The Israelis keep saying they will pay some compensation. Maybe it has surfaced — I've been slightly out of touch with it in the past month or so — but I think not. I think the Israelis have been distracted by their own local difficulties.

There are ways of pushing on the legal front that the corporation wasn't interested in doing. Employers have a problem with this because fatigue sets in, even in a big network; it's very emotionally draining and you need stamina. They did a big investigation. People came out to Beirut and Jerusalem. There were meetings at senior level with government officials and so on. And, after a while, an element of fatigue crept in to try and root out the perpetrators of the attack, which had no military justification whatsoever.

A barrister suggested one legal avenue to me: Under war-crimes legislation, it is possible, if you know the names of people, to apply for their extradition for trial in this country. You make the request to Scotland Yard, who asks the Home Office. In many cases, especially where Israeli soldiers are concerned, the government decision will probably be no, but that's the whole point. With a judicial review, a process whereby you can question government decisions, you can then start a legal process in court. It

may or may not succeed, but it will highlight the whole issue of why these things are possible and not just in the case of Abed Takoush. I've been asked also to mention the case of John Schofield, a BBC reporter killed in Croatia in 1995. They are working to bring his killers to justice.

This is inherently dangerous work. Part of the responsibility of big companies who send people into harm's way is not just to give them a flak jacket and rent armoured cars and make sure they stay in comfortable hotels on the way out — it's also looking after them long term if they survive, looking after their families long term if they don't. And it's also about trying to chase down the people who are responsible. Let's not forget that world media organisations have tremendous power to sway opinion, to make a fuss and to embarrass governments, and they should use it.

### John Owen

I would like to acknowledge that we have Susan Schofield here tonight. Richard Tait can wear two hats in this discussion: As the head of ITN, he can address the issue of stamina and how far a news organisation is prepared to go to pursue the killers of journalists. And, secondly, as the representative of the advisory committee of the IPI, which has been at the forefront of trying to get something done about this issue.



**Richard Tait**  
ITN/IPI

Those news organisations that are well resourced have a double responsibility in this. We clearly have a responsibility to protect our own staff and to pursue those who harm our staff or threaten to harm them, and I think the BBC's experience with Abed Takoush should be applauded. I think they have learned some hard lessons from the case of John Schofield. He was a friend of mine before he went to BBC Radio News — enormously well respected, a brilliant young correspondent. I don't think the same amount of effort was put into investigating his murder as was put into the investigation of the death of Abed. That was a pity and probably endangered the lives of other people working in the former Yugoslavia. Because the only protection we have, as unarmed, neutral noncombatants

when we are faced with militia or soldiers with guns, is the fear that if they do our correspondents harm or kill them there will be retribution. Impunity endangers everyone. So news organisations have a very clear responsibility to pursue those who harm their own staff, and there's quite a lot of evidence that it's never too late.

Let me give you an example, going back 25 years when five journalists were killed by Indonesian special forces in Balibo. Three were Australian, one was from New Zealand and one was British. The official indifference from the respective governments was a disgrace. We on Channel 4 News have chronicled the attempts of the journalists and families of the men to get to the bottom of what happened. It's pretty clear what happened; you only have to go to Indonesia to be told what happened and the names of the people responsible for the murders. Before the East Timor referendum, I went to Indonesia with some colleagues from CPJ and IPI to discuss with the Indonesian government and military the safety of journalists covering that election. We referred continuously to the murders in Balibo as something that, if it ever happened again, would result in catastrophe for Indonesia. It would result in economic ostracism in terms of losing links with countries that could help to develop Indonesia. We were taking a tougher line than most diplomats would have taken. I think it did have some effect, and although there was the one awful murder of Sander Thoenes, there is some evidence that people had been told to lay off journalists.<sup>7</sup>

The first lesson is don't give up. As journalists we must believe that the truth will out, otherwise what are we in the business for? And in Balibo the truth has come out. There has been a UN indictment against the special forces commander who was in charge that day and he has now been indicted. In the case of John Schofield, it's not too late. It's too late to bring John back, but not too late to prosecute the people in that unit. It's a well-known unit; it was known within a few days who the soldiers were who'd committed the killing. It's not too late to get these people — they work for countries that need international recognition and aid and respectability. I don't think our government does us any favours seeing this as an irritant rather than as an important part of foreign policy.

We have a responsibility to our own staff, and we also have a wider responsibility, in that we're very lucky to work for organisations that do have the resources to go and help our colleagues in trouble. We have quite a lot of influence, and we shouldn't be quite so scared about speaking out for our staff and for their right to do their business without fear of being harmed or murdered. We have a duty to pursue the other 93 per cent, the people being killed in African or Latin American countries, where they don't have anything like the resources the BBC or ITN or Reuters have.

The only solution is for us to pull together, and the Damocles network is a very good start. The IPI and other press freedom organisations will want to work closely with their colleagues at RSF and find a way that we can work most effectively. We've had experience of that in London, where a group of us set up a safety network that shares information on a confidential basis, so I know how Rodney Pinder's [Reuters] crews are getting on in Israel and he knows how my crews are getting on there, too. We know where there are potential dangers, and we try and use that information to minimise the risk to people like Jeremy and his crew. We know we cannot eliminate that risk, because in the end the fundamental problem is the lack of respect for the right of journalists to do their job with impunity.



Lindsey Hilsum  
CHANNEL 4 NEWS

The Crimes of War project tries to educate and inform journalists, human rights workers and others on how to recognise war crimes, because increasingly we find ourselves going to war zones where appalling things happen and we need to know what the laws of war are. We need to know something about the Geneva Convention. Killing a journalist is not a war crime under the Geneva Convention — it's not even mentioned. Should it be? I'm not sure. If killing a journalist became a war crime, would we then have to wear insignia like the Red Cross, which would inhibit our movement? Sometimes I'd rather not be recognised. If they're targeting journalists, I'd rather move quietly. Other times it is good to be recognised because then they know they're going to get into trouble if they give you trouble. These are the kind of issues we need to think about working in conflict zones.

<sup>7</sup> Dutch journalist Sander Thoenes was shot dead in Dili, East Timor, in September 1999.

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Wherever there are war crimes, there are perpetrators and people trying to cover up those crimes who don't want us to find out. I would say that everybody here is against the killing of journalists and if you're not, then you're probably in the wrong room. However, there are some controversial issues within that. I was looking through the RSF material today and

noticed that one of the cases mentioned was that of Hisham Miki, who was head of Palestinian TV in Gaza. When he was shot [in January 2001], quite a lot of Palestinians breathed a sigh of relief because they perceived him to be a deeply corrupt man who had stolen a lot of money. They did not see him as a champion of freedom of the press. He was someone very close to Yasser Arafat, and many people saw him as someone who was trying to contain dissidents and prevent criticism. He was a journalist, but should we be campaigning about his assassination — which, incidentally, was not thought to be by the Israelis, as he had plenty of Palestinian enemies. Should we be campaigning for him? I suspect not.

I suspect that that's a very different case to that of Georgiy Gongadze, the Ukrainian journalist who was killed some months ago. It seems the reason he was killed is because he was trying to expose corruption in President [Leonid] Kuchma's government. He was trying to push back the frontiers, he was trying to campaign for the freedom of the press. I'm not sure that we can exactly define our terms about who we care about and who we don't care about, but I do think that among ourselves we have to be clear about who we are dealing with. As the idea increasingly is put about that it is not a good idea to kill journalists, an increasing number of people will want to claim they are journalists to get that protection, so we have to know who we are talking about.

On this point of putting pressure on rebel groups, criminal gangs and governments not to kill journalists, we ourselves as journalists are a critical factor. I'm going to bring in a problem that I have myself: I feel slightly confused about how much emphasis I should put on the killing of journalists if I'm not putting equal emphasis on the killing of other people. Viewers of Channel 4 News are not just journalists; they are nurses and doctors and geologists and lawyers and any other kind of person, and people from their professions may also be targets in these countries. If we aren't reporting adequately on human rights abuses and the targeting of people other than journalists, then we run the risk of being seen to be partial and caring more for our own than the people we report on.

An example of this is when I went to Ramallah a few weeks ago. It was the first day of serious violence between Israeli soldiers and Palestinians after the election of Ariel Sharon, and three people were injured that day. Two were Palestinian youths and one was a French photographer. In the story we did that evening, I didn't go into the story of the photographer being wounded because that wasn't the story of the day. The story was this first major day of violence, and it seemed the main protagonists were the Palestinians and the Israelis. Was I wrong? Should I have placed more emphasis on the French journalist being injured?

A final, more optimistic point: Last year I was involved in a campaign for the release of four journalists working for Channel 4 who were imprisoned in Liberia. That was a short campaign because it worked. It lasted one week and then they were out, and that was because we had a clear strategy — a strategy that I think is very important for the Damocles network to think about. We realised that what President Charles Taylor would want would be to portray this as an anti-colonialist struggle, that there was he the brave African fighting the wicked forces of colonialism. Therefore it would not be helpful to have [British Foreign Secretary] Robin Cook standing up on his hind legs and jumping up and down.

What was important strategically and diplomatically was for Charles Taylor's neighbours and for the leaders in Africa who are respected and have clout, for them to come down like a ton of bricks on his head. And that's exactly what happened. The main people who got our colleagues out were Jesse Jackson, Nelson Mandela and President [Olusegun] Obasanjo of Nigeria. Why did they do it? The main reason, especially for Obasanjo and the South Africans, was that if you want to portray your country as a democracy — which is shorthand for saying, if you want money from the World Bank and IMF — you have to integrate freedom of the press into what you are doing and this is the bedrock on which I think the Damocles network can work. It is because of the work of groups like the CPJ, Article XIX, Index on Censorship and RSF that militia groups and governments do know that this is important and that pressure will be put upon them. Therefore we can use regional leaders and we can work with people in the surrounding countries of what the Americans call "rogue states," countries where these things happen. That is one of the most important things to remember when we attempt to lift the sword of Damocles from above the heads of journalists.

## Sheena McDonald

*FREELANCE PRODUCER*

We've got to be clear about what we can do, given that killing journalists is not a war crime, and given the somewhat haphazard success of war crimes trials anyway in the past few years, and given that most militias in the world have certainly never read the Geneva Convention — they certainly flout it. Don't journalists come pretty far down the line when it comes to any kind of justice, and given that an awful lot of responsibility lies with the companies that employ these people? What did ABC do about David Kaplan, the producer who was killed in Sarajevo in 1992? I'm sorry to concentrate on Western journalists, but they can set best practice that can be followed around the world.

## Jeremy Bowen

The death of David Kaplan connects with something Lindsey was saying about whether or not these things should be reported. This was a journalist who came in briefly — I don't think he was planning to be there very long — and he was killed on the airport road on the way in. I did a report for the BBC that day and I didn't mention his death because a number of Bosnians were killed that day. And I thought us journalists are here totally voluntarily, nobody has made us be here, so while it was a sad event, it had no part in the story of the day. Having said that, just because that's the case and just because it's hard to get war crimes prosecutions, it's no reason not to try. If you set out with the expectation of failure and say, "Well, the Israelis aren't going to do anything, you know what the Israelis are like," then you're bound to fail. It may not necessarily be at the front of the news that a journalist has been killed. I personally think the suffering of the people about whom we're reporting is much more important. But as things unravel later, you should follow up [the killing of journalists], because if you don't, nothing happens.

## John Owen

There is great selectivity in what news of journalists gets reported at all. For example, the BBC's Sri Lankan local correspondent, whose nickname was Nimal, was killed on October 19 working for the Tamil and Sinhala section of the World Service. When he was killed, we did a search to find where it was reported, and apart from BBC Online there wasn't a single mention in the press. When Abed Takoush — again, terribly — was murdered, at least Sam Kiley wrote about it on the front page of The Times.

## Priyath Liyanage

*EDITOR, SINHALA SECTION, BBC WORLD SERVICE*

The response we got from the BBC — being in the poorer part, the World Service — wasn't as sufficient as the one you got, Jeremy, which was sad but still we tried very hard. Nimal was a journalist who had worked hard for many years. He was the only person working from that part of Sri Lanka, the only person giving out information as to what was really going on. He was killed while writing an article for the BBC. I spoke to his family today, and they are living in fear because they were witnesses to his murder. They know the people who killed their son, and they can't get out of the country.

We all know Nimal was killed by pro-government militia. He was reporting on the elections, and his last report was about election rigging. He lived next to a checkpoint and in the night two people came with a gun and a grenade, stabbed his father, then shot him and threw a grenade, and Nimal was killed. His mother, father and nephew were wounded. We managed to get some money from the BBC — from the benevolent fund, actually, because there aren't many funds for freelance reporters, even though his main income came from us. His mother said today that every time a car pulls up outside their house, she thinks someone is going to come into the house. Nobody has ever been arrested for his murder. We managed to get an obituary in The Guardian with enormous difficulty through a friend, and that was the only coverage in the Western press. It is sad. Even Amnesty International didn't issue a statement about Nimal's murder. RSF was the first organisation to acknowledge his killing and issue a statement. Today there is no one to report the rape, the torture and the killing. We have to rely on others. We are helpless, journalistically and in terms of getting Nimal's family out somewhere safe.

## Rodney Pinder

*EDITOR, VIDEO NEWS, REUTERS MEDIA*

When we talk about journalists getting killed, it's incredibly important to make the distinction between deaths that happen in the course of carrying out their duties and being deliberately targeted because they're journalists. If we don't publicise that, nobody else will, and the one weapon we have is publicity. When you look at what happened in Timor when some UN workers were targeted, within days there was a march of UN workers from UN headquarters in Manhattan that attracted celebrities and generated a lot of media attention. What do journalists do? We do nothing. And if we don't do anything, nobody else will and the impact on democracy will be great.

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### Ahmed Fawzi

*DIRECTOR, UNITED NATIONS INFORMATION CENTRE, LONDON*

I'm grateful to Rodney for bringing up the United Nations. We didn't just demonstrate in the streets of Manhattan, but in every capital where we had a UN office. We demonstrated and signed a petition that went to the Security Council protesting the murder of the UN workers in East Timor. We have a lot in common: We, too, are unarmed noncombatants and neutral like you, and we can learn from each other's experiences. I'd like to ask Jeremy whether the thought of going to the UN crossed your mind at all, to help in your search for the perpetrators of this crime? Is there a role for the United Nations in the search for the killers of journalists? Can we help in any way? At headquarters, there is a willingness to help.

### Jeremy Bowen

I would hope there would be a role for the UN, specifically in terms of what happened to us in south Lebanon. We didn't actively seek out the UN, but we weren't in a designated UN area. We were in the former occupied Israeli zone, and there weren't any UN people around. Also, we knew exactly who'd done it. It was Israeli soldiers, and after not much investigation we were able to identify the Israeli tank and the name of the tank commander. I would hope there would be a wider role for the UN, not just behind the scenes but to push some of the more vocal points that need to be made public.

[Asked whether his car was a specific target:] We parked the car in the middle of the road and walked quite openly out of the car. I waved my arms where I saw there were Israelis on the other side, actually wondering if any of my colleagues from Jerusalem were there. In fact they were up there; we showed some of their pictures just now. [The Israelis] said they were on alert for an attack, and they thought we were the attackers. Though if Hezbollah had spent the past 15 years parking a Mercedes in the middle of the road and walking out in broad daylight with their anti-tank weapons in a pink shirt, I don't think they would have had the same success they have had.

I don't think we were targeted because we were journalists, but because we were civilians. And there is protection for civilian noncombatants in the Geneva Convention. We looked at the footage from the same stretch of road in the previous 24 hours. One of the problems they were facing was Palestinians moving into the former security zone. They were trying to keep the road clear, so I think every now and again they'd knock off a couple of cars. Amnesty investigated and found that they'd

killed eight or nine people in the previous 24 hours. We were targeted because we were civilians, and it was their bad luck that we were from a Western news organisation. Had we been Lebanese civilians, it wouldn't have been reported.

### Lindsey Hilsum

I would just like to say that nobody has replied to the gentleman from the Sinhala section of the World Service. The reason I haven't replied is because I am ashamed.

### Robert Ménard

I definitely agree that the death of a journalist is not worse than the death of anybody else. It's important to say that the death of someone matters no matter what their job is. Since 1995 in Algeria, 120,000 people have been killed, including about 60 journalists. Their lives are not worth more than the others who were killed. We must do something, though, because in Algeria the people who do the killings are not, in their minds, just killing another person. It's not corporatist to defend journalists. It goes much further than that — it involves democracy. We have to act on behalf of journalists not just because they are our colleagues but because it is important for everybody. All deaths of journalists are terrible but they are not all killed in the same circumstances. There are journalists who are killed because they are doing their jobs in a risky area, and one can't avoid that. There are journalists killed because they are part of a group of civilians. But there are journalists who are killed just because they are journalists. That's where there often aren't proper investigations and where we must do the most work. I think we do need the UN to carry out these investigations. The UN does have that kind of experience because they've carried out investigations when their own staff have been targeted. And if we are going to work with other organisations, we should work with the UN as well.

### Kevin d'Arcy

*SECRETARY, ASSOCIATION OF EUROPEAN JOURNALISTS*

I'd like to talk about the UN, which I believe used to have a monitor for media freedom. The OSCE [Organisation for Security and Co-operation in Europe] has had an office of media freedom for over two years, and next month the Council of Europe is going to appoint yet another media monitor. I don't know whether they do any good, but I'd like a view from the panel. I should imagine they carry weight with the World Bank, which obviously does carry weight.

## Lindsey Hilsum

There are two issues for people like us who have a great deal of scorn for bureaucracy and international organisations (it's a character flaw of most journalists) — we would be inclined to say no. However, it is important for countries that want to be recognised to join with the Council of Europe, and if being recognised means freedom of the press is included in that, then that's a good thing. I think the country we should all be looking at now is Ukraine.

## Vaughan Smith

*FRONTLINE TELEVISION*

I set up, with four other people, a freelance agency for photographers. Two people have been killed in the 12 years we've been going — Rory Peck and Nick della Casa. Nobody was brought to justice for Rory's death, but somebody was for Nick's. I believe this happened largely due to the family's determination to follow it through, and there's a lesson there for broadcasters, who need to do more. In this sort of thing, a long memory and lots of determination is more valuable than the armoured vehicles, the flak jackets and the training. But can't we help ourselves a little bit more on this, perhaps by asking questions about other journalists when interviewing government officials?

## Keith Bowers

*BBC EXECUTIVE EDITOR, CURRENT AFFAIRS*

I've been an editor in the past and I've sent people to difficult places — not war zones as such, but places where it's easy to fall foul of the authorities. In pursuing the killers of local journalists, how closely do we work with the local people, particularly local lawyers who may be very brave and able to stand up to the authorities there? I once had a team arrested in Yemen and had to go and extricate them. I got help from a very brave local lawyer, and he got them out because he knew the system.

## Robert Ménard

It's a very good idea to work with local people with local knowledge, but it's also useful to use international organisations that can put pressure on governments. RSF has representatives in 102 countries, and they do work very closely with local people, human rights groups and lawyers. Often what you need is a very long investigation, which is something that few organisations can afford. When we

investigated the death of Norbert Zongo we stayed three months to find out who in the presidential guard was responsible for his murder. In the case of our Sri Lankan colleague, nobody did go out because nobody has the means. But that is the objective of the Damocles network, that we go back to places and carry out a thorough investigation. We're talking about [Georgiy] Gongadze, but he's actually the 10th journalist to be killed in Ukraine in five years. There was absolutely nothing after the first eight. After the ninth, one man was arrested — the hit man, but not those who ordered the killing. It is quite possible that Gongadze would not have been killed had the previous killings been thoroughly investigated. So we must mobilise and do something because this is far more effective than wearing a bulletproof vest.

## Priyath Liyanage

Robert raised the point about human rights groups not being able to investigate in Sri Lanka, but Western groups can put pressure on other countries and organisations such as the UN that support those regimes. You can suggest what the consequences will be if they don't allow an investigation. In many cases in the poor world, it has not been the case. People say that it is not possible because they are not democratic countries, so why does the IMF and World Bank support them or provide them with arms? We in the West should lobby other organisations and governments to get them to agree to investigations. It is quite hard [for local journalists] to get an interview with the president or defence secretary, but they love to do interviews with English-speaking journalists. And we forget to ask this domestic question: "Why has my colleague been killed?" That's the main reason they won't give interviews to us, because we ask those questions, but other colleagues don't wish to get into that domestic environment.

Why should media freedom organisations be concerned with freedom of speech of journalists alone, because if we don't fight the fight of others, will they fight with us? For example, in the Sri Lankan Free Trade Zone, trade unions are banned. Is that a problem of freedom of speech or not? Until recently England didn't have human rights legislation in place. Did we speak about it? No.

## Colin Bickler

*CITY UNIVERSITY*

I'm glad we're talking about local journalists because too often we end up talking about foreign correspondents getting killed and, as Jeremy said, generally when they get

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killed it's because they're in pursuit of a story, not because they're specific targets. On the question of using local legislation: Most of these countries have legislation of one kind or another and if you can use this, I think it's better than war crimes legislation, which looks like new imperialism. The regional option is a very good one to explore.

The suppression of journalists in a local situation represents everybody else's, too. If they're not able to report, it's an indication of the situation generally in the country. This business of asking questions is a good point. I remember in the Philippines, the effect of the New York Times asking not just about journalists but about anybody who was detained was usually enough to get them released or at least an easing of their circumstances. Many leaders are worried about the foreign press asking questions locally. These are areas in which we as foreign correspondents can help local people.

### Richard Tait

I would agree with that and would say that we here are the representatives of some very lucky organisations — the BBC, Reuters, ITN. There are changes happening in journalism that are going in the wrong direction. There's a retreat from original foreign reporting in newspapers and to a lesser extent in television. There are fewer people on the ground doing it. And if you look at network news in the U.S., there is a dominance of domestic news, with the exception of CNN and news programmes that we and the BBC do for public broadcast channels. It's quite hard to see coverage of Indonesia or Sri Lanka or Croatia. So we're operating in quite a fragile environment. We need to see that the risks people take are worth it, backed up by the commitment of the media. We need to make sure that organisations have the resources to enable us to report the world as we find it, with honest, brave local journalists to help us sift through the stories. But I don't think we should get complacent; the challenge is ahead in terms of resources.

### Stephen Somerville

*CHAIRMAN, JOURNALISTS IN EUROPE, PARIS*

We've heard a great deal about the need for action in the case of murdered journalists, but there are a number of other organisations or committees that at any given point are making the same protests. Is there a danger of too many voices and not enough co-ordination? And does this allow the guilty parties to ignore some of these voices?

### Robert Ménard

For a long time I thought there were too many of us, but now I realise that's not right. When a government carries out human rights abuses, it actually impresses them a lot more if they get letters from a whole range of organisations — the more the better. In fact, there's not as many of us as all that, and we have to make sure we don't contradict each other. We should contrive to say the same thing and make the same protest.

When it comes to the fight against impunity — the people who feel safe killing journalists — then we do need to work together, because no one organisation has the resources to do this. Sending a letter can be done very easily. It doesn't cost much, and the more the better. But to send a team to Mozambique to find out how [Carlos] Cardoso<sup>8</sup> was killed, nobody has done that yet, but we should find out who killed him and why.

### John Owen

One of the things that came out of the earlier meeting held here with RSF, IPI and CPJ was the need for greater co-operation, that it's better to stage joint investigations for maximum impact. Another recommendation was that the groups involved should meet on a yearly basis and re-examine cases that have been closed, and put back on the table the cases that have been forgotten. There is the determination to pursue these cases, and there will be more co-ordination between journalists' rights groups. The most flagrant case in recent times is that of Georgiy Gongadze, but nobody has mentioned that he was writing on the Internet. Cyberspace is a new and dangerous place to live. Also earlier this year Miroslav Filipovic was jailed for what he wrote on the IWPR [Institute for War and Peace Reporting] site. So we are seeing that the Internet is not safe.

### Shahid Qureshi

*UK CORRESPONDENT, DAILY FRONTIER POST, PAKISTAN*

The Daily Frontier Post is banned in Pakistan. Six of my colleagues are facing the death penalty. I would like to ask my colleagues here to raise the matter whenever they can for the sake of my colleagues in Pakistan. It will be like saving someone's life.

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<sup>8</sup> Carlos Cardoso, 49, was a leading investigative journalist who was shot and killed in Maputo in November 2000. He was owner and editor of the daily Metical.