

Committee: The Legal Committee

Question: The Question of Impunity for crimes against Journalists

Student Officer: Christos Vogiatzis

Position: Deputy Chair

PERSONAL INTRODUCTION

Dear Delegates,

My name is Christopher Vogiatzis and I am a senior at Pierce – The American College of Greece. It is my honor to have been appointed the position of a Co-Chair in the Legal Committee of the 7th CSMUN and I look forward to a fruitful debate. My MUN experience began about three years ago and since then I have served as a delegate, ambassador, advocate and Chair in nine conferences. MUN has become a significant part of my life and I hope that during this conference I will be able to pass on my passion to you.

The first topic that we will be discussing is “The question of impunity for crimes against journalists”; the topic on which I am the Expert Chair.

Violence against journalists is on the rise, the numbers of murdered journalists is increasing by the year; however, the perpetrators of such crimes often go unpunished. Such acts occur all around the globe, but more frequently in repressive countries, where journalists are assassinated, kidnapped, imprisoned and harassed. *Reporters Without Borders* released a report in 2018, which stated that in the first eleven months of the year three journalists went missing, sixty were held hostage, eighty were killed and three hundred forty-eight were detained¹. This topic is linked to many current issues, such as press censorship, extrajudicial killings and the lack of democratic values in many countries.

This Study Guide is to be studied thoroughly; however, it only sets the foundation for your research. I do encourage you all to look further into the topic on your own. For any inquiries, do not hesitate to contact me via email (C.Vogiatzis@acg.edu).

Kind Regards,

Christopher Vogiatzis

¹ "WORLDWIDE ROUND-UP of Journalists Killed, Detained, Held Hostage, or Missing In 2018". Rsf.Org, https://rsf.org/sites/default/files/worldwilde_round-up.pdf

DEFINITIONS OF KEY TERMS

Journalist

A journalist is anyone who observes and documents events, statements and policies and then proceeds to publish that information to the public.²

Crimes

“An action or omission which constitutes an offence and is punishable by law”.³

Impunity

Exemption from punishment; getting away with committing a crime.⁴

Extrajudicial

The term “extrajudicial” is used to describe an action that was taken without using the official legal system, or something that was not done in a court of law.⁵ An extrajudicial killing is an execution that had not been authorized by the judgment of a court.⁶

(Press) Censorship

The prohibition of speech or writing and the limitation of access to information.⁷

²"Sustainable Development Goal Indicators". Unstats.Un.Org, <https://unstats.un.org/sdgs/metadata/files/Metadata-16-10-01.pdf>.

³"Crime | Definition of Crime In English By Lexico Dictionaries". Lexico Dictionaries | English, <https://www.lexico.com/en/definition/crime>.

⁴"IMPUNITY | Meaning In The Cambridge English Dictionary". Dictionary.Cambridge.Org, <https://dictionary.cambridge.org/dictionary/english/impunity>.

"Impunity | Definition Of Impunity In English By Lexico Dictionaries". Lexico Dictionaries | English, <https://www.lexico.com/en/definition/impunity>.

⁵"EXTRAJUDICIAL | Meaning In The Cambridge English Dictionary". Dictionary.Cambridge.Org, <https://dictionary.cambridge.org/dictionary/english/extrajudicial>.

⁶US Legal, Inc. "Extrajudicial Killing Law And Legal Definition | Uslegal, Inc.". Definitions.Uslegal.Com, <https://definitions.uslegal.com/e/extrajudicial-killing>.

⁷"Censorship | Definition, History, Types, & Examples". Encyclopedia Britannica, <https://www.britannica.com/topic/censorship>.
"Censorship Dictionary Definition | Censorship Defined". Yourdictionary.Com, <https://www.yourdictionary.com/censorship>.

Rule of law

“The Secretary-General has described the rule of law as ‘a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency’.”⁸

⁸ "What Is The Rule Of Law? - United Nations And The Rule Of Law". United Nations And The Rule Of Law, <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/>.

TIMELINE

Date	Description of Event
1993	The United Nations Commission on Human Rights establishes the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. ⁹
	The United Nations General Assembly establishes May 3 as “World Press Freedom Day”, in its efforts to combat press censorship.
April 12, 2012	The UN Plan of Action on the Safety of Journalists and the Issue of Impunity ¹⁰ is endorsed by the UN Chief Executives Board.
November 2, 2013	The abduction and murder of two French journalists in Mali.
	On this date, the annual “International Day to End Impunity for Crimes Against Journalists” was established.
October 16, 2017	A car bomb kills Maltese journalist Daphne Anne Caruana Galizia.
October 2, 2018	The assassination of Saudi Arabian author Jamal Khashoggi in the Saudi Consulate in Turkey.
October 6, 2018	Bulgarian journalist Viktoria Marinova is brutally murdered.
June 14, 2018	The assassination of Kashmir journalist Shujaat Bukhari. In an old article he had written: “Threats to life, intimidation, assault, arrest and censorship have been part of the life of a typical local journalist”. ¹¹
April 23, 2019	Severin Krasimirov, the murderer of Viktoria Marinova is sentenced to thirty years in prison. ¹²

⁹ "OHCHR | SR On The Promotion And Protection Of The Right To Freedom Of Opinion And Expression". Ohchr.Org, <https://www.ohchr.org/en/issues/freedomofopinion/pages/opinionindex.aspx>.

¹⁰ "UN Plan Of Action On The Safety Of Journalists And The Issue Of Impunity". UNESCO, <https://en.unesco.org/un-plan-action-safety-journalists>.

¹¹ "Leading Kashmir Journalist Shot Dead." BBC News, 14 June 2018, bbc.com/news/world-asia-india-44488081.

¹² "TV Presenter's Killer Sentenced to 30 Years." BBC News, 23 Apr. 2019, bbc.com/news/world-europe-48022660.

TOPIC DISCUSSION

On November 2, 2013, French journalists Claude Verlon and Ghislaine Dupont were abducted and killed in Mali, after interviewing Ambeiry Ag Rhissa, a local political leader. Ambeiry Ag Rhissa, in a statement regarding the two journalists, described their abduction: Immediately after they finished the interview and left his house, he heard a “strange noise” from outside and went out to see what was happening. Next to their car, there was a parked vehicle and an armed man who ordered him to get back inside the house. He obeyed and the kidnappers took off with the journalists, heading to the desert. He was not able to see how many kidnappers were there, but other sources state that there were four men. Their bodies were found about twelve kilometers outside of Kidal. It is noteworthy that this happened in broad daylight, near a Malian army base, in an area with about two hundred French soldiers and two hundred UN Peacekeepers. To this day, no one has been charged for these murders. In that year alone, over seventy journalists were murdered.

On October 16, 2017, Malta’s leading investigative journalist Daphne Caruana Galizia was murdered when a bomb that had been planted under her car exploded. At that time, she was uncovering allegations of corruption at the highest levels of the Maltese government. She was an anti-corruption campaigner and a critic of tax abuse. Throughout her career she had received numerous death threats and had faced countless acts of violence. Many politicians had filed lawsuits against her and at one point even her house was set on fire. The people behind all of these acts -from the arson to the murder- still remain unpunished.

One of the most recent events is the murder of Saudi journalist Jamal Khashoggi on October 8, 2018. He was last seen entering the Saudi Consulate in Turkey and a few days later, on October 20, State Television reported that the journalist had indeed been murdered there. This was a heinous crime, a killing that is believed to have been planned in advance. Agnes Callamard, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions stated that Jamal Khashoggi was "the victim of a deliberate, premeditated execution, an extrajudicial killing for which the state of Saudi Arabia is responsible". Many questions remain unanswered, like ‘who

gave the order to kill Khashoggi' and 'where is the body?'. Investigations are being carried out and there are eleven suspects that are being tried; however, the trial is being held behind closed doors. To this day, no person or group of people is being held responsible for this crime.

The aforementioned examples of crimes committed against journalists represent a worldwide scourge. The assassination of Jamal Khashoggi, however, shook the world the most. It shed light upon this issue.

In 1993, the United Nations Commission on Human Rights established the mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. The Special Rapporteur is a position appointed by the Human Rights Council. Special Rapporteurs are independent experts on particular human right issues. Their job is to examine situations in countries and write reports. At the moment, it is David Kaye that has been appointed the position of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. He is mandated by the Human Rights Resolution 7/36.¹³

¹³ "Resolution 7/36. Mandate of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression." OHCHR, ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_7_36.pdf.

CAUSES

Press censorship

The main cause of crimes against journalists is press censorship; efforts to prevent knowledge being leaked to the public and freedom of thought. It is noticeable that in most cases, journalists are harmed after they have brought something to light, or while they are in the process of doing so. Others are harmed in retaliation after criticizing their local governments. These are bold efforts to silence journalists or punish them.

Corruption and lack of democratic values

Violence towards journalists is more common in repressive environments, since the purpose of these crimes is to silence the journalists. In a place where democracy is thriving and corruption does not exist, the authorities would not need to keep information from the public. For example, Daphne Caruana Galizia was killed at a time when she was uncovering allegations of corruption in the Maltese government.

Extrajudicial killings

Murders of journalists are bold examples of extrajudicial executions; actions not validated by a court. As long as this issue is not tackled, a safe work environment for journalists cannot be ensured. These might be two separate problems, but they are in a way co-dependent.

POSSIBLE SOLUTIONS

Seeing that crimes against journalists are on the increase, it is crucial that we act fast. All forms of violence against anyone trying to inform the public must be condemned by every government and investigations regarding murders must be carried out. It is just as important to bring to justice perpetrators of past crimes as well as future ones. Many crimes that have taken place have gone by unnoticed.

Organizations like the Committee to Protect Journalists¹⁴ have been more than helpful in the efforts to eliminate this issue. They have been raising awareness and informing the public of all the cases of imprisoned, missing, murdered and attacked journalists, showcasing statistics on how many perpetrators are actually convicted. Raising awareness is often overlooked; however, it helps inform people of the issue and consequently people start taking action. International watchdogs perhaps sanctioned by the UN might allow us to take this principle one-step further in practice, by providing a UN backing and legitimate punishments.

Journalists should undergo professional training and be committed to “professional standards of reporting”.¹⁵

All member-States ought to be committed to the rule of law. Impunity -amongst others- will continue to prevail as long as human rights are not protected. Member-states also ought to collaborate in order to create a safer working environment, but also to bring perpetrators to justice. Essentially having an international approach to dealing with this issue is key as it would allow the UN and other member states to hold governments responsible for these abuses of human rights, and rights to information.

¹⁴ “Committee to Protect Journalists – Defending Journalists Worldwide.” CPJ, cpj.org/.

¹⁵ “Freedom of Information and the Press | United Nations Educational, Scientific and Cultural Organization.” UNESCO, unesco.org/new/en/unesco/events/prizes-and-celebrations/celebrations/international-days/world-press-freedom-day/previous-celebrations/worldpressfreedomday20090000/freedom-of-information-and-the-press/.

Lastly, UNESCO's UN Plan of Action on the Safety of Journalists and the Issue of Impunity¹⁶ provides many possible and effective solutions to the issue and should be implemented.

MAJOR COUNTRIES & ORGANIZATIONS INVOLVED

Somalia

In Somalia there have been sixty-six murdered journalists since 1992, thirty-eight of which were murdered with impunity. The Somali Government has used several abusive tactics to affect media coverage, whilst failing to properly investigate most cases of violence against journalists. Journalists are being censored and jailed on a daily basis. Not to mention, the armed Islamist group Al-Shabab which has targeted many journalists in the past and continues to do so. Somalia placed 164th out of 180 countries in the 2019 World Press Freedom Index.

Russian Federation

Since 1992 fifty-eight journalists have been killed, thirty-three of which were murdered with impunity. A criminal investigation has been opened within the past year against a Russian journalist, Svetlana Prokopyeva, after she criticized Russian authorities in her comments about a suicide bombing. Now, counter-terrorism laws are being used against her; she is being accused of justifying terrorism, and if she is eventually prosecuted, may face up to seven years in prison. The media outlets that the journalist had worked with have also been fined. The journalist's house has been raided by armed special forces police, who proceeded to seize devices and documents. The authorities are showing that they will not accept any form of criticism, thus silencing journalists and stifling free speech. The country placed 149th in the 2019 World Press Freedom Index.

Iraq

¹⁶ "UN PLAN OF ACTION ON THE SAFETY OF JOURNALISTS AND THE ISSUE OF IMPUNITY." OHCHR, [ohchr.org/Documents/Issues/Journalists/UN_plan_on_Safety_Journalists_EN.pdf](https://www.ohchr.org/Documents/Issues/Journalists/UN_plan_on_Safety_Journalists_EN.pdf).

Iraq has one of the highest number of journalist murders. Since 2003, there have been one hundred eighty-five journalists murdered, out of which one hundred eleven were murdered with impunity. It is undeniably one of the most dangerous countries for journalists. The topics that these people can touch upon are limited -if they wish to remain safe, that is-. “If you mention their leaders in a way they think is bad, they will be upset and they may kill you or do something else to you”, said an anonymous journalist who had been targeted in the past. “You really want to tell the story, you want to tell the truth, but to do it you have to leave the country or stay and risk your life”, said photojournalist Hawre Khalid.¹⁷ Iraq placed 156th in the 2019 World Press Freedom Index.

United States of America

“Press freedom has continued to decline in the second year of President Donald Trump’s presidency”¹⁸. Since 1992, eleven journalists have been killed, four of which were murdered with impunity. In 2018 alone, four killings took place. Violence against journalists has increased under the current administration. The words of president Trump paint a negative image of reports and the media, and have created a “post truth” news cycle. The United States of America placed 48th countries in the 2019 World Press Freedom Index. It is also important to acknowledge how the US handled the assassination of Jamal Khashoggi, despite intelligence and information about Khashoggi’s killers the US failed to act or condemn the state involved as doing so may have harmed trade. This illustrates an important point about how ethics and standards are overlooked in international politics for the sake of trade and strategic alliances.

United Nations Educational, Scientific and Cultural Organization (UNESCO)

¹⁷ Beck, John. “Is Iraq the Most Dangerous Country for Journalists?” ALJAZEERA, 31 Oct. 2017, aljazeera.com/news/2017/10/iraq-dangerous-country-journalists-171031091430746.html.

¹⁸ “United States : Unprecedented Violence Targets Journalists | Reporters without Borders.” RSF, 27 June 2019, rsf.org/en/united-states.

“Promoting the safety of journalists and combatting impunity for those who attack them are central elements within UNESCO's support for press freedom on all media platforms.”¹⁹ UNESCO condemns every murder of a journalist. The Director-General submits the Report on the Safety of Journalists and the Danger of Impunity every two years to the Intergovernmental Council of UNESCO's International Program for the Development of Communication. It is a way of examining killings of journalists, which amongst other things, includes whether there was a judicial follow up to each murder or not.

Throughout this Study Guide, the UN Plan of Action on the Safety of Journalists and the Issue of Impunity²⁰ is mentioned a few times. It aims towards the elimination of this problem by proposing twenty-four actions, under five categories: *Strengthening UN Mechanisms, Cooperating with Member-States, Partnering with other Organizations and Institutions, Raising Awareness and Fostering Safety Initiatives*. It therefore covers all aspects of the issue, and is a useful model for building new solutions to the problem.

Committee to Protect Journalists (CPJ)

The Committee to Protect Journalists is an organization which strives to end crimes against journalists and bring the perpetrators of these crimes to justice. It has databases where all murders of journalists have been recorded, including whether or not the motive of the murder is known and if the killer has been brought to justice. The organization also releases a Global Impunity Index every year, where the number of unsolved journalist murders is calculated and then the countries are ranked by the ratings of impunity.

¹⁹ “Safety of Journalists.” UNESCO, 11 Jan. 2019, en.unesco.org/themes/safety-journalists.

²⁰ “UN PLAN OF ACTION ON THE SAFETY OF JOURNALISTS AND THE ISSUE OF IMPUNITY.” OHCHR, ohchr.org/Documents/Issues/Journalists/UN_plan_on_Safety_Journalists_EN.pdf.

UN INVOLVEMENT: RELEVANT RESOLUTIONS AND TREATIES

- **UN Plan of Action on the Safety of Journalists and the Issue of Impunity**²¹

The goal of the UN Plan of Action is to create a safe working environment for all journalists and media workers. Upon request of UNESCO's Intergovernmental Council of the International Program for the Development of Communication (IPDC), it started being drafted in 2010 and was endorsed by the UN Chief Executives Board on 12 April 2012.

- **Resolution A/RES/68/163**²²

This resolution was adopted by the General Assembly in December 18, 2013 and its topic is "The safety of journalists and the issue of impunity". Amongst others, it condemns all forms of violence against journalists, acknowledges the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity and urges member-states to do their part in combatting the issue at hand.

- **The Universal Declaration of Human Rights (1948)**

This document does not create any obligations for member-states; however, it does acknowledge that fundamental human rights must be protected. Article 3 states that: "Everyone has the right to life, liberty and security of person".

²¹ "UN PLAN OF ACTION ON THE SAFETY OF JOURNALISTS AND THE ISSUE OF IMPUNITY." OHCHR, ohchr.org/Documents/Issues/Journalists/UN_plan_on_Safety_Journalists_EN.pdf.

²² "Resolution Adopted by the General Assembly on 18 December 2013." United Nations, un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/163.

- **The International Covenant on Civil and Political Rights**²³

Article 19 states every individual's right to hold opinions without interference; the right to freedom of expression as well as the right to seek, receive and impart information and ideas through any media, regardless of frontiers.

- **The Convention Against Torture (1984)**²⁴

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment -more commonly known as the Convention Against Torture- aims towards the eradication of any form of torture or inhuman punishment and requires member-states to prevent torture in their territories. It is also relevant to this topic, seeing as most murders that have occurred can meet the definition of torture.

²³ "International Covenant on Civil and Political Rights." OHCHR, [ohchr.org/Documents/ProfessionalInterest/ccpr.pdf](https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf).

²⁴ "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment." OHCHR, [ohchr.org/Documents/ProfessionalInterest/cat.pdf](https://www.ohchr.org/Documents/ProfessionalInterest/cat.pdf).

RESEARCH QUESTIONS

The delegates can conduct research on the four UN Special Rapporteurs that are involved in the issue. Other than David Kaye (UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression), there is Agnes Callamard (UN Special Rapporteur on extrajudicial, summary or arbitrary executions), Michel Forst (UN Special Rapporteur on the situation of human rights defenders) and Dubravka Šimonović (UN Special Rapporteur on violence against women, its causes and consequences).

It is also advised to study the UN Agencies, programs and funds that are working towards the safety of journalists, so as to understand the United Nations involvement. These are the Office of the High Commissioner for Human Rights, the United Nations Department of Public Information, the United Nations Office on Drugs and Crime, the United Nations Development Program, the United Nations Department of Political Affairs and the United Nations Department of Peace Keeping Operations.

A very interesting source of information is the World Press Freedom Index²⁵, in which countries are ranked based on freedom of press.

²⁵ “2019 World Press Freedom Index | Reporters Without Borders.” RSF, rsf.org/en/ranking#.

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