

KILLING THE Messenger

**REPORT OF THE GLOBAL INQUIRY BY THE INTERNATIONAL NEWS
SAFETY INSTITUTE INTO THE PROTECTION OF JOURNALISTS**

MARCH 2007

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REMIT

To prepare a report on the legal, professional and practical issues related to covering the **protection of journalists in dangerous situations**.

The report will consider proposals for **reinforcing existing levels of protection** including the **possible need for a new international convention** dealing specifically with the safety and protection of journalists including, if required, an emblem to achieve a secure and safe environment for journalists and those who work with them.

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International Press Centre
Résidence Palace, Block C
155 rue de la Loi
B-1040 Brussels

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Designed by Mary Schrider
mary@hazards.org

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Contents

1. Foreword.....	2
2. Executive Summary.....	6
3. Definitions	15
4. Statistical Overview.....	16
5. Journalists in non-conflict situations	19
6. Media and conflict	29
7. Appendices.....	55
a. Statistical Overview Detail.....	56
b. UN Security Council Resolution 1738	73
c. INSI Safety Code.....	72

FOREWORD BY SIR HAROLD EVANS

Former Editor *Sunday Times* and *The Times*, UK

The price of truth has gone up grievously. We pay every week with the life of a reporter, a cameraman, a support worker. Unless the life is that of a well-known Western correspondent, the world barely notices. Just four months after the horrific 2002 kidnapping and beheading of the Wall Street Journal's Daniel Pearl, Tim Lopes of Globo TV suffered the identical fate without a similar outcry: he had been investigating drugs and under-age sex in a Rio de Janeiro slum.

The first shocking thing about this report is to learn just how many are dying. The International News Safety Institute, the originator of this collaborative inquiry, calculates that if we include all news media personnel — translators, fixers, office staff, drivers — no fewer than a thousand have died in the last ten years.

The second shocking thing is to learn how many of them were murdered, most of them local beat reporters whose names do not resonate in the media. This is different from the sadly familiar fact that by-lined war correspondents, who knowingly risk their lives, get fatally caught in the crossfire of a battlefield, they walk on a landmine, they hitch a ride on a fated combat plane, they are mistaken for combatants. Every conflict claims its press victims. Kosovo, for instance, is thought of as a sanitized affair, an air campaign with mass briefings away from the action, yet at least 25 journalists and media workers were among the hundreds of civilian fatalities. Sixteen Serbs at the RTS television headquarters in Belgrade were killed by NATO bombing, as were three Chinese journalists at their embassy. Two German journalists from Stern were killed by snipers.

It is heart-wrenching for their families and colleagues when a war correspondent dies like this on some foreign field; as a newspaper editor, I lost three reporters that way. But the majority of journalists' deaths are not bad luck. They are planned assassinations. They have been targeted, sought out for death at home for a very simple reason: they did their jobs of seeking the truth. Rarely do these local crimes attract international attention. The sensational murder in Moscow of Anna Politkovskaya, investigator of abuses by Russian troops in Chechnya, provoked international outrage, but most of the journalists die in anonymity.

And the price of murder has gone down.

Almost eight out of ten of the killers have never been investigated, let alone prosecuted, convicted and punished. Occasionally, a triggerman is identified and brought to trial, but his paymaster goes free. Pedro Diaz Romero, a former human rights prosecutor in Colombia, one of the bloodiest countries, commented: "After one journalist is killed, you may not need to kill another as a threat or act of physical intimidation may be enough to send the message to the community at large."

Great courage is required to talk about these crimes. Guillermo Wapile, a former policeman in Mindinao in the Philippines, murdered the newspaper editor and radio journalist Edgar Damalerio

in May 2002 and expected to get away with it. Why not? Scores of other killers in the Philippines laughed in the face of justice. In Pagadian the police did not even bother to ask questions. Two witnesses against Wapile were shot dead. Yet Damalerio's widow, Gemma, and eyewitness Edgar Ongue, would not give up. They testified in 2005 and three and a half years after his crime, Wapile was sentenced to life. It was a rare victory, but still the Justice Minister, Raul M. Gonzalez, has failed to keep his promise to Reporters Without Borders to conduct an investigation into who plotted and sanctioned the killing of Damaerio. Wapile's senior and chief protector was last year promoted to be security adviser to Pagadian's mayor.

Surprisingly, even in war zones, murder, not an accident, is the leading cause of death. By murder I mean the deliberate cold-blooded killing of a journalist, not to be mixed up with battlefield incidents like the two deaths from the shelling of the Palestine Hotel in Baghdad, investigated by the military and judged by CPJ to be "not deliberate but avoidable". The morning I finished reading the draft of this INSI report, I opened the New York Times and came across one graph¹ — unheadlined — to the effect that in the last two months no fewer than 18 journalists in Iraq had been murdered. Again, you don't know their names, because they were locals, Iraqis singled out by Iraqis and without fear of arrest and punishment from that dysfunctional government. Said the UN: They are being "assassinated with utmost impunity". In view of the spotlight the military in Iraq rightly attracts for any suspected violation of the rules of engagement, it has to be noted that in this conflict most of the under-reported deaths are due to sectarian and religious hatreds, "terrorists, insurgents and other unidentified murderers" in INSI's language. They have no respect, as they may well understand it, for the role of journalists as neutral observers. It does not help either when political leaders in the democracies recoil from that ideal. Reporters risking their lives in Iraq earned the odium that accompanies the telling of unpalatable truths. In the first Gulf War, CNN's Peter Arnett, reporting from Baghdad as US missiles landed, was accused by members of Congress of giving "the demented dictator propaganda mouthpiece to over 100 nations." The BBC, for doing the same, was denounced in Parliament as "The Baghdad Broadcasting Corporation".

Iraq is a bad case, a fractured state riven by an accelerating religious war that has killed something like 45,000 of its people. But the record of governments in too many states considered normal is appalling.

Every one of the unpunished crimes against journalists disgraces the shielding countries, and our tolerance of that diminishes us all. This is not a "press matter". Without the men and women of a free and plural press willing to risk reporting and investigating, and editors and publishers willing to stand by them, injustice and corruption flourish — within and across national boundaries. The press is more or less free to do its job in the western democracies. It has to be admitted that sometimes it does not. The invasion of Iraq got a free pass. When the press does perform, as it is meant to do, it performs a signal service. It may invite hostility, and even civil prosecution for breaches of security, defamation, etc. Nicholas Kristof of the New York Times has usefully itemized² the Administration's charges laid against the press of being lazy, foolish, cowardly, and unpatriotic for reporting on the ground that Iraq was on a vicious downward spiral. Of course, had the reporting been heeded early on instead of derided, it is possible that many lives would have been saved and Iraq closer to being a civilized country. If that is the price paid in an open society, imagine the cost of suppression and violence in the immunity states; they rot from within.

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¹ Bob Herbert's column "While Iraq burns" November 27, *New York Times*.

² page A23 *NYT* November 28, 2006.

What can be done? The cause is not hopeless. Ireland set an example. Following the outcry in 1996 over the killing of Veronica Guerin, the government devised new laws to indict the leaders of the criminal gang who organized her murder. In 2005 in the troubled state of Mexico, its President Vicente Fox responded to protests by appointing a special prosecutor to investigate violence against journalists. Brazil convicted the killer of Tim Lopes on a 5 to 4 jury vote and he was sentenced to 28 and a half years in prison.

The organizations concerned with the freedom of the press and human rights have played a significant role in the cases where justice has been done. Personally, I would like to see more cooperation and coordination among them. Constituting an international committee of their leadership, the chairmanship rotating, is worth considering. I am not suggesting that press bodies like IPI, CPJ, IFJ or WAN, and NGOs like Human Rights Watch and Amnesty, subordinate their activities, still less stop them. The collaboration between press organizations is manifest in this document's many excellent proposals. I just think it might help to set priorities and keep a relentless focus on measures that will make a real difference. It is a waste of time calling on insurgents and terrorists to respect the rule of law. At a recent conference I attended organized by the International Press Institute, which has been valiant in protecting journalists over 50 years, one speaker said it would make a big difference if the US showed more respect for the Geneva Convention. Yes, it should, and it should certainly ratify the 1977 additional protocol to the Geneva Convention. The protocol emphasizes that journalists should have the protection afforded civilians. The US has already signed, so what is the hold up? It would be at least a useful signal that the Administration accords a high priority to the safety of journalists doing their legitimate work. But it is idle to think any international legal formula will restrain the madmen. Jonathan Swift said it well. You cannot reason someone out of a position he has not been reasoned into.

But all those states that concede immunity to the wrongdoers live in the real world. They expect to be taken seriously; they ask for aid and protection for their citizens travelling abroad. They are beneficiaries of trade agreements, of support from the World Bank and the International Monetary Fund and UN aid organizations. They value their membership of the United Nations. The UN should have a central register of unsolved crimes against members of the media, but the UN itself cannot be left to follow through. A journalist who works for a daily newspaper in Iran testifies herein that UN organizations "are too conservative; they don't want to confront the government. They say the government is sensitive". The very fact a government is sensitive is, of course, the point. The neuralgic nerve should be pressed hard. Effectively that will have to be done by individual states and NGO's. They must start holding immunity states responsible for their negligence and, in many cases, complicity. Any state that consistently fails to investigate and prosecute murder and violence against media personnel should forfeit access, privileges and aid.

By the same token, the immunity states — the iniquity states — should have to face a persistent international campaign of publicity. Not once a year, but every time they acquiesce or sanction the murder of a journalist. There are two purposes here. One is to hold them up to obloquy and shame in all media: On its website, Reporters Without Borders does a fine job of identifying Predators of Press Freedom, complete with mug shots. The other purpose of relentlessly focusing attention on what happens after a killing is to sustain the brave protesters, to mark out their lives as significant. Memo to every news editor: Report and follow up. I think of my IPI friend Abdi Ipecki, editor in chief of Milliyet, then Turkey's most influential newspaper, telling me in London in 1979 of

what the example and support of his international peers meant to him in his ceaseless campaign for national unity and reconciliation against violence and terrorism. He brought warring Greek and Turkish journalists together to agree to professional standards that would diffuse the competition in hate. We promised to get together at the next IPI conference. It didn't happen. He went home to be gunned down by Mehmet Ali Agca, member of the ultra-nationalist Grey Wolves. Prime Minister Bulent Ecevit said the bullets which killed Abdi were intended for Turkey's democracy and constitution. Agca, however, soon escaped from prison with assistance from people in the security services, and then in 1981 tried to assassinate Pope John Paul II. This monster is now in prison in Turkey agitating for parole. Yet in recent years almost every media outlet mentioning the prospect of Mehmet Agca's release in 2006 failed even to note that his first crime was the murder of a newspaper editor of distinction.

This brings me to the final point: the paramount importance of how the press justifies its freedom. Protest is required, but performance is key. Ethan Bronner, deputy foreign editor of the New York Times, had it right when he told the inquiry, "Journalists have to make it clear they matter by raising the standards of their work". (Though I'd rather say "we" have to raise "our standards".) It is our principal defence in sustaining public support. We in the press need to ask why — despite the sacrifices and courage in seeking the truth — majorities in public opinion polls in many places go along with the judgment of the maverick Senator Alan Simpson that the media enjoys a reputation "lower than quail crap".

On World Press Freedom Day this May, we should remind the critics — but also ourselves! — of the sacrifices represented by the 1700 journalists whose names are inscribed on the Freedom Forum's memorial in Arlington, Virginia³. We should remember the common thread among the men and women of such different backgrounds, from such different cultures, who have died for journalism. What was common among the desperate circumstances of their deaths? Their aspiration. They believed in the purpose of journalism. They didn't, most of them, expect to die for it. They may have been prudent or reckless, they may have been blind to the risks they ran or confronted every day the prospect of violence. They may have practiced it with varying skills and purposefulness in print and broadcasting — and on the web. They may, being human, have erred. But nothing in the record diminishes the conviction that they believed theirs was an honorable craft — profession if you like — rooted in reason, dedicated to truth, sustained by a sense of common good, given inspiration by the achievements of others around the world in a universal brotherhood.

We should honor them by resolve and rebuke. By the resolve to keep faith ourselves with their best aspirations, and to be forthright in rebuking those who carelessly and ceaselessly do not. Every time a reporter anywhere slants the facts, writes a story to fit his preconception, allows the unclouded face of truth to suffer wrong, he betrays Kurt Schork, Veronica Guerin, Norbert Zongo, Orlando Sierra Hernandez, as surely as they were betrayed by their society. Every time a journalist anywhere foments sectional hatred, he shames the memory of Abdi Ipecki. Every time a news organization puts excessive profit before excellence — is 20 percent not enough? — it betrays all the names on the memorial. Every time a photographer grossly exploits private grief, he betrays the families of all the victims. Every time a journalist in America abuses the First Amendment, he betrays all those around the world who have to struggle for half the freedom. Every time a news organization closes its eyes to the world — and I think of the television networks shutting so many bureaus — it betrays those who gave their lives in the course of letting us see.

Harold Evans, January 2007

³ The Freedom Forum ran out of room on its first memorial. In the fall of 2007, a new and larger memorial will be opened at the new Newseum in Washington.

EXECUTIVE SUMMARY

Richard Sambrook, Inquiry Chairman, BBC Director of Global News and Rodney Pinder, Director, INSI

As this report was being prepared there were three events within weeks of each other which highlighted the importance of the issues we have examined and the need to establish a new framework to protect the rights of journalists to work freely and safely.

On October 7th 2006 Russian journalist Anna Politkovskaya was shot dead in the lift of her apartment block in Moscow. Anna was internationally known for her courageous journalism and criticism of Russia's policy in Chechnya. Her death was typical of many of her lesser known colleagues around the world — murdered for her outspoken reporting. In most cases the killer is never found or brought to justice.

Six days later, on October 13th a British coroner's court decided that ITN correspondent Terry Lloyd had been unlawfully killed when he was shot by American troops in Southern Iraq in 2003. The coroner suggested the troops involved should be brought to the UK to stand trial. It had taken ITN and Terry's family three years to gather the evidence which produced this verdict. Although the US forces had held their own inquiry shortly after the Iraq war they had not co-operated with the British legal inquiry. Wars are dangerous and unfortunately sometimes journalists are killed. But it is essential that full and open investigations into the circumstances of such deaths are held and any who may have acted unlawfully be brought to trial.

Then in January this year, several thousands of people took to the streets of Istanbul to protest at the murder of Hrant Dink, Editor-in-Chief of the bilingual Turkish newspaper Agos. Dink had been openly critical of the Turkish position towards Armenians and the 1915-17 massacres. The Turkish Prime Minister described Dink's murder as "a bullet fired at democracy and freedom of expression."

These are only three, well known, examples of the risks journalists run. Unlike soldiers or even emergency workers, journalists are civilians whose work demands they put themselves in harms way. As such they deserve recognition of the legitimacy of their role with support, training - and accountability when things go wrong

The INSI inquiry was launched on World Press Freedom day in 2005. It has undertaken the most thorough analysis of the deaths of journalists and other news media professionals going back 10 years in conjunction with Cardiff University. In addition we have interviewed journalists, and the friends and families of those killed, in a series of regional inquiries in Kuala Lumpur, Doha, New York, London, and Amsterdam. We have taken testimony from journalists around the world including Colombia, Russia, Africa, the Philippines and elsewhere. We have held a seminar with a group of

respected international legal experts and have had contributions from a wide range of other groups including the IPI, IFJ, CPJ, ICRC,⁵ and more.

We discovered:

- ▶ One thousand journalists and support staff have died trying to report the news around the world in the past 10 years: an average of two a week.
- ▶ Only one in four news media staff died covering war and other armed conflicts. The great majority died in peacetime, working in their own countries.
- ▶ At least 657 men and women were murdered — eliminated as they tried to shine light into the dark recesses of their societies — and only one in eight of their killers were prosecuted.
- ▶ In two-thirds of cases the killers were not even identified, and probably never will be, underlining the absence of full and proper investigations when a journalist or other news professional is killed.

The figures, compiled by INSI between January 1996 and June 2006, show it is virtually risk free to kill a journalist.

In many countries, murder has become the easiest, cheapest and most effective way of silencing troublesome reporting, and the more the killers get away with it the more the spiral of death is forced upwards. This is the most shocking fact at the heart of the inquiry. Impunity for the killers of journalists, who put themselves in harm's way to keep us all informed, shames governments around the world.

Following this inquiry, the most comprehensive ever in its field, no one any longer can plead ignorance of the scale and nature of the problem. As this report was finalised, the United Nations Security Council recognised the enormity and importance of the problem. It unanimously passed Resolution 1738 (23 December, 2006) condemning attacks on journalists and other media professionals and emphasising the responsibility of States to end impunity and prosecute those responsible for serious violations.

The news media death toll has been increasing steadily in recent years. The last full year covered by this report, 2005, was a record with 147 dead. It has since emerged that 2006 was even worse, with 167 fatalities, according to INSI's annual tally.

The top ten bloodiest countries over the past 10 years were Iraq, Russia, Colombia, Philippines, Iran⁴, India, Algeria, the former republics of Yugoslavia, Mexico and Pakistan. Shooting was by far the greatest cause of death, accounting for almost half the total. Bombing, stabbing, beating, torture, strangulation and decapitation were also used to silence reporting. Some men and women just disappeared, their fate unknown.⁵

Accidents while covering the story or travelling to or from an assignment claimed 130 lives, underlining the day-to-day risks attached to the job. In war, it was much safer to be embedded with an army than not — independent news reporters, so-called unilaterals, accounted for 92 per cent

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⁴ International Press Institute, International Federation of Journalists, Committee for the Protection of Journalists, International Committee of the Red Cross.

⁵ Iran's figures were swollen by one air accident in December, 2005. A military aircraft carrying news teams to cover exercises in the Gulf crashed in Tehran, killing 48 journalists and media technicians aboard.

of the dead. Overall, armed forces — regular or irregular — police and officials accounted for 22 per cent of killings.

The death toll was evenly split between press and broadcast. But news agencies, which are fewer in number, were relatively badly hit with six per cent of the total. Most of those who died were on staff — 91 per cent against 9 per cent freelance — and one-third fell near their home, office or hotel.

It will be noted from the report that many details of fatal incidents over the decade are unclear or unknown. Records are often inconsistent and lacking in precision, sometimes because of the absence of proper investigation, other times because the circumstances were not fully recorded and still others because death so often is cloaked in the fog of war.

No one central authority records the deaths of news media staff on a regular basis. The main journalist support groups that regularly monitor casualties include the International Federation of Journalists, the Committee to Protect Journalists, the International Press Institute, the World Association of Newspapers, Reporters Without Borders and INSI. Their recording methods differ.

INSI's researchers counted all news media personnel — journalists as well as support workers such as drivers, translators and office personnel, whether staff or freelance — provided they died as they gathered the news or because their news organisation was targeted because of its role. All causes of death were included, from murder to accidents to health-related.

As we examined the evidence and heard the experiences of journalists with first hand experience of violence and threats a number of themes became clear.

- ▶ **NEUTRALITY:** The recognition of journalists as neutral observers has largely gone. Increasingly journalists covering international conflicts are identified with their countries or are seen as “either with us or against us”.
- ▶ **IMPUNITY:** When journalists are killed there is too seldom an open investigation and only rarely are murderers brought to justice. This has led to a culture of impunity in some countries.
- ▶ **MEDIA AND MILITARY:** There is a surprising lack of understanding of the operational requirements and limitations on both parties in the coverage of conflicts. We believe there is scope for an international code which sets out best practise.
- ▶ **EMPLOYERS:** Too many employers still send staff or freelancers into dangerous situations under-trained, with insufficient support or preparation. Employers have a duty of care towards those they ask to work in hostile environments which requires a greater awareness of the risks.
- ▶ **STANDARDS:** Journalists have a responsibility to themselves and their colleagues to work to the highest editorial and ethical standards. We cannot expect the concern, protection and support of others if we fail to do so.

With these in mind we have proposed a number of recommendations which are intended to be practical but also to set out the framework and debate needed to make a significant difference.

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And finally the many journalists and friends and family of fallen colleagues who spoke to us about their experiences and gave us the benefit of their views formed in the most difficult circumstances. We hope their contribution will help save others in the future.

RECOMMENDATIONS

International

“Law can only function as the guiding principle of society when there is sufficient transparency to hold government and business accountable for their actions. That transparency disappears when ... the news media cease to be able to carry out their most important functions.”

– Robin Shepherd, senior trans-Atlantic fellow of the German Marshall Fund of the United States, writing in the International Herald Tribune, October 21 2006

- ▶ We call on governments to live up to their responsibilities under UN Security Council Resolution 1738 condemning attacks on journalists and other news professionals by putting an end to such practices.
- ▶ We call on governments to respect the letter and spirit of the Resolution and ensure an end to impunity for those who harm journalists by prosecuting those responsible for serious violations.
- ▶ We call on international development institutions, such as the World Bank and International Monetary Fund, to reinforce the Resolution by including a country’s record on the murder of journalists when assessing the granting of aid and other assistance.
- ▶ In support of this, we believe NGOs and other organisations concerned with freedom of expression and the media should jointly support an annual “impunity” index tracking countries with the worst records in investigating the deaths of journalists.

National

“Whenever one journalist is exposed to violence, intimidation or arbitrary detention because of his or her commitment to conveying the truth, all citizens are deprived of the right to express themselves and act according to their conscience... We must declare war on impunity.”

– UNESCO Director-General Koichiro Matsuura, on World Press Freedom Day, 2003

- ▶ Impunity for the killers of journalists must end. We call on all governments to respect their laws against murder and other forms of violence and ensure that crimes against journalists do not go unpunished. All violations must be investigated thoroughly and all perpetrators prosecuted. By failing to act, governments allow criminals to dictate what citizens read and see.
- ▶ We urge individual governments routinely to include an assessment of a country’s record in this respect when considering whether to grant aid and other development assistance. Free and independent media must be recognised as a key dimension of efforts to eradicate poverty.
- ▶ We urge governments and international organisations sponsoring media training in developing countries to include an element of safety training.

Military and Security Forces

- ▶ We call on all militaries to recognise the right of news media personnel to be present in the battle space, whether accredited to or embedded with the forces involved, attached to adversary forces or operating unilaterally. They should understand that “embeds” would have no legitimacy without independent reporting from the “unilaterals”.
- ▶ We urge all militaries to follow the lead of the British Ministry of Defence in its 2006 “Green Book” of media-military operations in wartime where it recognised for the first time the issue of journalist safety and the right of correspondents to move freely in the battle space. It pledged that UK forces will never deliberately target either individual correspondents or civil media facilities.
- ▶ We call on every military and national security entity to hold a full and open inquiry as soon as practicable whenever a member of the news media is killed in an incident involving its personnel in order to establish accountability. Any fatal incident involving a journalist should be investigated as a police criminal case from the start. The death of a media worker on foreign soil should be investigated with no less rigour than a death in the home country of the military involved.
- ▶ We call on militaries at war to provide the news media with regular and timely briefings on danger zones, to respect media markings on vehicles and personnel and ensure the presence of the media in the battle space is communicated swiftly to military units in the same area.
- ▶ We urge militaries, police and other security forces to include media understanding in basic training. Soldiers and Police have to understand that reporting an opposing point of view does not make an individual journalist or news organisation an enemy.

News organisations

- ▶ We call on all news organisations to observe the INSI Safety Code and other professional ethics guides and recognise they have a duty of care for all people in the newsgathering team, whether staff or freelance. There is a responsibility to provide proper safety training and equipment in peacetime and in conflict.
- ▶ We call on them to develop and sustain safety provisions that work all the time, whether their staff are covering domestic stories such as crime and corruption, disasters and demonstrations or health issues or international armed conflict.
- ▶ We urge Editors and managers to seek greater awareness of the dangers surrounding their staff when covering hazardous stories and to familiarise themselves with the provisions of hostile environment and other risk-awareness training.
- ▶ We urge news executives routinely to provide confidential professional counselling to journalists who have experienced trauma and other forms of extreme stress in the course of their duties.

- ▶ We urge international publications and broadcasters to publicise more widely the murder of a journalists in his or her home country as well as the deaths of those on foreign assignment. Journalists working in daily danger say their political and business leaders pay attention to adverse publicity by global news organisations: “One Editorial in the New York Times is worth a thousand words in a national paper.” (INSI Inquiry).
- ▶ We urge news media organisations and staff groups, including unions, to work together to address the issue of greater safety in news coverage. Safety should never be a competitive issue.

Journalists

“Journalists have to make clear they matter by raising the level of their work. We must build up what we do so it is unassailable, so that journalism is seen at its highest.”

– Ethan Bronner, deputy Foreign Editor, New York Times, at a panel discussion on “Finding Solutions for Journalist Safety”

“I firmly believe that the best personal security measure a journalist can take is to be honest, objective, ethically responsible and really independent.”

– Latin American journalist to INSI Inquiry

- ▶ We urge fellow journalists to recognise they have a duty of care to themselves. The job is not risk free and the risk is not confined solely to conflict. Journalists must understand they too have responsibilities for their own safety, alongside those borne by militaries and governments. There is a danger of some journalists, especially international war reporters, assuming a right to invincibility — special pleading that journalists have a right not to get hurt.
- ▶ We urge colleagues to help themselves by being true to quality, independent reporting. The support of our societies is essential in our campaign against those who kill and physically attack our colleagues.
- ▶ We call on journalists to support one another in hostile environments and to put competitive issues aside when lives are in danger.
- ▶ We urge all news media staff to seek out professional hostile environment training before venturing into conflict or disaster zones, and to observe that training when they get there. No journalist should go to war without proper training and preparation, including knowledge of first aid and munitions.
- ▶ We strongly recommend all journalists to video and photograph incidents of physical attack on their colleagues both to publicise and provide evidence to any inquiry.
- ▶ We urge conflict reporters to understand that media-military dialogue and understanding is a two-way street. Lives have been lost through journalists assuming a competence on behalf of the military that is not always there — as well as assuming the safety of the media is a prime concern of soldiers under fire.

1. DEFINITIONS

INSI believes that all media personnel, whatever their role in producing news, should be treated equally under the law, and afforded the same protections when working in dangerous situations.

Journalists and media personnel

INSI, the International News Safety Institute, is dedicated to the safety of journalists and media staff, and is committed to fighting the persecution of journalists everywhere. As such the subject of this report are all people engaged in the production of news, in whatever capacity and for whatever type of media that may be. For the purposes of this report the phrase “media staff” includes freelancers in print and broadcast.

Distinctions within this umbrella definition of media staff are not always straightforward. In the print media there is a nominal distinction between journalists and editorial staff, but in real life, the same person may be involved in both activities. In broadcast media too, multi-skilling has become more commonplace. The role of the producer increasingly overlaps with the role of the reporter in generating content and the role of the engineer in facilitating the broadcast of that content. This growth of multi-skilling means that the same individual may be responsible for reporting news, fixing interviews, filming combat footage and managing a satellite linkup back to headquarters. For all types of media activity, ancillary staff such as drivers, translators and security personnel are a vital part of the news gathering process, and for the purposes of this report are included alongside other media staff for the purposes of this report. Often these staff members are recruited on short-term or fixed contracts, and they may not have the same level of experience, training, or contracts as do full-time staff.

The vital importance of media workers to journalism has been amply demonstrated by the Iraq war. As former CNN executive Eason Jordan writes, ‘media workers such as translators and drivers are vital members of news gathering teams, facing the same risks as traditional journalists and paying a heavy price for doing so. [...] In Iraq, more so than in any previous war, the distinction between journalist and media worker is blurred because Iraqi media workers are de facto reporters, serving as the eyes and ears of foreign correspondents who, because of the extreme danger, rarely venture out among the Iraqi masses.’¹

INSI is not the only NGO campaigning for the safety of media personnel around the world, but its approach is distinguished by its exclusive focus on safety and how to prevent casualties. The figures for the number of journalists and other media workers who died in 2005 helps to illustrate the point: INSI found that 147 media workers had lost their lives in 28 countries, by far the worst

annual toll recorded, and up from 117 in 2004. This exceeded the death toll recorded by some other organisations which look at the deaths of journalists more from a press freedom viewpoint, which may as a result focus on journalists rather than support staff, and on deliberate attacks rather than accidental fatalities.²

Dangerous situations

This INSI report deals with deaths of journalists and all other news media personnel, whether staff or freelance, in all dangerous situations and from any and all causes. These include:

- i. international armed conflicts involving two or more states;
- ii. national armed conflicts, where one of the participants may or may not be the internationally recognized sovereign power.
- iii. peacetime, where there is no internal conflict, but where there is persistent criminal or political violence and questions about the adequacy of existing legal and normative protection for freedom of speech and the safety of journalists and other news media staff.

Sometimes the distinctions between these categories are not easy to sustain. Consider, for example, the case of Colombia, which as INSI's data attest, is one of the most dangerous places for journalists to operate. During the last 10 years, the two primary sources of instability in Colombia, have been the low-level insurgency by the leftwing Revolutionary Armed Forces of Colombia (FARC) and the country's infamous drug economy. In recent years, these two problems have increasingly overlapped, with the FARC becoming an influential actor in the drug trade, as the power of the Cali and Medellin drug cartels has waned. Should this country be considered as undergoing a protracted civil war, or is it rather an example of a failing state, in which the rule of law is imperfectly applied? For journalists on the receiving end of violence, the question might be considered moot, but it is nonetheless of more than academic interest, because it impacts on the appropriate legal framework through which to seek accountability.

1996

The body of **Nadezhda Chaikova**, 33, a correspondent for the weekly *Obshchaya Gazeta*, was found buried in the Chechen village of Geikhi. Colleagues said Chaikova had been brutally beaten, blindfolded and shot in the neck. Examination of the body supported this. Chaikova, formerly a Tass correspondent, had frequently travelled to Chechnya, often going into the thick of the fighting, and was known for her hard hitting coverage of the war.

2. STATISTICAL OVERVIEW

The years of living dangerously

INSI has compiled a database containing details of the deaths of journalists and media workers in violent circumstances which goes back 10 years to 1996. The database includes details for 1,000 individuals of 101 nationalities, who died in 96 different countries.

INSI records details for all news media staff and freelance casualties killed during coverage-related activities — print, photo and video journalists as well as essential support staff such as drivers, fixers and translators. As a safety organization, our casualty list includes all causes of death, whether deliberate, accidental or health-related.

A breakdown of INSI's figures shows that the majority of journalists in each year have been killed in circumstances other than war [Figure 1].

The overall trend has been for somewhere between 70 and 90 media workers to die every year in the course of their work. But that trend is rising — the last two years have set new records for the deaths of media workers [Figure 2].

Figure 1. Context of Death

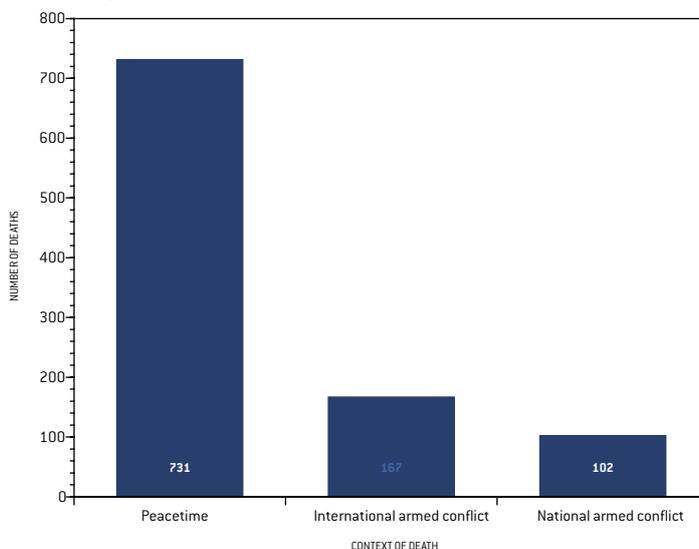


Figure 2. Deaths each year

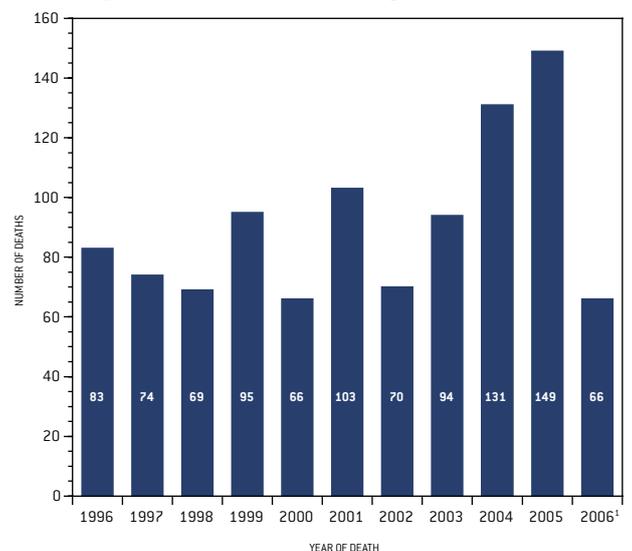


Figure 3 — Cause of Death

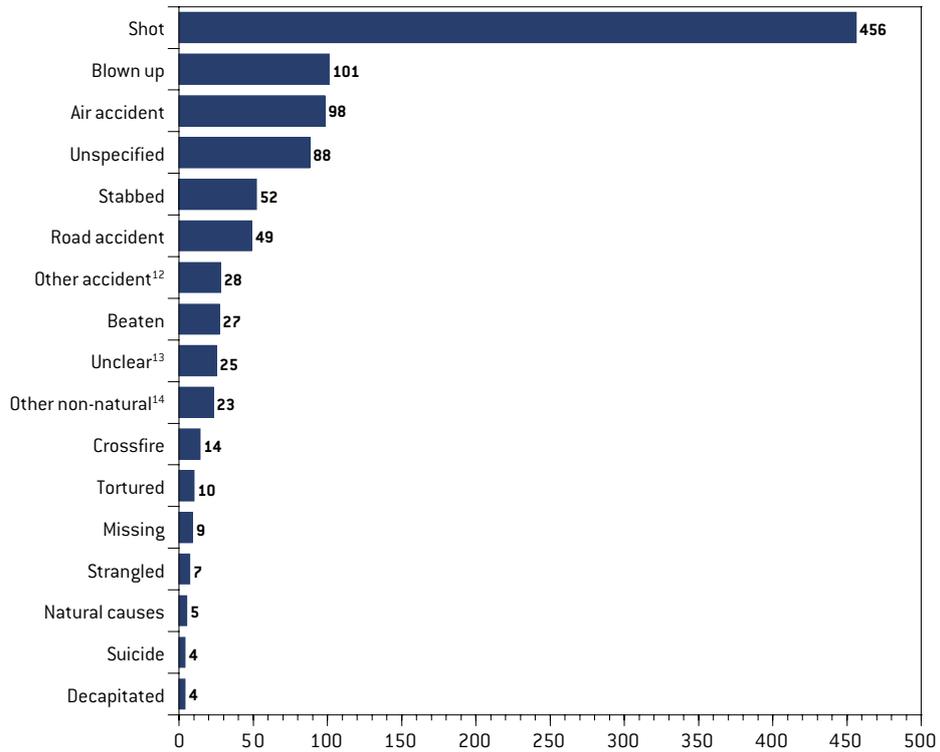


Figure 4. Country of Death³

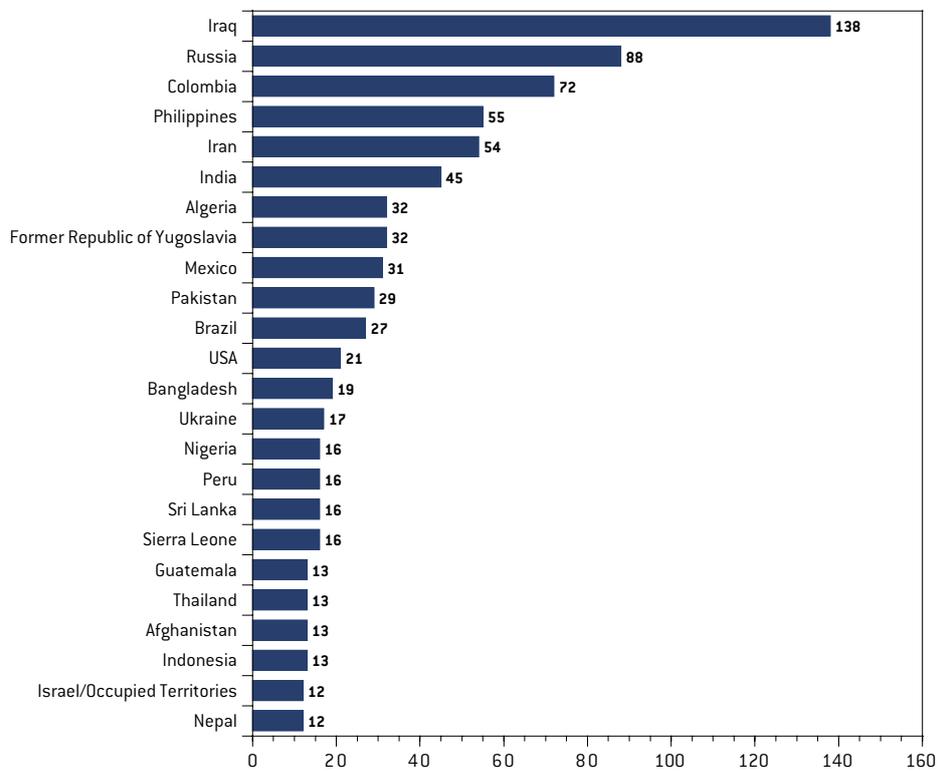
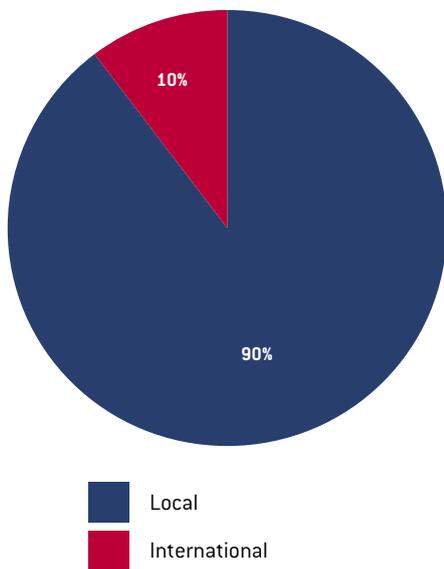


Figure 4. Status in Country of Death



The most common cause of death was shooting, accounting for almost half of all deaths [Figure 3]. These deaths are associated with both conflict and with unstable countries such as Colombia and Russia, in which the distinctions between lawlessness, civil unrest and civil war are not always readily apparent.

Where are media workers dying? INSI's database shows that these two countries, Russia and Colombia, together with Iraq, have been the most deadly places for media workers during the last 10 years [Figure 4]. There are many important differences between the circumstances facing media workers in these places, but the common threads between them include corruption, lawlessness, and a culture of impunity for those committing acts of violence against media workers.

As for conflicts, INSI's data from the last 10 years identifies three main conflict areas: the former Yugoslavia, Algeria, and Iraq; and a long tail

of conflicts which have involved the deaths of numerous journalists. During this period, most journalists killed in a country unambiguously undergoing conflict have died in Iraq. To mid-2006, the war there had claimed 138 lives, and the killing was continuing apace.

So, who is dying? The dead media workers were overwhelmingly male — 921 out of the thousand. They were overwhelmingly staff workers — 883, with 94 stringers. They mostly worked for the press (435) and television (279); with 162 radio journalists, 62 news agency workers, and 6 online workers making up the remainder of those for whom INSI has details.

One fact leaps out of the figures — the dead media workers are predominantly locals — killed in their own countries. There are a couple of exceptions — in two of the most deadly conflicts, in two (Iraq and the Balkans), the dead included a high proportion of international media workers. This is an exception to the norm, which is that most media workers killed in dangerous circumstances — including those killed in war — are locals [Figure 4]. This reflects the enduring truism that most

1997

Freddy Elles, 38, a freelance Colombian photographer, was found dead in his car. He had been handcuffed and shot in the head and the heart and stabbed in the neck. There were signs of torture. According to eyewitnesses, he was accosted by three individuals and taken away in his car. The nature of the death suggests this was not a simple case of robbery. It is believed that he was killed for his photography. In 1995 he took prominent photos of police brutality during demonstrations.

1998

Saiful Alam Mukul, editor of the *Bangladesh Daily Runner*, was killed by gunmen in Jessore. Mukul was travelling home by rickshaw when he ran into a hail of gunfire. *The Daily Runner*, which regularly featured articles exposing gang activity, political corruption and human rights abuses, had published stories critical of guerrilla activity in the area around Jessore. *The Daily Runner* had been out of print since June 25, when Mukul halted production in protest against the growing complacency toward crime and corruption in Bangladesh, but it was scheduled to resume publication on 1 September. The Bangladesh Federal Union of Journalists, Jessore Union of Journalists, and Jessore Press Club all condemned the murder, suspecting that the attack was designed to silence Mukul and crush his paper.

news is local. Even when it comes to war, the majority of conflicts do not attract a huge influx of international (predominantly western) media workers. Those that have, during the last 10 years, have primarily been the conflicts involving western military forces. In the same way, the deaths of western media workers typically receive more attention from the international media than do those of local reporters in conflicts that, by comparison, are under-reported outside their own region.

One of the most shocking statistics to emerge from the INSI inquiry is that in some 63% of cases, the perpetrator of deliberate killings of media workers remains unknown [**Figure 5**]. And of the 657 deliberate killings of media workers since 1996, only 27 have resulted in the identification and conviction of the perpetrators, little more than 4% of the cases [**Figure 6**]. In 573 of the killings, or some 87% of the total, there have been no legal proceedings whatsoever.

Figure 5. Perpetrators

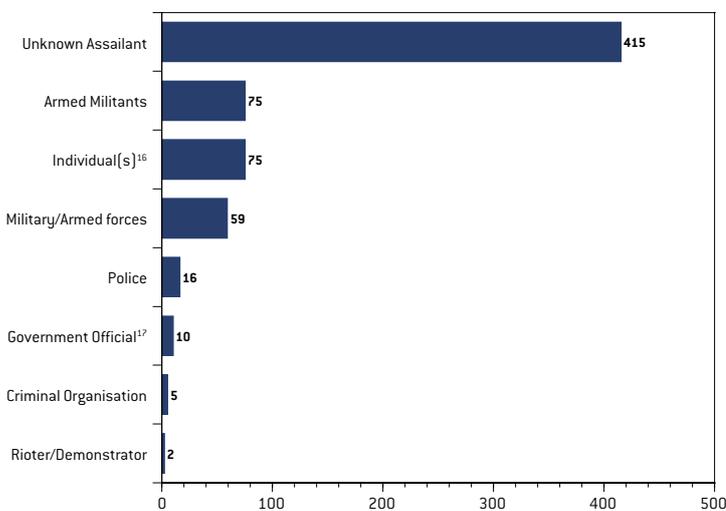
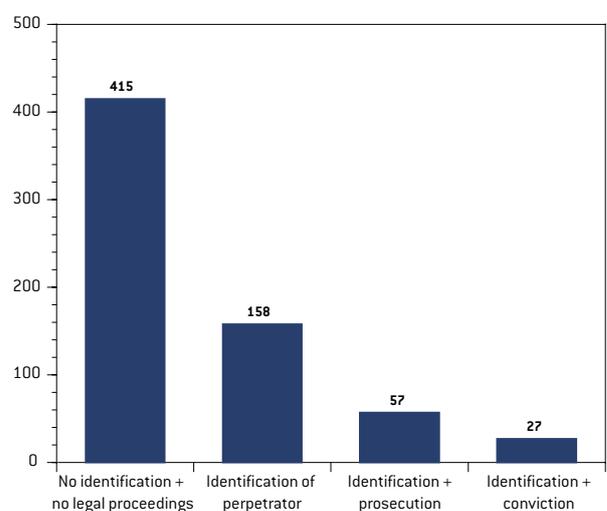


Figure 6. Outcomes



3. JOURNALISTS IN NON-CONFLICT SITUATIONS

Most media workers killed in recent years died in their own countries, and in circumstances other than war.

INSI believes that all journalists have precisely the same basic human rights and are entitled to the same protections under the rule of law. Where journalists are at risk from violence, but in non-conflict circumstances where the Geneva Conventions are not applicable, the primary protection available to media workers comes from the laws and criminal justice system of the country in question. This point was well made in January 2006 by the Special Rapporteur of the UN Commission on Human Rights on the promotion and protection of the right to freedom of opinion and expression:

Press freedom is one of the pillars of a democratic society. Consequently states have the primary responsibility to ensure protection and security of journalists, and are responsible for ensuring that crimes against media professionals are brought to justice. Comprehensive and pluralist information can only be guaranteed if media professionals are allowed to work with sufficient protection and security.⁴

The wide variety of constitutional norms obtaining around the world makes it difficult to generalise meaningfully about the appropriateness of national legal frameworks as they relate to the media, but a good starting point is Article 19 of the 1948 Universal Declaration of Human Rights, which states that:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.⁵

This article has become a central plank in subsequent efforts to reinforce the protection of journalistic inquiry and of journalists themselves. In 1997, for example, the General Conference of UNESCO passed a resolution condemning violence against journalists. Recalling Article 19 of the Universal Declaration of Human Rights, it called on member states, among other things, to 'refine legislation to make it possible to prosecute and sentence those who instigate the assassination of persons exercising the right to freedom of expression.'⁶

In 1987 the World Press Freedom Committee, an international coalition of journalists' groups drafted a Charter for a Free Press which, among other articles, argued that:

- ▶ Censorship, direct or indirect, is unacceptable; thus laws and practices restricting the right of the news media freely to gather and distribute information must be abolished, and government authorities, national or local, must not interfere with the content of print or broadcast news, or restrict access to any news source.

1999

German journalists **Volker Kraemer** and **Gabriel Gruener** were in Kosovo on assignment for the magazine *Stern*. They and their interpreter, **Senol Alit**, were returning by car to Macedonia when they encountered sniper fire outside Dulje, 25 miles south of Pristina. The journalists tried to flee on foot and were hit from long range. Kraemer was killed instantly by a shot to the head; Gruener was hit in the abdomen and died in a helicopter while being taken to a hospital in Tetova, Macedonia. Alit, who was driving the car, was also killed. His body was found lying next to the car.

- ▶ [The] media must enjoy editorial independence and be open to a diversity of viewpoints. This should be affirmed in both law and practice.
- ▶ Journalists, like all citizens, must be secure in their persons and be given full protection of law. Journalists working in war zones are recognized as civilians enjoying all rights and immunities accorded to other civilians.⁷

In many countries there are legal restrictions on the freedom of the media to report on certain subjects, typically in matters of national security. But some countries also seek to limit media coverage of a broader range of issues. There is always a tension between the sovereign responsibility of the state to investigate criminal matters and the rights of journalists to report freely.⁸ In many countries, journalists enjoy the same rights to freedom of speech as the broader population, and the same protections from violence directed against the person. However, even where there is no *de jure* impediment to free and impartial reporting, problems can still arise from the *de facto* implementation of the law, whereby the state in question is either unable or unwilling to provide adequate protection for reporters and other media staff.

Dangerous places, dangerous times

INSI's data suggest that Russia, the Philippines, and Mexico are countries in which there is a significant level of violence directed against reporters, which is not directly associated with ongoing conflict between sovereign parties, or with intra-state conflict. In Colombia and Algeria, by contrast, some killings are the result of conflict among one or more armed group that, more or less, conforms to the notion of a coherent resistance movement with a political agenda. In Russia, the Philippines and Mexico, this is not the case. The dead journalists in these countries have typically been working on stories about corruption, drug trafficking and other criminal affairs.

Freedom House, an NGO dedicated to supporting the enhancement of freedom in the world, reported in 2005 that 'this year proved to be the most lethal in more than a decade for Mexican journalists. Drug cartels and corrupt police provided the biggest threats, along with an unfriendly legal environment.'⁹

Mexico

One Mexican journalist¹⁰ told INSI, 'Journalists in regions with high criminality face daily censorship,' which can sometimes cross over into violence, particularly for journalists covering drugs trafficking. He describes a process starting with intimidation, and then, 'If the warning does not work, the next step will be the tablazos [sticks]. The journalist is abducted, summoned and hit with sticks. There are cases where this was the last step. Then, of course, comes murder.'

The journalist explained to the Inquiry how government officials, the traffickers and even the media collude in impeding journalistic inquiry:

Many journalists know the traffickers well and are rewarded with a monthly cheque of up to \$1,000 paid through police. They are invited to parties flush with alcohol and food.

This combination of organised crime, politicians supporting them and of course police officers is impervious," he said. Official investigations are initiated but usually end without conviction or with the wrong person behind bars.

The news media is not interested in publicising attacks on journalists. There is silence on threats to journalists and their integrity and to freedom of speech. "There is so much fear that in many areas the only news published is provided by the authorities.¹¹

In cases like that related by the Mexican journalist above, there can be limited avenues of recourse open to victims of violence, their relatives, or other interested parties. Pressure from the international community on individual cases, or more broadly to remedy deficiencies in criminal justice systems can be effective. But governments often have to reflect on a range of factors in their bilateral relations with foreign governments.

In some countries, journalists face considerable danger, even though there is a solid legal framework and even a robust free press. As Freedom House notes in respect of the Philippines, 'The press, mostly privately owned, has been vibrant and outspoken, with a tendency toward innuendo and sensationalism'. Nevertheless, Freedom House concluded that 'The killing of Filipino journalists continued to pose the greatest threat to press freedom.' Indeed, the Philippines, one of Asia's most vibrant democracies, in 2005 was the worst country in the world for journalist murder outside Iraq. According to the National Union of Journalists of the Philippines (NUJP), 13 journalists were killed in 2004 making it 'one of the deadliest years on record for newsmen'.¹³ On 22 November 2005, former police officer Guillermo Wapile was found guilty of the 2002 murder of Philippine journalist Edgar Damalerio. An award-winning journalist with a reputation for exposing

INSI TESTIMONY

Paraguay

Another Latin American journalist, this time from Paraguay, told INSI about the threats that she had faced in the course of doing her job. While she could look after herself, she explained, her family was another matter: 'My daughter, aged 13, was almost abducted 2 years ago while she was going back home with her nanny. Fortunately the abduction failed. At that time I was investigating a Bishop for sexual abuse of children. He comes from a rich and powerful family. [...] They can try to kill us with bullets. They can try to rape us. They can try many things, but what they can't do is touch our families,' she cried.

The same journalist told the Inquiry that she had, at various stages of her career, been threatened at gunpoint, found her husband being accused of corruption, and been accused of taking bribes herself, and been the victim of an attempted rape by a police officer.¹²

police corruption, Damalerio was shot dead by a motorcycle riding assassin. The New York based Committee to Protect Journalists noted that the verdict 'was the first court conviction in a case of a journalist murdered since a record-setting wave of attacks began in 2000'.¹⁴ Only three days later a radio journalist George Benaolan was killed by unidentified gunmen near a market in Talisay City, and on 20 January 2006, Rolly Canete, a radio journalist and political publicist was shot dead in the southern city of Pagadian. For its part, the Philippine government is optimistic that progress is being made in bringing the perpetrators of violent crimes against media workers to justice. Reflecting on the Damalerio case, a government spokesman noted that 'if witnesses could just remain steadfast, we are optimistic that decisions would be forthcoming'¹⁵ The CPJ noted that two witnesses in the Damalerio case had been killed before it came to trial.¹⁶

The INSI Inquiry was told during a sitting in Malaysia that it was common for people in the Philippines to respond "gangland style" to press criticism — "You hit out at me and I hire a killer," said one, describing the dangers. There was a lot of pressure on law-enforcement agencies to investigate journalist killings but "we are not seeing results".

Russia presents a stark contrast to Mexico, with its increasingly permissive legal environment and the Philippines, with its lively press tradition. Freedom House reported in 2005 that 'although the constitution provides for freedom of speech and of the press, the Kremlin, having secured the country's main national television networks-Channel One, RTR, and NTV-and most radio stations, limits these rights in practice. Authorities abuse a weak judicial system and use it for arbitrary arrests and lawsuits'.¹⁷ In this legal environment, journalists face considerable danger from contract-style killings, and as the CPJ noted in 2005, 'Russia's democratic development and international image will remain tarnished until the police and prosecutors do more to investigate and prosecute

those responsible for these killings'.¹⁸ On 26 February 2006, the bloodied corpse of Ilya Zimin, Special correspondent with the NTV television channel was found at his Moscow flat. The previous April, Zimin had been severely beaten outside his flat.¹⁹ And then, on 7 October 2006, the respected journalist Anna Politkovskaya was found shot dead in the lift of her apartment block in Moscow. Politkovskaya rose to prominence through her reporting of the conflict in the Chechnya, in which she was highly critical of the Russian government and military, and of the pro-Moscow government in Chechnya. The Moscow Union of Journalists called her killing "a new attack on democracy, freedom of speech and openness in Russia".²⁰

What can outsiders do in such circumstances? Where a country's legal framework is deficient, or where the government in question does not fully implement that framework, there is, above the level of bilateral foreign policy, limited scope for international law to play a part in pressing for greater protection for media workers. The charter of the International Criminal Court explicitly addresses the issue of War Crimes, rather than matters that should be more appropriately dealt with by domestic civil justice. The Charter of the United Nations, meanwhile, strikes a delicate balance between the sovereignty of member states in domestic affairs and the rights of individuals within those states. The Charter's preamble reaffirms the signatories' 'faith in fundamental human rights, in the dignity and worth of *the human person*, in the equal rights of men and women.'²² But the second article of the Charter makes explicit that 'the [UN] Organization is based on the principle of the sovereign equality of all its Members;' and moreover adds that 'nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state'.²³

This has traditionally been interpreted heavily in favour of state sovereignty. The post-Cold War era has seen a shift in the focus of international jurisprudence towards the rights of groups within states. For example, NATO's intervention in Kosovo in 1999 was justified by the protagonists as a

INSI TESTIMONY

Ukraine

For a cameraman from the Ukraine, the situation facing media workers in Russia is similar to that in other post-Soviet republics. For the last ten years, he related to INSI, there had been numerous examples of journalists 'killed in the line of duty while reporting crime, corruption and politics. [...] The sad truth is that the killing of a reporter is the cheapest and the most effective way of silencing him/her and setting an example for others in countries where democratic standards are low, or regimes are totalitarian. Those ordering such murders are secure in the knowledge that poor law enforcement, corruption in the police and courts will allow them to get away with it.'²¹

defence of the individual and collective rights of the Kosovar Albanians living in this Serbian province. But this trend is far from uniform, and is unlikely ever to extend to the intervention in the affairs of a sovereign state for the defence of the civil liberties of individual journalists.

And so the journalists most likely to face death or persecution in the process of carrying out their jobs are left with the imperfect protection of national justice systems, with the reassurance only that their case may subsequently be followed up as part of the bilateral or multilateral dialogue between sovereign states. In all this, the campaigning work of human rights organisations can play an important part. For example, the Committee to Protect Journalists (CPJ) explains that it

works to protect journalists by 'publicly revealing abuses against the press and by acting on behalf of imprisoned and threatened journalists [...]. CPJ organizes vigorous public protests and works through diplomatic channels to effect change.'²⁴ The International Federation of Journalists also 'promotes international action to defend press freedom,' and 'has established an International Safety Fund to provide humanitarian aid for journalists in need'.²⁵ And INSI, the International News Safety Institute, is itself dedicated to creating a culture of safety for journalists and media staff in all corners of the world, in part by highlighting abuses.

There are many other NGO advocacy groups working in the human rights field, some with a close focus on journalists and other media workers. INSI shares with these groups a belief in the fundamental human right of free speech, and argues that this right extends equally to all members of the media.

The case of Mexico provides some evidence that advocacy by press freedom groups can have concrete results. In late 2005, Mexico's President Vicente Fox, pledged in a meeting with the CPJ that his government would appoint a special prosecutor to investigate crimes against journalists. The appointment was confirmed in February 2006.²⁶ Mexico had already introduced legal reforms intended to promote greater press freedoms, including, as Freedom House noted, the 2003 Law on Open Records, which has been 'praised as one of the best in the hemisphere'.²⁷

Impunity

The first Colombian case above, and others brought to INSI's attention during its inquiry, highlight the problem of impunity. In many of these cases it's clear that journalists can be threatened, and even killed, without any realistic chance of bringing the perpetrators to justice.

The CPJ has a telling statistic on impunity. Of the top five countries it lists for murders of journalists (Philippines, Iraq, Colombia, Bangladesh and Russia), the CPJ notes that the toll

is accompanied by longstanding government indifference to solving the crimes. Since January 1, 2000, not one of 58 journalist murders in those nations has been solved. Alleged gunmen have been arrested and charged in a small handful of cases, but no charges have ever been brought against those who directed the killings.³²

The power of third parties, whether other governments or campaigning organisations, to affect any change in these circumstances can often seem small. But while it might not seem like much, and in many cases it is inadequate, the soft power of sanctions and exclusion from the community of nation states is often the only resource available to states to pursue goals that are not matters of utmost national security.

Journalists most likely to face death or persecution in the process of carrying out their jobs are left with the imperfect protection of national justice systems...

Colombia

Campaigning organisations can also have a broader role in working for journalists' safety. Consider, for example, the case of a Colombian journalist who gave evidence to the INSI inquiry.²⁸ This journalist had received death threats in May 2000 while working as an editor of a national newspaper. The newspaper itself offered some protection, calling for a proper investigation and providing him and his colleagues with a bullet-proof car. But the journalist, whose wife had recently become pregnant, decided to leave the country.

He told INSI that he was eventually able to leave in September 2000 thanks to the help of Amnesty International and some human rights groups in Colombia itself. Reflecting on his experience, he argued that the many different press organisations can have a material impact on the wellbeing of journalists, provided they act in concert. This he thought was a problem, since 'the different press organizations do not have strong relations that enable solidarity and the resources to get a threatened journalist out of the country'.²⁹

Another Colombian journalist told INSI that she had been kidnapped, tortured and raped in 2000 because she "stepped on the toes" of very important police officials. State security agencies, she attested, "know very well" who was responsible yet nothing has happened. She was kidnapped again in 2003 by FARC guerrillas when she was conducting investigations in a conflict area.

Undeterred, she continues to work on stories about Paramilitaries. Now she works with bodyguards and rides in an armoured car. She told INSI that hundreds of Colombian journalists work in fear. "They live in the middle of daily crossfire from the guerrillas, the paramilitaries, the drug traffickers and security officials that take advantage of their uniform to intimidate". She also related how, in the past 10 years, more than 50 journalists have had to flee their homes, and how the government had — in her view — acquiesced in their departure as the easiest solution to an embarrassing problem: "For the government an air ticket is a great solution. Government support for journalists in danger consisted of "here's an air ticket — get out of the country."

For the journalist, "with the air ticket comes uncertainty and oblivion. Even colleagues forget about you." She concluded by telling the Inquiry that there was no collective esprit de corps amongst journalists in danger.³⁰

For one Colombian journalist, the best possible solution to the problem of impunity is solidarity and publicity:

The first step [is] to inform immediately the government, the United Nations and its offices in Colombia, and press and human rights organizations. In other words, to make these threats public to everyone, so they become more visible, to create the biggest commotion possible. The second step [is] to urge the national and international organizations to make public statements on the issue, in order to seek political solidarity.

We believe that statements from different organizations supporting the work of journalists and rejecting the threats can [give a] direct message to those who made

INSI TESTIMONY

Haiti

The Inquiry heard much testimony on impunity, for example, from a Haitian journalist, who described the killing of four journalists since 2000.

We are talking about 100% impunity. None, but absolutely none of those criminals [involved with the murders] has been prosecuted and tried. Impunity is a permanent source of violent attacks against journalists. When journalists' murderers are not brought to justice, other criminals, who have the same kind of gruesome plan, can only confirm their conviction that their crimes will continue to go unpunished — which could be translated into the killing of even more journalists.

This Haitian journalist added that journalists were not perceived as being neutral observers in a society which he describes as both intolerant and polarised. “A number of sectors do not conceive that people can be in the middle, that journalist can really be objective. The logic: you're either with me or against me.”

For him though, the risks were worth the reward:

I firmly believe that the best personal security measure a journalist can take is to be honest, objective, ethically responsible and really independent. Of course, even by applying these values we could still be considered a threat to some particular and evil interest, but at least we'll have the satisfaction of serving and defending the public's interest which justifies, in my opinion, the whole point of being a journalist.³¹

Iran

Another journalist giving evidence to the INSI inquiry, who works for an Iranian daily newspaper, also highlighted the important role of public advocacy in protecting media workers. 'Organisations like INSI [and] IFJ can help. Pressure,' she told INSI, 'has to be maintained against the government [in question]. UN organisations are too conservative; they don't want to confront the government. They say that the government is sensitive, they can't intervene. But politicians can bring pressure, by isolating Iran from international bodies, meetings, e.g. [the] WTO.'³⁴

the threats. These messages turn into a sort of protection vest showing that journalists are not alone and that they have the support of different entities and people around the world. Additionally, it sends the message to intolerant criminals saying that their actions can have a political cost and that [this cost] should be measured by the criminal organizations and illegal armed actors when [they are] planning to commit murder.³³

Azer Hasret, chairman of CASCEN, a coalition of press freedom groups covering the central Asia region made the same point as the Iranian journalist in his testimony to INSI. Inter-governmental organisations such as OSCE, or the United Nations, are not, he contended, particularly effective in championing the cause of press freedom and safety. By contrast, he thought that International NGOs, including Human Rights Watch and dedicated journalists' organisations, could have an impact when they raise issues they get the attention of governments.³⁵

The Committee to Protect Journalists has called murder with impunity the most urgent threat facing journalists world wide. The CPJ's Joel Simon suggested a four-pronged strategy through which journalists and pressure groups might combat impunity: publicizing attacks on journalists; investigating them, particularly where local judiciaries prove unequal to the task, and publicizing the findings; prosecuting the suspects — including, where necessitated by the failure of state judiciaries, through alternate legal forums; and fourthly, evacuating journalists and their families, where there are indications that they may be facing grave danger.³⁶

Speaking on world Press Freedom Day in 2003, Koichiro Matsuura, the Director General of UNESCO, singled out impunity as the scourge of press freedom:

For whenever one journalist is exposed to violence, intimidation or arbitrary detention because of his or her commitment to conveying the truth, all citizens are deprived of the right to express themselves and act according to their conscience.

[...] We must declare war on impunity. [...] It is essential that all violations are investigated thoroughly, that all perpetrators are prosecuted, and that all judicial systems and

processes are capable of punishing those found guilty. Putting an end to impunity fulfils our need for justice. In addition it will do much to prevent the abuses occurring in the first place.³⁷

Sadly, an end to impunity remains a long way off. Reducing impunity for those involved in attacks on journalists can be achieved, but the growth and reinforcing of legal norms and press freedoms is of necessity an incremental process. For the CPJ's Joel Simon, the experience of Brazil demonstrates that real advances can be made. 'Up until two decades ago in Brazil,' he explains, 'murdering journalists seemed to be an easy crime to commit with a seal of impunity'. In recent years, however, 'the time between these episodes is getting longer' — a development that Simon ascribes in part to 'a mobilization among press associations'.³⁸

In truth, real advances against impunity require a long-term evolution of the societies in which journalists operate. In the interim, media campaign groups like INSI, and journalists themselves play an important role in pressing for change and in offering guidance on how to improve personal safety.

2000

Jean Leopold Dominique, 69, journalist and owner of Radio Haiti Inter, was killed at the radio station's building in the Delmas neighbourhood north-east of Port-au-Prince. A journalist with the station said she heard several gunshots. Seriously wounded, Dominique died in hospital. One of the radio station's guards was also killed during the attack. The journalist was known to be close to President René Préval. He was the best known political commentator in Haiti, known for his commitment to democracy and opposition to dictatorships. He often criticised politicians and businessmen in his radio programme "Inter Actualités". Dominique had often received death threats. His enemies ranged from far-right partisans of the 1991 army coup to some far-left supporters of Aristide's fragmented populist movement.

3. THE MEDIA AND WAR

The status of detached, impartial observer, which so often protected journalists in the midst of conflict, has largely gone.

The relationship between the media and the military during conflict often attracts more widespread international attention than does that of the journalist reporting on murky domestic scandals in far-off countries.

It's a sad truth that the casualties that result from war reporting can be more dramatic in scale than the steady cumulative toll of media workers suffering from unlawful violence in non-conflict situations. And wars themselves can attract considerable media coverage, particularly when western forces are involved, and the international media descend *en masse* to the operational theatre. And when the casualties of war are glamorous western media professionals, their deaths attract considerable media and public attention in their home countries.

The media and the laws of war

In conflicts that involve more than one state, journalists are typically considered to be civilians under the provisions of customary and statutory international law that set out the frameworks of rights and responsibilities to be afforded to journalists. This presumption is critical to the ability of journalists to report effectively and accurately during conflicts, and has an equally important (for the journalists, at least) bearing on the level of risk that media workers face in such circumstances.

The laws in question are primarily the Geneva Conventions of 1949 and their two additional protocols of 1977. The texts of these Conventions and their additional protocols, together with a full list of the parties that have signed and ratified them, are available on the website of the International Committee of the Red Cross.³⁹

Early international humanitarian law did not give a great deal of attention to the rights and responsibilities of the media in war. As noted in the Commentary on the first Protocol additional to the Geneva Conventions, 'international humanitarian law instruments dating from before 1977 do not contain any special provisions relating to journalists or their mission'⁴⁰.

Even with the additions included in 1977, the Conventions do not reflect the rapid changes in both the media and war-fighting that have taken place in the meantime. They give inadequate consideration to the range of ancillary media personnel, other than reporters, who are routinely deployed in conflict situations — drivers, interpreters, security details, technicians and so on.

But perhaps the biggest problem with the Conventions is that they are imperfectly observed. Classical war between two or more sovereign powers has become the exception rather than the norm in recent years. The 1977 Protocols clearly provide for conflict involving non-state actors, but absent

A culture of impunity, where it arises, is one of the most serious challenges to the safety of journalists, whether at war or working in other dangerous scenarios.

the sovereign authority of a state, it can be difficult to determine who should be held accountable for abuses of the Conventions. Even where accountability can be assigned, the problems of bringing those in breach of the conventions to some form of justice can be immense. A culture of impunity, where it arises, is one of the most serious challenges to the safety of journalists, whether at war or working in other dangerous scenarios.

Knut Dormann, a legal expert with the International Committee of the Red Cross explained the situation to INSI.⁴¹ His organisation, he said, had a mandate to protect civilians, including journalists, in armed conflict. Journalists, he added, were considered under the current laws of war to be entitled to the same treatment as other civilians. The problem for him was chiefly one of imperfect observation of the laws; if existing rules were correctly applied many of the incidents that INSI had been recording would not happen.

The details of the legal framework repay closer examination. The 1949 Conventions do, in small measure, address the position of battlefield reporters, at least in terms of the obligations of combatants towards detained correspondents. Journalists are to be afforded all the protection due to combatants, and, while their equipment could be confiscated on capture, they were not legally obliged to respond to interrogation. Sick or wounded correspondents should receive medical treatment and, if detained by belligerents, they should be treated humanely.

With the 1977 protocols to the Conventions, the situation changed, with signatories agreeing that journalists should be considered as civilians⁴² when 'engaged in dangerous missions in areas of armed conflict,' provided that 'they take no action adversely affecting their status as civilians'.⁴³ As civilians, the 1977 Protocol entitles journalists to 'enjoy general protection against the dangers arising from military operations' and states that they 'shall not be the object of attack'.⁴⁴ To this end, correspondents have an obligation to differentiate themselves from combatants, for example by not wearing military uniforms and by not carrying a weapon. As the Commentary on the Protocol states: 'On the battlefield a combatant cannot reasonably be asked to spare an individual whom he cannot identify as a journalist'.⁴⁵ This becomes more problematic in conflicts involving irregular forces without identifying insignia, and even — as has become common in Iraq — when these irregular forces deploy their own cameramen. Journalists clearly should not be targeted simply because some of the belligerents choose to wear civilian clothing and film their own footage. At all times, they should avoid behaviour which could identify themselves as belligerents [carrying weapons, for example], but the ultimate responsibility for correctly identifying irregular combatants must lie with the armed forces engaged.

Many countries, including the United Kingdom, have ratified the 1977 Protocols, often with an accompanying declaration that modifies some part of the Protocol. The United States, has signed, but not yet ratified the Protocols, but US forces nevertheless have an engrained tradition of treating the media as a non-combatant. In essence this status revolves around the condition established in the Protocol that the media 'take no action adversely affecting their status as civilians.' For Alexandre Balguy-Gallois, writing in the International Review of the Red Cross, 'The media cannot be considered a legitimate target, even if they are being used for propaganda purposes.' Nonetheless, he concedes 'an evident need for the adoption of a new [legal] instrument, ... to reaffirm those elements of humanitarian law that apply to journalists and media personnel, ... [and] to improve existing law and adapt it to the requirements of today'.⁴⁶

2001

Hudaya Sultan al-Salem, 65, owner and editor-in-chief of the Kuwait weekly *al-Majales*, was murdered on her way to her office. The assailant shot at her three times. Al-Salem was the first woman journalist in Kuwait when she began work in 1961. A police officer confessed to killing the magazine editor, saying he was enraged by an article she wrote that he found insulting to his tribe.

The deadliest conflicts

The relationship between the media (domestic, regional or international) and western military forces (especially those of the United States, the world's predominant military power) is often the focus of public attention when thinking about wars and war reporting. Perhaps the main reason that these wars receive such close public attention is that they are far more likely to be covered by well-resourced big western media institutions.

In the last 10 years, there have been three major conflicts of this sort: Kosovo (1999), Afghanistan (2001/2), and Iraq (2003-).

Even in these wars, many of the casualties are local journalists, reporting in their home countries. And where western troops are not actively involved in a conflict, there seems to be less incentive for western media to deploy resources to cover that conflict.

The media and western militaries at war

There are a range of causes of the enduring fascination of the relationship between the media and western armed forces, particularly the US military. The US occupies a unique position in world politics, with pan-global interests and the wherewithal to act on them. Its armed forces are the most sophisticated in the world, spending about as much on defence each year as does the rest of the world combined. And at the heart of the relationship between US forces and the international media are the values that both espouse. The US Constitution enshrines the freedom of speech and journalists operating in the US have, historically at least, enjoyed a fair record of reporting stories that are embarrassing and damaging to the interests of the US government — one thinks of Neil Sheehan in Vietnam, and Woodward and Bernstein's Watergate reporting.

Recent wars involving western forces have seen a pronounced imbalance in the deployment of journalistic resources between the belligerents, with most journalists in choosing to operate alongside the Western armed forces. This is typically a safer option — western forces fight in a hi-tech fashion, using weapons systems that can be accurately targeted from great distance, and typically deploy an overwhelming level of force against opponents with inferior technology, training and doctrine. It's also easier to get your story back to the audience at home if you are operating

alongside western armed forces, with their better communications links. And finally, it may be that western audiences are more interested in seeing the war from the side of their own troops.

But this pattern of media activity, which has arguably held since the inception of mass media war reporting in Vietnam, all the way through to the invasion of Iraq in March 2003, has a number of consequences. The first is that a close operational relationship with one of the belligerents in a conflict can undermine the perception of neutrality that is the basis of the legal protection for media workers in war zones. Leroy Sievers makes this point forcefully in this recollection of his time working in Latin America during the late 1980s.

But I think no-one but us actually believed that we were the neutral observers that we thought we were. Now I know some will want to take this in a political direction, and the old accusation of political bias. But this is not what I mean by neutral. In a war setting, neutral means the ability to cover both sides, if possible, and to cover the war as objectively as possible. But at best we were seen as agents of our government. [...] It just seems that in recent years, our ability to cover these conflicts has been steadily eroded. [...] All this adds up to less reporting, and less information for all of you.⁴⁷

A second implication of the embedding process is that the interests of the media and the western armed forces alongside whom they operate, are not synonymous. The armed forces are interested in victory, and in the modern sense, victory means more than simple military dominance of the enemy. Modern wars have been waged in pursuit of political, rather than total victory; so that, for example, the overwhelming destruction of the enemy's industrial base would in fact result in a comprehensive political defeat. The media is among the most important instruments through which the western militaries can achieve this type of victory, and so the military has a corresponding interest in shaping the output of media reporting. In its joint forces doctrine for Public Affairs, the US military puts it like this:

Media coverage of potential future military operations can, to a large extent, shape public perception of the national security environment now and in the years ahead. This is true for the US public, the public in allied countries, whose opinion can affect the durability of the coalition, and publics in countries where US conducts operations, whose perceptions of the US can affect the cost and duration of our involvement.⁴⁸

The point is not new; here is Roy Eldon Hiebert, writing in the early 1990s and reflecting on the first Gulf War:

The effective use of words and media today, in times of crisis, is just as important as the effective use of bullets and bombs. In the end, it is no longer enough just to be strong. Now it is necessary to communicate. To win a war today, a government not only has to win on the battlefield, it must also win the minds of its public. Or to put it another way, when the government has to win, it also has to explain why it has to win. Stability, continuity, and even victory in the long run will only come when both action and communication are effective. The war in the Gulf has just given us a case in point. It may well be a scenario for all future wars to come.⁴⁹

In the post-Cold War era, the military's interest in the portrayal of conflict is increasingly central. But from the point of view of the media, however, freedom of speech is the bottom line, as is the pursuit of information from the battlefield, whether or not that is in the interests of the western forces.

For the military, of course, the need to control the flow information on the battlefield is paramount. The media is an instrument through which the public flow of information can be controlled, but that control is imperfect, and there is always the potential for the wrong sort of message or story to get out. Two media analysts see the situation in these terms:

There is a constant conflict between the military need for secrecy and the media demand for disclosure. This is often seen by others as a welcome and productive tension keeping both the parties up to the mark. Whether welcome or not, it is inevitable and [...] the military is learning to live with it and cope with the many problems which the ever changing technology brings with it.⁵⁰

How far should the military's effort to control the flow of information to the media go? The same two analysts, Miles Hudson and John Stanier, argue that military propaganda is inevitable, but that outright lying to the media, perhaps in an effort to mislead the enemy, is a foolish practice:

There is little doubt that few journalists would accept the latter situation. [...] This is wholly alien to the journalistic creed and is clearly a mistaken policy. [...] However, propaganda in the sense of highlighting some events or views favourable to one side with the deliberate object of inducing a desired state of mind is another matter.⁵¹

As it happens, however, direct deception is a valuable military strategy, and the media provides one of the best ways to disseminate such deception. For the military the costs and benefits of deception operations must be carefully weighed, particularly in view of their impact on the public portrayal of conflict. For the media, the potential for deception operations is yet another complicating factor in the sometimes difficult relationship with the military.

But what does all this mean for the safety of journalists operating alongside western militaries? The International Federation of Journalists argues that "the impulse to monitor, control and manipulate the information process had led to a casual disregard of journalists' rights to work safely and to report independently."⁵²

A direct link between the military's efforts to control information and the safety of journalists is not immediately obvious; certainly there is no evidence to suggest that the western militaries operating in Iraq or Afghanistan have endangered the lives of journalists by deliberately withholding information about particular dangers on the battlefield.

But the military desire to control the flow of information may, as the IFJ suggests, have an impact on the safety of media workers. It has certainly spurred the desire of some journalists to operate independently of the military, which itself is a more dangerous activity than operating alongside or embedded within western armed forces. And undeniably the differing objectives of the military and the media have fostered a level of misunderstanding and even mistrust between the two, with deleterious consequences for the safety of media workers.

The media is a heterogeneous entity, and will certainly include polemicists and journalists whose viewpoint may be entirely different from both the armed forces alongside whom they operate, and the political powers directing the objectives of those armed forces. One product of this divergence in interests is the generation of mistrust between the media and the western militaries. Sometimes this is compounded by a lack of awareness of the respective roles of media and armed forces among personnel deploying to cover a war. The Iraq invasion in 2003 was the first time since Vietnam that the US had adopted a large-scale widespread practice of embedding journalists with combat units. Large numbers of journalists were exposed to troops at a junior level, operating at or

near the fighting. Junior officers and NCOs were interacting with the media, many for the first time. The result could be great access to stories: *Newsweek* reporter Kevin Peraino, for example, wrote that ‘soldiers, especially at that level, speak honestly. They just don’t care about what they say. [...] I knew that they weren’t guarded and they forgot that I was taking notes. [...] My stories showed their blunders as well as the good things that they did.’⁵³

But the potential for misunderstandings and mistrust between the military and the embedded media was ever present. Amr El-Kakhy was the correspondent with the only Al Jazeera team to embed with the US military during the invasion later wrote of the mistrust he encountered: ‘Actually there were a lot of misconceptions about Al Jazeera from different commands. I was told a lot of the troops said: “Why should we have Al Jazeera? They are the enemy. It is the enemy’s channel.”⁵⁴

Embedding also encouraged the military to believe they had “done their bit” to facilitate coverage and the position of “unilaterals” — independent reporters outside the embedding system — was not of their concern. They overlooked the fact that the embedding process needs independent reporting for its legitimacy — otherwise, it would be purely a propaganda operation. And they tended to forget they had a responsibility for the safety of journalists they met in the field who were not part of their force structure.

Overall, however, embedding was judged a success by both parties; the broadcast media in particular got good access to vivid front line stories. But embedding was not tested under duress because of the rapid success of US forces in defeating the conventional Iraqi resistance.

Paul Greeves, high-risk advisor to the BBC, told the INSI inquiry that there are a range of options for the media in deploying to conflicts involving western armies. Such an army, Greeves argued, could reasonably be expected to offer media teams a range of options, from full embed to simply okaying a team going safely from point A to point B. Greeves also called for much closer liaison between the military and unilateral media teams, “with armed forces providing greater access to battlefield safety information”. The media in return, he suggested, should “update the location and intentions of media teams, where appropriate through the acceptance of media safety representatives into military

2002

The mutilated body of **Nawaraj Sharma Basant**, editor of the independent *Karnali Sandesh* magazine in western Nepal and president of the local branch of the Federation of Nepalese Journalists, was found near the village of Suna in Karnali province. His murderers, identified as Maoist rebels, had cut off his limbs, removed his eyes and killed him with a bullet to the chest. Armed men had reportedly abducted Nawaraj Sharma Basant from his home in the district of Kalikot on 1 June. He had been previously kidnapped in February by a Maoist group and held for nearly three months. After his release in May, he was questioned for five days by the security forces, who suspected him of being a Maoist spy.

Al Jazeera

Another Al Jazeera journalist told INSI how he was detained by US soldiers in November 2003, while travelling to a story. He said he was taken to a base and questioned by American personnel.

A huge American man came up to me and said: "Welcome xxx from Al Jazeera." He held me and put a hood over my head and left me standing there. I was handcuffed and it was cold. I was not allowed to sit. It was a hood with a hole in it and it smelled horrible.

Later they took me to an interrogation room. They lifted the hood a little and took pictures. They asked me who sent me there, who informed me about the attack. I answered everything. I was told "You are a liar and deserve to be punished". They shouted abuse at me. "Don't think as a journalist we respect you. We don't respect you. We don't respect any journalist. You journalists are stirring up the feelings of the people and telling lies."

[...] They took off my shirt. I was cold and frightened. Then I was taken for more interrogation. And this time the abuse got worse. They lifted the hood a little bit and shouted at me that they had decided to send me to Guantanamo because I was a liar and a terrorist. They cursed me. They punched me in the chest, kicked me on the leg and shook me. I was told to forget going back to my family or my work. They had decided to send me to Guantanamo. These were Americans in military uniforms. There was a translator from Egypt in uniform.

When I tried to sleep I was kicked. They played a stereo loud beside my head to keep me awake. [...] I spent two days without food or water. [...] Then they told me, OK you're finished we have decided to send you to Guantanamo. I was put in one of two white cars used by intelligence and taken to a military base west of Samara City. They left me in the back of the car for 2-3 hours and then threw me out into the mud. I heard a helicopter engine. They pushed me towards the plane and kicked me in the small of my back. I still feel pain in that part of my back. They were laughing and shouting and they threw me like a sack onto the helicopter. I was flown to Baghdad airport. Then they took off my cuffs and asked me details of myself. This man was more polite than the others and treated me in a good way. They took my prints and scanned my eyes. They gave me a blanket, clothes and food. I saw Iraqi officials also detained there, such as Tariq Aziz. I was kept in a small room.

After two days there I was ordered to stand up and was cuffed and hooded and taken to another building at the airport, an ex Iraqi army base. The treatment was completely different again. They started beating and cursing me. I was hit in the shoulder by a rifle butt. I was pushed, beaten, kicked, shouted at but never asked any questions.⁵⁸

After 5 or 6 days the man says that he was transferred to Abu Ghraib, the now notorious US run prison facility near Baghdad. There he was, he claims, kept in isolation, and 'subjected to mental and physical torture' including being doused in cold water and tormented with dogs. In late January 2004, he was released from the prison, having been detained for 77 days.

The Death of Mazen Dana

Reuters cameraman **Nael Shayouki** witnessed the death of his best friend, fellow-Reuters cameraman and fellow Palestinian, **Mazen Dana**, in Iraq on 17 August 2003. The two had worked together in the Territories for years and both had suffered frequent physical assault from Israeli soldiers and settlers. Dana had been wounded 6-8 times. As Shayouki related to INSI:

We went to cover a story at Abu Ghraib. We found a good position and I told Mazen we should shoot from here. He said, no, this isn't Palestine. Best go to the [American] soldiers and talk to them. They were really nice. We told them who we were and they said to feel free. So we filmed there and around. Other press were there too.

It was very calm, very peaceful and completely under US control. The desert was completely flat. Anyone approaching could be seen very clearly. No insurgent approach was possible.

We wanted to get a view from a bridge and they [the soldiers] said sure. Then we saw the tanks coming. Mazen said, let's get a last shot. We got out of the car and walked a few metres. The tanks kept driving towards us.

About 50 metres away, not more. I was thinking of the reaction of the tank crew. The Israelis usually give some sign that they have seen you. This was my first day in Iraq.

When they got close, a guy in the first tank got his M16 and suddenly started firing. Bullets hit the ground at my feet. I was really shocked. I jumped and ran and rolled over to hide by the car as I had been trained. I heard Mazen cry. His hand was to his chest. I knew he had been shot. He tried to walk to me and fell down with the camera, his back towards me.

I was with him every time before that he was shot and I knew this time it was serious. I was shaking him and he was like he was sleeping.

"Why did you shoot him? See his camera. He is a journalist," I shouted.

One soldier got his pistol out and pushed me in the chest and told me to get back. He kept me from Mazen. The soldiers made a circle around Mazen. All took a position to protect themselves. No one did anything for Mazen. For seven or eight minutes I pleaded with them. I said he was a journalist, a cameraman, please try to do something. In the end one of them helped. It took a long time. He

was bleeding heavily. I don't know if they could have saved him. But all they were interested in was looking after their own safety.

They told Reuters they thought the camera was an RPG. I don't believe this. I was questioned by the army about this by telephone after I returned to Palestine. That was the only time I was interviewed about the incident.

We felt safe. There had been no shooting, there was nothing going on. We felt completely safe under US control.

What could have happened is this guy saw us. He didn't really look or consider the situation. He just got his gun and reacted without thinking. His gun was on rapid fire. The first bullets hit the ground. One bullet went through Mazen's heart. It took seconds.

I think if he had wanted deliberately to kill Mazen he would have shot him straight. He just saw people on the street and opened fire.

In Iraq they shoot, they kill, then they check.

I think we have to bring pressure on governments. We have to bring soldiers to account, whether in Israel, Iraq or whatever. We have to show soldiers can be brought to court and punished.

headquarters at the relevant level".⁵⁵ The British military recognises the need for flexibility, stating that it will 'provide the media with a range of facilities to enable reporting on operational and tactical military and defence related activity'. It is possible, in some circumstances to embed for a period, break off to operate independently for a time, and then return to another facility with the military.

Since the occupation, conditions in Iraq have changed dramatically, with a violent insurgency in parts of the country. After a brief hiatus, it has again become dangerous for the media in Iraq to operate independently of the US military. But now the divergent roles of the media and the military are more readily apparent. One relationship in particular illustrates the deepening suspicion of the US military on the part of some journalists in Iraq.

In November 2005, details from a classified British memo referring to an earlier conversation between President Bush and Prime Minister Blair were published in the UK newspaper *The Mirror*. The memo reportedly showed that President Bush had considered attacks on Al Jazeera, the Qatar based satellite news station whose reporting of the conflict in Iraq has consistently been critical of the US. *The Mirror* quoted a source as saying that Bush had "made clear he wanted to bomb al-Jazeera in Qatar and elsewhere. Blair replied that would cause a big problem."⁵⁶ Al Jazeera, for its part, has insisted on seeing the full contents of the memo.

This was not the first time that the question of relations between the US government and Al Jazeera had been in the news. In April 2003, Al Jazeera journalist Tareq Ayyoub was killed when a US missile struck the broadcaster's office in Baghdad, during the US-led invasion. The US State Department said that the strike had been a mistake. Earlier, in November 2001, Al Jazeera's office in Afghanistan was destroyed by a US missile. No staff were in the office at the time, and US officials

reported that they believed the building had connections with terrorism. In both these cases, there is scant evidence to suggest that the US military had deliberately decided to target Al Jazeera offices and personnel. The military merits of doing so are dubious, and would likely be outweighed by the opprobrium heaped on the US administration if evidence of such a policy ever came to light. Nonetheless, the leaked UK government memo, as *The Mirror* notes, “raises fresh doubts over US claims that previous attacks against al-Jazeera staff were military errors”.

INSI took evidence from several Al Jazeera employees as part of its Inquiry. One former employee with experience in post-invasion Iraq told INSI that the channel ‘made considerable efforts to sit down with the CPA [Coalition Provisional Authority] and discuss the issues it had with Al Jazeera.’

Yet afterwards detentions got worse and harassment intensified. It was almost like the more we tried to engage them the worse the situation became. I don’t know why. Al Jazeera was communicating in spades but it was no use because a political decision had been taken against it.

Our guys in the field, Iraqis, didn’t have the relationship they should have had with US military. They were handicapped by lack of English and they were also fearful of being seen as collaborators.⁵⁷

Suspicion that the US military had been behaving improperly towards journalists in Iraq were also aired by the senior CNN executive Eason Jordan in comments before a NewsXchange meeting in November 2004. Jordan was quoted as having said that “at least 10 journalists have been killed by the US military, and according to reports, I believe to be true, journalists have been arrested and tortured by US forces.”⁵⁹ Then, in January 2005, at the World Economic Forum in Switzerland, in an off-the-record session, Jordan is alleged to have gone further, attributing to the US forces a deliberate strategy of targeting reporters in Iraq. Tapes of the session have not been publicly released, and there remains some controversy over what exactly was alleged. But in February 2005, Eason resigned his position with CNN, insisting in his resignation statement that he had ‘never meant to imply U.S. forces acted with ill intent when U.S. forces accidentally killed journalists, and I apologize to anyone who thought I said or believed otherwise.’⁶⁰

The deliberate targeting of journalists by US forces would indeed be a matter of huge controversy, and there remains at present no convincing evidence to suggest that there is such a policy. In its statement to the INSI inquiry, the CPJ concurred, noting that ‘there is no evidence to conclude that the U.S. military has deliberately targeted the press in Iraq, but the record does show that U.S. forces do not take adequate precautions to ensure that journalists can work safely. And when journalists are killed, the U.S. military is often unwilling to launch an adequate investigation or take steps to mitigate risk.’⁶¹

For the first time, in 2006, the British military added a section on media safety to its Green Book, which sets out the terms of its operations with the media. INSI was one of several news groups that participated in the revision of the British guidelines. In the book, the MoD definitively rebutted any suggestion that British forces, for their part, would ever deliberately target media staff:

It is [...] important to understand that UK Forces on operations will never deliberately target either individual correspondents or civil media facilities. However, media representatives also need to recognise that operations, and particularly those involving war-fighting, create extremely hazardous environments in which lethal force may be employed. In the often challenging situations that this engenders, mistakes resulting from misidentification, weapons systems failure or mal-location, may result.⁶²

2003

Zahra Kazemi, 54, a Canadian citizen born in Iran, was taking photographs of a prison in Tehran when she was arrested and reportedly beaten into unconsciousness. She died on 13 July after lapsing into a coma from a brain haemorrhage sustained whilst in police custody. Kazemi was a freelance contributor to *Recto Verso*, a Montreal-based magazine, and the London-based photo agency Camera Press. An official investigation into her death was initiated only after an international outcry.

It is clear that journalists in war cannot simply point the finger at the military when casualties occur. Journalists must also review their own behaviour: they can make mistaken assumptions about military capabilities and communications, give insufficient attention to the fog of war and to the fact that mighty weapons are being wielded by young, often inexperienced soldiers whose first priority is to protect the lives of themselves and their comrades. It can be too easy to blame the belligerents for the deaths of journalists during conflict. After all, these are their colleagues, and sometimes their friends. But journalists should always take a clear-headed view of what has taken place, striving always for a level of objectivity and realism.

The issue of a country's armed forces deliberately targeting journalists has also arisen in respect of the Israel Defence Forces. The prominent case of James Miller, a British filmmaker shot dead by an Israeli soldier in the Occupied Territories, has drawn attention to the way in which the Israeli armed forces deal with the media working in areas under their control. In April 2006, a British coroner's court found that Miller, who had earlier been filming openly, had been deliberately shot and murdered by an Israeli soldier. An earlier investigation by the Israeli armed forces had cleared the soldier in question of misusing his weapon.⁶³

Israeli Foreign Minister Shimon Peres had earlier damaged his country's reputation for fair dealing with the media when he suggested in 2001 that carrying a camera may 'invite shooting'. He was responding to an intercepted message from a Palestinian militant commander saying, said Peres, 'Don't start throwing stones, CNN is in a traffic jam.' 'It is a provocation today,' said Peres, 'I mean, a camera may be more dangerous than a rifle. It doesn't shoot, but it may invite shooting. And if you want to send somebody, send them with a computer, an Internet, not a camera.'⁶⁵ Peres was surely not suggesting that the Israelis would target cameramen, but in suggesting that the presence of a camera might directly lead to shooting, he effectively laid responsibility for shooting at the cameraman's door and thereby undermined the legal claim of the media to civilian status, at least in the eyes of Israeli officialdom. The message to the average Israeli conscript might not have been what Peres intended.

The recent invasion of south Lebanon by Israeli forces, responding to the capture of two of their own troops by Hezbollah, has again shown the tension in relations between the Israel Defence

INSI TESTIMONY

On James Miller

In July 2005, Andrew Macdonald and Chris Cobb-Smith reported to the INSI inquiry on the conduct of the Israeli investigation. Among other problems, they listed a considerable delay in completing the IDF investigation. They reported that first interviews with the soldiers had not occurred until September 2003 (Miller was killed in early May); with the final interviews completed by early April 2004. There then followed almost a year's delay before the inquiry reached decision and divulged the results. Macdonald and Cobb-Smith also felt that there were key gaps in the evidentiary record and a delay in securing weapons used on the night of the incident.⁶⁴

Forces (IDF) and the media seeking to cover the conflict. On 9 August 2006, the IDF imposed a limitation on the use of all vehicles in southern Lebanon, stressing that the limitation applied to journalists and explicitly stating that, since this was a combat zone, the IDF could not “guarantee the safety of journalists in the area”.⁶⁶ Of course, the IDF had no obligation to “guarantee” the safety of journalists in the area, and those journalists should already have been well aware of that fact. But the Israeli armed forces emphatically *did* have an obligation not to deliberately target such journalists, or indeed any other civilians — and to accordingly exercise due care in targeting and proportionate use of force. But the questionable imposition of a ban on all vehicles, in close conjunction with the warning of no guarantees to journalists sounded, perhaps deliberately, like a warning to journalists not to drive cars or risk being attacked by the Israeli army. At best, the Israeli military was pushing at the limits of acceptable use of force.

Beyond the issue of deliberate targeting, the question of journalists' safety when operating alongside US and other western forces is a critically important issue. Some media organisations have become increasingly dissatisfied with the investigation of journalists' deaths by the US military in Iraq. The CPJ argued, for example, in September 2005 that ‘in 13 fatalities, the military did not address questions of accountability; did not make its inquiries public; or simply failed to investigate at all.’⁶⁷

Even where the military does investigate, controversy can often continue, not least because of the perceived partiality of the investigators. As INSI noted in a press release earlier in 2006, ‘the refusal of US authorities to hold open inquiries and provide full accounts of the circumstances surrounding the deaths of journalists, if only to help prevent future “accidents”, fuels speculation’.⁶⁸

One example of precisely this speculation happened early in the invasion of Iraq, when fire from US forces had killed two media workers in Baghdad. In April 2003, the city's Palestine Hotel came under fire from an American tank, resulting in the deaths of two cameramen, one Ukrainian, one Spanish.

Palestinian Cameraman

A Palestinian cameraman told the Inquiry that one of the main reasons for violence against Palestinian journalists “is that you are treated by Israeli forces as a second class person. They don’t take into consideration you are a journalist; you are a Palestinian. We were told: ‘In time of war Palestinians, including journalists, are united against the State of Israel.’

The ID you have, the press card, is important. The Government Press Office card enables you to work in Israel and move freely. Before the latest intifada most Palestinians who applied got the card. Since then they have changed the rules. They don’t renew the GPO card.

A second-class credential encourages security forces to treat you like a second-class person. If you have the GPO you are protected. If you don’t, who cares? They don’t regard you as a journalist. Only Palestinians working for foreign media have a chance of getting the card.

When I had the card I was shot several times. It doesn’t prevent that. You feel when they shoot you that they hate you. The settlers just don’t like journalists.”

Like many other media workers, the two had been using the hotel as a base. In their investigation, released in August 2003, US Central Command concluded that the attack was a ‘proportionate and justifiably measured response’ by the American unit. The American military maintained that the unit in question was under fire from Iraqi fighters who had also been using ‘portions of the hotel as a base of operations’.⁶⁹ As reported by the BBC, the case drew criticism from some journalists who were present at the hotel and disputed the version of events outlined by the US authorities.⁷⁰

Another prominent military investigation from Iraq has also drawn criticism from parts of the media — the case of Italian journalist Giuliana Sgrena, who was snatched by kidnappers from the streets of Baghdad in January 2005. A month later she was released into the care of the Italian secret service. But as she was being driven away from her captors, her car came under fire from US forces, resulting in the death of one of the Italian secret service agents. The US military conducted an inquiry and concluded that the US troops manning the checkpoint from where Ms Sgrena came under fire had correctly followed their rules of engagement. The Italian government also produced a report into the incident, which was more critical of the behaviour of US forces. In particular, their report argues that the removal, immediately after the incident, of the vehicles involved and the subsequent destruction of the US soldier’s duty logs had made ‘objective conclusions’ impossible to draw.⁷¹

The nature of conflict has changed significantly in the intervening years, and so too has the nature of reporting, with the growth of multimedia and 24 hour news.

Independent war reporting

As the insurgency in Iraq has unfolded during the course of the last three years, far the greatest threat to journalists has come from being targeted by the insurgency, or otherwise caught up in its attacks against the coalition, the Iraqi authorities, or Iraqi civilians. Operating alongside western armed forces in Iraq may entail safety risks and the potential for compromise on the level of journalistic independence that it is possible to achieve, but the alternative, operating independently of western militaries, has been far more dangerous for the media in Iraq, whether international or domestic.

On 26 February 2006, three media workers from the Al Arabiya network, correspondent Atwar Bahjat, cameraman Adnan Abdallah, and sound engineer Khalid Muhsin were found shot dead in Samarra, where they had gone to cover the insurgent attack on the shrine of the two Shi'i imams, Ali al-Hadi and Al-Hasan al-Askari.⁷² Elsewhere in Iraq, US journalist Jill Carroll, a freelance writer for the Science Monitor, was being held hostage. Carroll was kidnapped on 7 January 2006 in western Baghdad, in an attack that killed her Iraqi interpreter. She was eventually released after three months in captivity. These are just two episodes from among the scores of attacks on media workers since the toppling of the Ba'athist government by US and UK forces in early 2003. In October 2005, INSI noted that the kidnapping of Guardian reporter Rory Carroll brought the number of kidnapped media workers to 37 — of these, 30 were eventually freed, but six were murdered.⁷³

Overall, Iraq has become the deadliest conflict for journalists since the Second World War, surpassing Vietnam and Algeria. In August 2005, INSI compared the number of dead journalists in Iraq with Vietnam. The death that month of the Reuters sound recordist Walid Khalid, who was shot by American forces in Baghdad, brought INSI's tally of dead media workers to 81 since the invasion in March 2003. In the 20 years of fighting in Vietnam, by contrast, around seventy journalists were killed.⁷⁴ The nature of conflict has changed significantly in the intervening years, and so too has the

2004

Paul Klebnikov, 41, award-winning editor-in-chief of the Russian edition of *Forbes* magazine, was shot several times as he left his office building in Moscow. It appeared to be the kind of contract killing Klebnikov had written about many times while covering Moscow's often nasty convergence of politics, commerce and crime. A source close to the case was quoted by Reuters as saying the investigation into his death was focussing on a possible link to his interest in the possible misappropriation of funds intended for the reconstruction of Chechnya, ravaged by a decade of fighting between rebels and Russian troops.

ITN in Iraq

The case of the veteran ITN reporter Terry Lloyd and his colleagues Fred Nerac (cameraman) and Hussein Osman (translator) is a prominent recent example of the dangers of independent media reporting. The three were killed when they were caught in a fire fight between Iraqi irregulars and US forces on the highway outside Basra on 22 March 2003, on the opening weekend of the invasion.

INSI took evidence from an ITN team about the incident and its aftermath. Robin Elias told the inquiry that the three men were travelling in soft skinned (not armoured) vehicles that were clearly marked with the letters TV.⁷⁶

Lloyd and his team were travelling independently of the military on either side, and were in an area where a front line, as such, scarcely existed. ITN's Elias told INSI that the team's two cars passed through two Coalition checkpoints before running into Iraqi forces, and being caught in a crossfire between the Iraqis and American troops.

ITN hired the security specialists AKE to investigate and to seek Hussein and Nerac, who were missing. This company sent two ex-special forces people to the area to investigate. But ITN say that they were frustrated by the lack of official help in their inquiries, from both the MoD and the US. Angela Frier of ITN told INSI that they had, in particular, sought help from the British to sweep the road looking for graves.⁷⁷ And Andrew Kain of AKE recalled that, despite their requests, they were given no access to official military information.⁷⁸ Eventually, after they pressed for it, the Royal Military Police took over the investigation, at which point, he says the investigation became first class.

In October 2006 a British inquest recorded a verdict of unlawful killing in the case of Lloyd, and the coroner asked that the British Director of Public Prosecutions consider bringing charges against American personnel. He found that Lloyd had been fatally wounded, having been shot at by American forces while he was being evacuated from the earlier crossfire incident.

The coroner, praised the thorough preparations undertaken by ITN ahead of deployment, describing it as 'of the highest possible standard'.

For its part, the US Department of Defense reiterated that its earlier investigation had determined that US forces followed the applicable rules of engagement. The statement continued:

The Department of Defense has never deliberately targeted non-combatants, including journalists. We have always gone to extreme measures to avoid civilian casualties and collateral damage. It has been an unfortunate reality that journalists have died in Iraq. Combat operations are inherently dangerous and we do not take lightly our responsibilities in the conduct of these operations. We do not, nor would we ever, deliberately target a non-combatant civilian or journalist.⁷⁹

nature of reporting, with the growth of multimedia and 24 hour news. But one overriding fact remains clear — journalists are being killed in Iraq at a much faster rate and on a greater scale than in Vietnam or any other modern conflict. In March 2006, INSI described the conflict as ‘the worst killing field for the news media in modern times,’ noting that — at that time — some 110 journalists and support staff had been killed, 84 of them Iraqis.⁷⁵

Independent war reporting in Iraq, and increasingly in Afghanistan, increases the risk of kidnap. Like Carroll, Giuliana Sgrena had been operating in Iraq as an independent journalist — i.e. she was not formally embedded with the US military or its coalition partners when she was snatched. For many journalists working in hostile environments, there are clear benefits to working independently, most obviously freedom from the perception at least that your reporting of the conflict might be constrained or otherwise influenced by operating alongside one of the belligerents. But there can be marked disadvantages too, not least in the level or risk to which media staff can be exposed.

It is not immediately obvious that much can be done to enhance the security of journalists operating in post-invasion Iraq. The legal framework for armed conflict as set out in the protocols additional to the Geneva convention do not adequately reflect the nature of the conflict, with its complex and shifting network of jihadi, Ba’athist and Sunni tribal groups aligned against the regular forces of the western coalition, the regular forces of the new Iraqi authorities, and the paramilitary or militia forces of groups loosely aligned with the government. The result, for the media working in Iraq, has been an increasingly insecure working environment in which the alternative to operating embedded among western and Iraqi government forces is to gamble on operating independently in a hostile environment where deliberate attacks and kidnappings by insurgents and criminal groups can occur with relative impunity and in which there is a considerable risk of being caught up in violence between the belligerents. The upshot, in many cases, has been a reluctance on the part of western media organisations to deploy staff to Iraq, and instead to increasingly rely on local freelancers to fill the gap. The death toll of journalists reflects this with more than 70 per cent of casualties Iraqi, a proportion that has risen steeply as the insurgency intensifies.

At root, the case of Lloyd and his colleagues confirms that independent war reporting remains by its very nature a dangerous past time. Even if the media staff are experienced, well trained and equipped, the very act of being in the front line of a conflict presages a high level of risk. International humanitarian law provides for civilian treatment for journalists, but where they are mixed up with enemy forces, particularly where those forces are irregulars, there is always the possibility of confusion. The military, for their part, are solely under the obligation to treat the independent media as a non-combatant; they do not have any obligation to go out of their way to inform the independent media of their intentions, or to come to their aid in times of difficulty. The ‘Green Book’ of the British Ministry of Defence makes this point clear:

The MOD recognises that correspondents are free to look for information in the area of operations and to communicate it back to the public. However, it is important to understand that this implies no specific obligation on the part of UK forces to protect individuals or installations over and above the rights of all civilians working in conflict zones set out in the Geneva Conventions and their Additional Protocols.⁸⁰

In Iraq, Lloyd and his ITN colleagues would have understood the risks, and accepted them as a corollary of doing their job. But the responsibility of the military to investigate the deaths of civilians during time of conflict is clear. Making ‘individual civilians the object of attack’ is considered a ‘grave breach’ of the 1977 Protocol additional to the Geneva Conventions.⁸¹ As for investigations, military commanders are required to ‘report to competent authorities breaches of the Conventions and of this

2005

Kiat Saetang, managing editor of the newspaper *Had Yai Post*, was shot dead near a central market in the bustling town of Had Yai, in Thailand's southern province of Songkhla. Witnesses said Kiat, 54, was on his motorbike approaching a small street near the market when he was shot three times from behind by one of two men on another motorbike. Kiat's wife, Suchin Saetang, told the police she believed the killing was linked to his various exposes on the misconduct of local politicians. She confirmed that he had been receiving telephone threats.

Protocol'.⁸² Realistically, civilian deaths are inevitable where there is conflict, even if the belligerents are making their best efforts to adhere to the Conventions. And in many circumstances in Iraq, coalition forces undertook to investigate the deaths of journalists who had been killed in combat. As AKE's representative told the inquiry, it is perfectly possible for the military to conduct a high quality investigation, even in the trying circumstances of a difficult occupation of Iraq.

Press Emblem

As well as the perils of operating independently, the deaths of ITN's Lloyd, Osman and Nerac provide some insight into the issue of a universal press emblem. In the absence of a universally recognised press emblem, journalists — whether broadcast or print — often use the letters TV or PRESS to identify themselves to the combatants, as the ITN team did. There are arguments on both side of the press emblem issue.

In 2004, the Press Emblem Campaign was launched in Geneva. It now has support from organisations representing, it says, 30,000 journalists in 30 countries — largely from the developing world and the south. They argue:

“A Press Emblem will not only protect journalists but all victims of human rights abuses through information dissemination. In earnest, coverage of abuses is a real protection and not words on paper. Therefore it is imperative to protect journalists in order to ensure International Humanitarian Law (IHL) is observed. Journalists have an essential role that consolidates respect for IHL. Strengthening the protection of journalists cannot take place without a distinctive Logo, a legally binding one recognized by UN member states, a press emblem, recognized by the world. The agreement on such an emblem would silence the logic of the aggressors who have claimed so far that the “PRESS” sign was not visible here and there nor was it marked on the vehicle.”

However in the course of this inquiry little support for such an emblem was found among either major news organisations or freelancers that we spoke to. It is a complex issue.

In war, it is clear that journalists can only expect the treatment as civilians set out in the 1977 Protocol additional to the Geneva Conventions if they can realistically be distinguished from the combatants. This would mean, for example, not wearing military-style uniforms, or travelling in military vehicles. For the media, however, there are sometimes advantages to be gained from adopting precisely these arrangements. Clearly labelling yourself as a journalist can make it

“When I was covering wars in Latin America in the late 1980s, we all put ‘TV’ in big letters on our cars. That was supposed to provide safe passage. It did until the death squads started putting ‘TV’ on their cars too. But I think no-one but us actually believed that we were the neutral observers that we thought we were”.

abundantly clear to the combatants that you are a case apart from combatants and other civilians, but in some circumstances this may even serve to increase the risk of attack, or otherwise impede access to the story. In any case, the media are free to choose whether to use a press emblem, but should be aware of the consequences of operating without one.

In Iraq, the risks of working for the media are such that many local staff take active measures to avoid being identified as members of the media. Rod Nordland of *Newsweek* magazine told *Foreign Policy* that ‘As early as 2003, the Iraqis who work for us were not telling their family or friends that they worked for Americans. At the time, we thought it was a ridiculous precaution — a throwback to the Saddam era — but as time went on, they proved that they knew their society a lot better than we did’.⁸³

But operating without a clear identifying symbol can be hazardous, particularly in the vicinity of violent incidents, where security forces are on edge. The Foreign Press

Association in Israel, for example, has decided to adopt a form of distinctive clothing — though not a new emblem other than TV or PRESS — to avoid its members being confused with demonstrators or rioters in the intifada conditions of civil unrest. The IDF told INSI it was often difficult to distinguish news media in a crowd.

The issue is further compounded by the possibility of combatants appropriating whatever press emblem is chosen for their own purposes. As CNN’s Leroy Sievers recalled in an online posting, “When I was covering wars in Latin America in the late 1980s, we all put ‘TV’ in big letters on our cars. That was supposed to provide safe passage. It did until the death squads started putting ‘TV’ on their cars too. But I think no-one but us actually believed that we were the neutral observers that we thought we were”.⁸⁴

US forces in Iraq said at the time of the ITN incident in 2003 that they feared suicide bombers might approach roadblocks in vehicles labelled TV or PRESS. In Gaza in 2006 a Reuters vehicle with the words PRESS TV and Reuters in big bold lettering on its roof, was hit by an Israeli missile which left a gaping hole exactly where the letter P of PRESS had been. The Israeli military said the car had aroused suspicion and that it did not know journalists were inside. The Foreign Press Association in Israel condemned “outrageous targeting”.

The CPJ takes an unequivocal view on the advisability of introducing a formal press emblem, writing that it would be:

undesirable because it would require a licensing entity to determine who is and who is not a journalist. It would open the way to restrictions on the press by encouraging governments to establish regulatory controls on journalists within their own nations. An

2006

Swedish journalist **Martin Adler** was shot and killed in the Somali capital Mogadishu while attending a mass. Adler, who had worked in numerous warzones during his award-winning career, was freelancing for several newspapers, including the Swedish daily Aftonbladet. Witnesses said an unknown gunman shot the journalist in the back at close range.

emblem could actually worsen security by identifying journalists to all those who might target them for violence.⁸⁵

It cannot be overlooked in this debate that a significant number of news media personnel who have died covering the story in the past decade were murdered precisely because they were journalists.

The London-based Broadcast News Security Group, comprising the BBC, ITN, Sky, Reuters, APTN, CBS, ABC, CNN and NBC, strongly opposes creation of a universal press emblem and accreditation. The Group takes the view that:

The emblem issue itself is impractical, unworkable and seriously out of date with current events. The main danger today facing journalists and other news media personnel in conflict zones is the loss of what used to be seen as press neutrality. News media personnel are being targeted as never before, perceived by one side or another as being part of the enemy. Hence the irrelevance of an emblem to safety concerns. Additionally, the inevitably patchwork adoption of an emblem and universal accreditation will increase the vulnerability of those journalists who decline to be so visibly identified precisely because they are in danger because of their work. It will be “open season” on them for the ruthless.

In view of these objections this report cannot support the call for an internationally recognised press emblem. To a large extent the letters “TV” or “Press” already act as one when needed. However, those who choose to act together and adopt a common emblem are clearly free to do so.

The media and war

There is no doubt that war reporting is an inherently risky business. Three years of fighting in Iraq have starkly demonstrated the dangers facing media staff as they seek to report the news from that country. International humanitarian law as it currently exists offers protection to journalists based on their civilian status. But in modern conflicts, particularly in Iraq, the observance of these established norms has been dramatically eroded. For Peter Arnett, this process began thirty years ago, with

a sea-change [that] occurred in Cambodia in 1970 [that] set the course for the rest of the century, up until the present. The fanatical Khmer Rouge insurgents were indifferent to the international norms that had protected our profession. They murdered far more captured Western and local journalists than they released, seeing the media as political agents of their governments, an argument used by the insurgents in Beirut in the 1980s and their counterparts in Iraq today as they kidnap journalists and threaten their lives.⁸⁶

The violent deaths of scores of journalists in Iraq today makes it the deadliest conflict for media workers in modern times, and suggests that the provisions of the Geneva Conventions and their attendant protocols are no longer sufficient to persuade belligerents to behave towards journalists according to established norms. Many of the groups contesting power in Iraq fight as irregular forces and seek deliberately to use the media as an instrument for propagating terror. In this environment, the rule of law is weak and inconsistent, and the ability of the ruling government, or coalition forces, to enforce appropriate standards is patchy. In Iraq, those groups responsible for killing and kidnapping journalists enjoy some considerable measure of impunity.

Working in conflict areas must be voluntary

As the risks have become clearer, international news organisations increasingly use freelance and local staff. Domestic media staff may be at a relative advantage — they blend in better with the local population, and they know the story and its dangers better than someone newly arrived from the west. As for freelancers, they are a staple of many a conflict — often less risk averse than a salaried reporter, and perhaps demanding less duty of care from their temporary employers. Wars have long been covered like this, and this will likely continue to be the pattern in future conflicts; increasingly so if future wars follow the Iraq pattern.

Freelancers and local employees can often feel somewhat removed from the organisations for which they work. Someone on a short-term contract is likely to be less familiar with in-house practice, including the availability of proper training and safety advice. But there should be no difference in the standards of training and safety equipment on offer to freelancers from those provided to full time members of staff.

Some journalists in the field may have risked their own lives to demonstrate solidarity with local or non-staff colleagues with no protection. In interviews with South African journalist Sahn Venter for her masters paper on journalist safety, some said they were reluctant to wear protective clothing if others on their team — fixers, drivers, translators — did not have them. “Some even said they would refrain from wearing their vests if fellow journalists from other news organisations, working the same event, lacked similar protective gear.”

There is limited scope to enforce professional safety practices industry-wide, given the diverse nature of modern media, though there is a growing understanding that employers do have a duty of care and may be held to account legally.

No one can compel foreign reporters to deploy to war zones, but refusing to go can have consequences in terms of career progression. News organisations must ensure that staff deploying to war zones are doing so entirely of their own volition, but making sure that they do so is difficult. The INSI Safety Code states:

But there should be no difference in the standards of training and safety equipment on offer to freelancers from those provided to full time members of staff.

Assignments to war and other danger zones must be voluntary and only involve experienced news gatherers and those under their direct supervision. No career should suffer as a result of refusing a dangerous assignment.⁸⁷

The industry undoubtedly is prone to peer pressures that often encourage journalists into danger against their instincts and better judgement. One veteran journalist talked to the INSI Inquiry about the issue of “a macho culture” in the newsroom, with pressure being brought to bear on news desks and assignment editors by their bosses — “Why don’t we have this story!” — which in turn was passed on to the people in the field. A German TV executive said it was interesting to note a change in attitude among editors and managers who were given some hostile environment training. “They came away shocked — they had no idea what they had been sending young people into. Bosses have to know what they are sending people to and what for.”

The safety awareness of many large Western news organisations is undoubtedly growing, but there is an alarming lack of knowledge and action on the issue outside of Europe and the United States and in the developing world. One reporter from the Philippines told the Inquiry: “We like to say our hazardous training is on the streets of Manila. A joke, but...”

Training should be compulsory

Colonel Eric Heritage of the British Army explained to INSI that the Ministry of Defence was listening to news organisations, and seeking to work together with them to enable events to be better reported. He acknowledged, however, there was a need for better understanding by commanders of what the media was all about. There was, he conceded, still much mistrust, but he was clear that the media themselves bore some of the responsibility for changing that. The media, he argued, had to prepare individuals better before assignment so they were savvier about how to conduct themselves.⁸⁹ The British military makes the same point in its Green Book “bible” of media-military operations in wartime:

Media representatives at all levels need to understand the challenges the military faces in working in often confused and fluid environments, and accept that blanket protection of media personnel will not be possible. Accordingly, correspondents who expect to work in these types of environment should be trained in risk evaluation and the fundamentals of working alongside the military. Too often, correspondents’ lives are placed in danger through their own lack of understanding or knowledge. The responsibility rests with the individual and/or the individual’s employer to ensure that they are appropriately prepared and trained for the assignment.⁹⁰

One practical approach to reducing the risk facing journalists in conflict situations is better training of media workers ahead of any deployment to a hostile environment. The Green Book makes the point in respect of embed assignments: “[Correspondents’] individual requirements will be met wherever possible. In return, they will be subject to some military orders and training, both for their own safety and that of the unit.”⁹¹

For Vaughan Smith, a leading conflict camera operator and producer, and currently proprietor of London’s Frontline Club for journalists, much of the media takes an amateur approach to safety. The industry overall needed to professionalise, educating people as they come into the profession, and learning lessons where appropriate from the military. Field skills, he concluded, were vital, yet often appalling, and a military-style approach that separates operations from reporting might be the way forward.⁹² Chris Cobb-Smith, a security advisor with the firm Chiron Resources, agreed, telling

INSI that he too had been struck by the very amateur approach to logistics on the part of the media — with journalists not knowing what to do, where to sleep, and even stumbling into minefields.⁹³ For *Transparency International's* Jeff Lovitt, “one of the most important aspects of journalism training must be safety at work, which means, where resources permit, working in teams and notifying colleagues of each reporter’s movements.”⁹⁴

INSI puts safety training at the heart of its efforts to enhance the security of media workers around the world. In the two years to March 2006, INSI had provided basic safety training free of charge to more than 500 media workers in 11 countries, including five courses held in Iraq. These courses teach journalists and support staff not only how to better survive wars and other conflicts but how to protect themselves in any dangerous environment, from reporting on corruption and crime through covering violent demonstrations to entering areas stricken by natural disaster.⁹⁵

Common sense advice, perhaps, but as Lovitt notes, the problem is often one of resources. Training and specialist equipment can be expensive, and while major media companies, such as the BBC and CNN, can make a significant investment in staff training, smaller organisations and lone freelancers are often less able to afford such training.

Even for the larger organisations, only a small proportion of journalists and other media staff will, as a matter of course, develop an interest and expertise in either military affairs or war reporting. While these workers could be reasonably expected to develop and maintain the necessary skills to operate in high-risk environments, the larger group of journalists may only find themselves deploying to such places once

every few years, or perhaps even more infrequently. Training these workers to function effectively in conflict or other dangerous situations is a key responsibility for media organisations. As CNN’s Chris Cramer explained to a conference of the International Press Institute:

...those of us who manage and assign [media workers] have a greater than ever responsibility to ensure that we do everything possible for our staff. For the last few years, some of us in positions of responsibility have been urging the entire media profession to wake up to the issue of safety training for our staff. I have to tell you that for a long time, we felt that our pleas were falling on deaf ears.⁹⁶

For Cramer, more media organisations should follow the lead of CNN, the BBC, Reuters, ITN, APTN and others in providing proper training, equipment and insurance to staff and freelancers deploying to hostile environments. “Create a culture in your organisation where safety is a much a part of an assignment as choosing the right reporter or camera or lens.”⁹⁷ It is a culture that should extend to managers and editors dispatching staff into hostile environments, as much as the teams in the field themselves. That, surely, remains the key challenge for media organisations and campaign groups working to address the level of fatalities among media workers in modern conflicts. INSI recognises that conflicts are inherently dangerous. But training, education and the provision of proper equipment, can make it safer. At the moment, journalists frequently are the only professionals on a field of conflict to be completely unprepared for what they encounter.

Those of us who manage and assign [media workers] have a greater than ever responsibility to ensure that we do everything possible for our staff. For the last few years, some of us in positions of responsibility have been urging the entire media profession to wake up to the issue of safety training for our staff.

Reporting in Iraq

One Palestinian cameraman told INSI that some media staff are reluctant to admit that they don't want to report Iraq:

Many people are asked to go to Iraq and they are scared to tell the company they don't want to go. They're afraid of being fired, or looked at in a different way. They're afraid they'll make their boss angry and pay a heavy price. If people are scared don't send them: train them and prepare them.⁸⁸

Terms of employment

A key aspiration on the part of those campaigning for better industry standards of training is that it should be provided for all media workers, regardless of role or contract type. Ahmed Idrees, of the BBC Arabic Service, told an INSI meeting on Iraq and Future Wars, that local journalists, especially Arabs working as journalists and translators for western media organisations in Iraq, are more vulnerable than western journalists, who often have better pension and life assurance provision, in addition to greater security of tenure. It is unavoidable that major media organisations will need to create greater capacity at short notice and for limited periods in order to cover conflict. But Idrees suggests that Western organisations undertake some formal arrangement with local media workers to ensure that their families will be compensated in the event of fatality or serious injury.⁹⁸

For Aidan White, General Secretary of the International Federation of Journalists, there has been a disjuncture between approaches to safety taken by the broadcast media, and those of print organisations. For him:

The record of the press, the international press, is frankly scandalous. I think that it is very difficult to imagine any other industry where people are expected to move into dangerous areas in the interest of their company or their enterprise, and where they are not even given basic training before they go.⁹⁹

Some progress has been made since then, and INSI, in particular, counts among its members major national and international agencies and broadcasters, newspapers, journalist unions and media support groups.

Members of the Broadcast News Security Group, normally the most competitive of news gathering organisations, agreed to set rivalry aside when their journalists were in danger. The group follows a Safety Code of Practice which formed the basis for the INSI Code.

Employers who neglect to provide adequate training and logistical support for staff deploying to hostile environments do so at the risk of legal action from their staff or their relatives. As Beth Howe notes, 'the risks of death, injury and mental trauma faced by journalists and freelancers have

Importance of Safety Training

An African journalist credits an INSI safety training course with helping her escape from gunmen who took her hostage in 2005.

The radio reporter was kidnapped with a small group of journalists and NGO officials in DRC Congo during an assignment to cover the disarming of local militiamen.

The rebels, loyal to the dead former leader Laurent Kabila, were being offered bicycles in return for their arms. The journalists were on a boat which was stormed by a group of Mai Mai militiamen when it docked at Kilumbe, North Katanga, about 500 km from the capital Lubumbashi.

“They were very aggressive. They uttered threats continuously and promised to kill us if the negotiations did not succeed,” she said. “I was very afraid because I knew that the militiamen were known to eat female genitals and breasts because of their fetishes. But they did nothing to me because they were waiting to contact the authorities and to see the results of the negotiations.”

The rebels demanded all the goods on the boat because they had not been paid. The chief of the NGO which was organising the exchange of bicycles for weapons started a discussion with the militiamen.

“We advised him to let them take all the goods. The chief of the delegation refused to listen to us. A short time later, the situation degenerated. The militiamen announced that they would not let us leave if they did not get in contact with the authorities. They took all the mobile phones we had and all our money and about 60 bicycles,” the reporter said.

The following day, the rebels’ leader arrived. He contacted the authorities from a mobile phone and negotiations started. The captives offered no resistance as negotiations dragged on. Possibly lulled by their passivity and lack of hostility, the gunmen wandered off the boat onto the quayside.

A sudden squall blew up, tossing the boat and breaking its mooring line. The boat moved off, leaving the kidnapers on the quay. The rebels immediately opened fire, but missed all of the journalists, killing instead a mechanic on another boat. The hostages all escaped unharmed.

The reporter had participated in an INSI safety training course in Kinshasa a few weeks earlier. Asked which aspect of the training had helped her cope with her terrifying ordeal, she replied: “The entire part dealing with hostage situations, of course.”

The course deals with ambush scenarios — how to behave when seized so as not to antagonise captors — and teaches how to cope with the stress of being a prisoner as well as how to behave during captivity to reduce hostility and encourage captors to let down their guard.

“We all escaped because we had the chance to do so and the circumstances were in our favour,” she said. “We were all aware of the danger and realised that the kidnapers were capable of hurting or even killing us.”

ethical, financial and legal implications for their employers'.¹⁰⁰ Howe cites the 2001 suit filed against Bridge News by relatives of Larry Lee, a reporter for the financial news service who was found dead in his Guatemalan apartment. The suit alleged that the company had contributed to his death through 'gross negligence' and 'lack of even minimal safety precautions'. Howe reports that the suit was eventually settled out of court in favour of the family.¹⁰¹

The South African journalist, Sahn Venter, says it's time for news organisations to revisit a safety policy aimed at protecting journalists covering conflict. In the paper for her masters degree entitled "Keeping Journalists Safer: What Can Be Done?" she said interviews with journalists suggest news media staff should be more directly involved in policies designed to protect them. Newsroom managers were going to have to persuade staff that their views on safety questions would be taken more seriously. Some cynically suggested safety policy had been drawn up by managers for insurance reasons.

"Most of the journalists I interviewed said they believed such courses had made them safer in the field. Where the companies appear to fall short, however, is in following up with ...retraining programmes."

She added that some journalists were beginning to refuse dangerous assignments, at least in part because of Iraq. None had experienced any negative repercussions from their organisations, but some said they worried that it might have an impact on their careers in the long term.

There is mounting evidence that the killing of journalists — and the impunity enjoyed by so

INSI TESTIMONY

Employer responsibility

Plenty of the contributors to the Inquiry had pertinent thoughts on the relationship between employer and employee. Here's one Palestinian cameraman reflecting on his experience after returning from Iraq:

People returning from the war have lots of problems. They need doctors. They try to hide their problems; you see these people have changed completely and their problems are foisted on their families and friends in daily life. I myself considered suicide after Iraq. I did many crazy things. I had to stop but I realised I needed help. I asked the company and they were great. I ask all media companies: you send these guys to Iraq, what do you expect to come back?

I don't blame the companies all the time. I blame us too. The companies give us helmets and flak jackets and we don't use them. In Iraq, none of us was wearing flak jackets because it was too hot. Every company should tell its employees if you are in a danger area and not wearing your flak jacket you are not going to be there any longer. A few days ago during clashes in Hebron a reporter was seen on film (by his employers) not wearing his flak jacket and he was punished and that's a good thing.¹⁰²

many of the murderers — is affecting the free flow of world news. Danger in Iraq is so extreme that reporters are unable to move around the country freely to meet people and properly fulfil their roles as witnesses of the effects of the conflict. The Iraqi peoples' story is not being adequately told. The world gets less than a full picture of arguably the biggest news story of the time.

Even outside this major conflict, some threatened journalists are pulling in their horns. Leonarda Reyes, Director of CEPET (Centre for Journalism and Ethics) in Mexico, told the Inquiry all journalists killed there were covering crime and were working and living in drug trafficking areas. The criminals were not afraid to shoot in public and the victims were not necessarily given any warning. Drug traffickers were especially sensitive to news coverage.

“What can organisations, citizens, journalists and the media do about it?” she asked. “One solution being implemented by the media working where drug cartels operate, in order to avoid attacks, is self-censorship, publishing only official information, not taking the initiative or giving any follow-up to any news on their own. With this decision, the space for denunciation is left open and crime can operate under less pressure.”

The legal framework

Things look bleak for journalists in Iraq, where the protections outlined in the Geneva Conventions are widely ignored by the irregular Iraqi militias and gangs fighting for power. But not all conflicts are like Iraq, and there will be many future conflicts where the belligerents will be more willing or persuadable to discharging their obligations. And even in conflicts where standards of behaviour towards the media fall below the expectations set out in humanitarian law, there may still be at the margin a practical advantage to reminding the combatants of their obligations, and indeed reminding the media themselves of the rights and protections afforded them under international law.

To which end, INSI has issued a release outlining these protections:

1. Journalists are under all circumstances entitled to respect for their life and their personal dignity. It is prohibited to kill or injure a journalist. The taking of hostages is prohibited.
2. Journalists shall not be the object of acts or threats of violence. They shall be protected against dangers arising out of military operations.
3. Wounded and sick journalists shall be collected and cared for.
4. Detained journalists shall be treated humanely, in all circumstances and without discrimination of any kind. In particular, they shall not be subjected to torture, corporal punishment or any other form of cruel or degrading treatment. They have the right to communicate with their families.
5. Detained journalist must be informed of the reasons of their detention. A journalist prosecuted for a criminal offence has the right to a fair trial by an impartial and regularly constituted court. No one shall be convicted of an offence except on the basis of individual criminal responsibility.
6. Delegates of the International Committee of the Red Cross (ICRC) shall be given access to detained journalists.

We are delighted that the IFJ, the EBU and INSI proposal has lead to the UN Security Council Resolution 1738 condemning the deliberate targeting of journalists and media personnel in armed conflict. We believe this should reinforce the norms and — through the preparation by the UN Secretariat of regular reports on the protection of media workers — to keep the issue prominently to the fore in international discourse. The full resolution is set out in the appendix to this report.

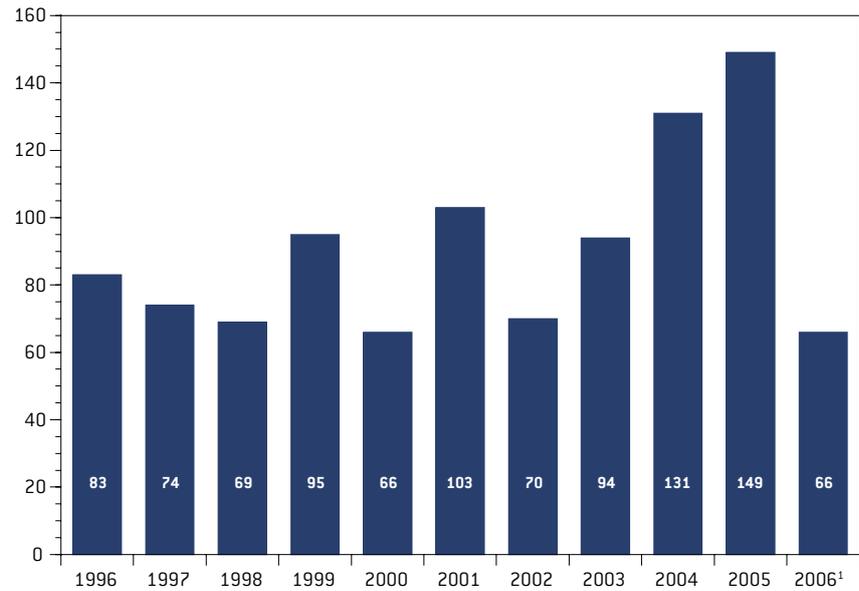
Appendices

APPENDIX A. Statistical Overview Detail

Cardiff University School of Journalism

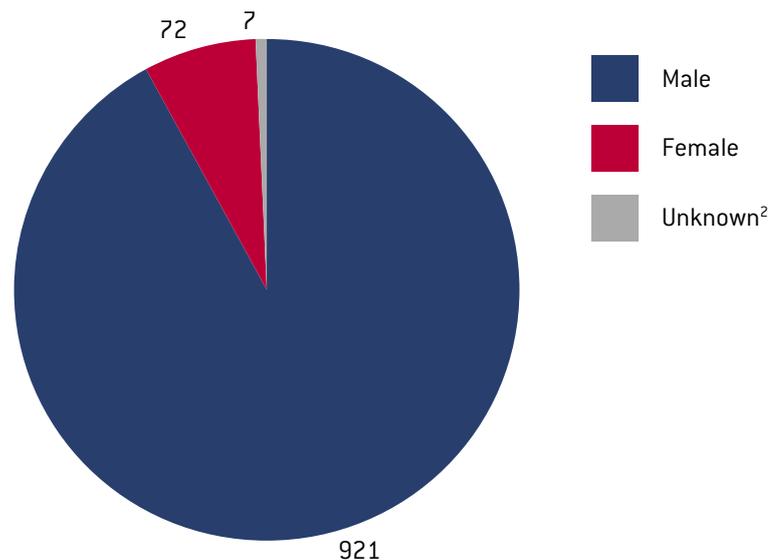
Deaths per year

YEAR	DEATHS
1996	83
1997	74
1998	69
1999	95
2000	66
2001	103
2002	70
2003	94
2004	131
2005	149
2006 ¹	66
Total	1000



Deaths by gender

GENDER	DEATHS
Male	921
Female	72
Unknown ²	7
Total	1000



¹ 2006 figures are from January to June inclusive. All other figures are 12 months.

² This is where even the name of the person is unknown, and thus gender cannot be ascertained.

Country of Origin

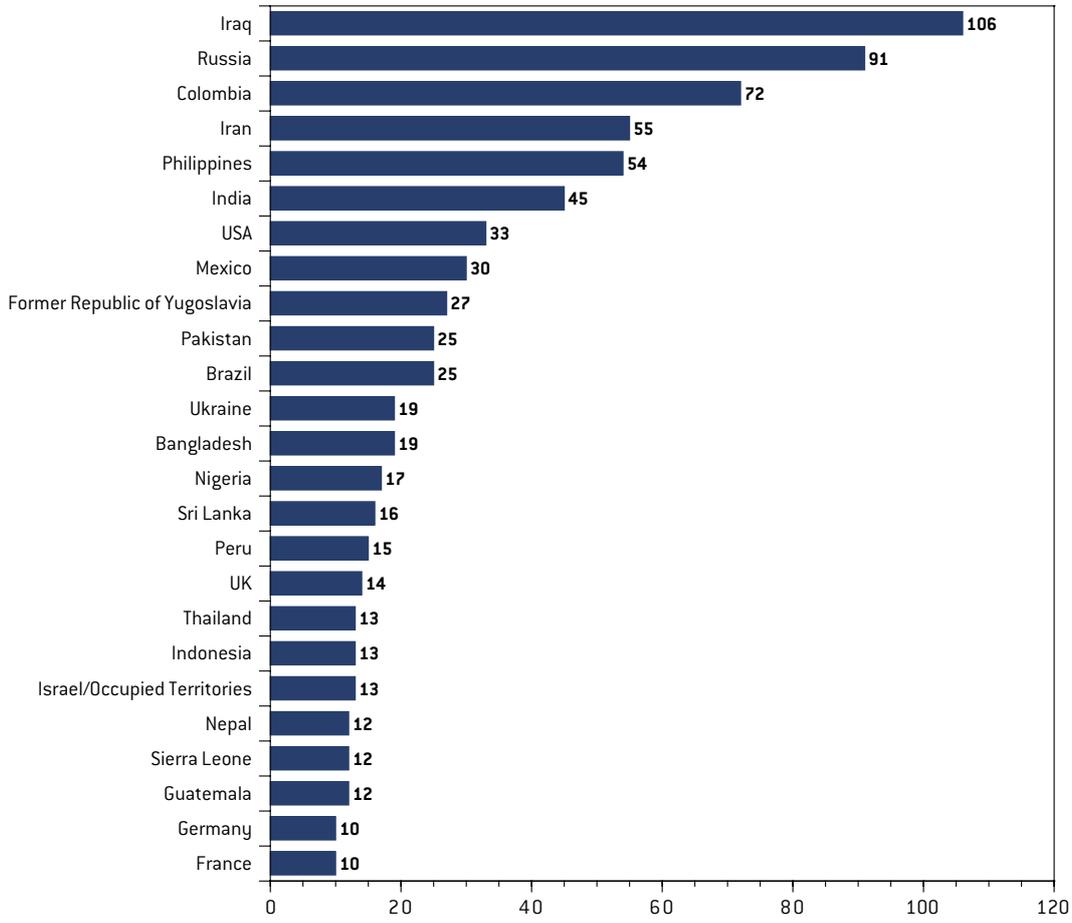
COUNTRY OF ORIGIN	DEATHS
Iraq	106
Russia	91
Colombia	72
Iran	55
Philippines	54
India	45
Algeria	33
USA	33
Mexico	30
Former Republic of Yugoslavia	27
Brazil	25
Pakistan	25
Bangladesh	19
Ukraine	19
Nigeria	17
Sri Lanka	16
Peru	15
UK	14
Indonesia	13
Israel/Occupied Territories	13
Thailand	13
Guatemala	12
Nepal	12
Sierra Leone	12
France	10
Germany	10
Angola	9
Haiti	9
Spain	9
Argentina	8
South Africa	8
Japan	8
China	7
Turkey	7
Ecuador	6
Tajikistan	6
Cambodia	5

³ Countries of origin with only one death: Costa Rica, Croatia, Kazakhstan, Kuwait, Mongolia, Zambia, Sudan, Namibia, Bosnia Herzegovina, El Salvador, Mozambique, Uruguay, Hong Kong, Paraguay, Latvia, Burundi, Malawi, Papua New Guinea, New Zealand, Armenia, Burkina Faso, Jordan, Kyrgyzstan, Yemen, Taiwan, Zimbabwe, Libya, Chile, Benin, Norway.

Country of Origin continued

COUNTRY OF ORIGIN	DEATHS
Uganda	5
Chechnya	5
Afghanistan	4
Azerbaijan	4
Lebanon	4
Nicaragua	4
Somalia	4
Venezuela	4
Italy	4
Cyprus	3
Democratic Republic of Congo	3
Ireland	3
Ivory Coast	3
Kenya	3
Netherlands	3
Rwanda	3
Canada	3
Australia	3
Belarus	2
Bolivia	2
Burma	2
Dominican Republic	2
Ethiopia	2
Gambia	2
Georgia	2
Guinea Bissau	2
Honduras	2
Malaysia	2
Romania	2
Uzbekistan	2
Sweden	2
Poland	2
Greece	2
United Arab Emirates	2
Other ³	30
Total	1000

Country of Origin⁴



⁴ This graph excludes any countries where the number of deaths is less than 10 and the category 'other' which stands in for countries with only 1 death, for the purpose of clarity.

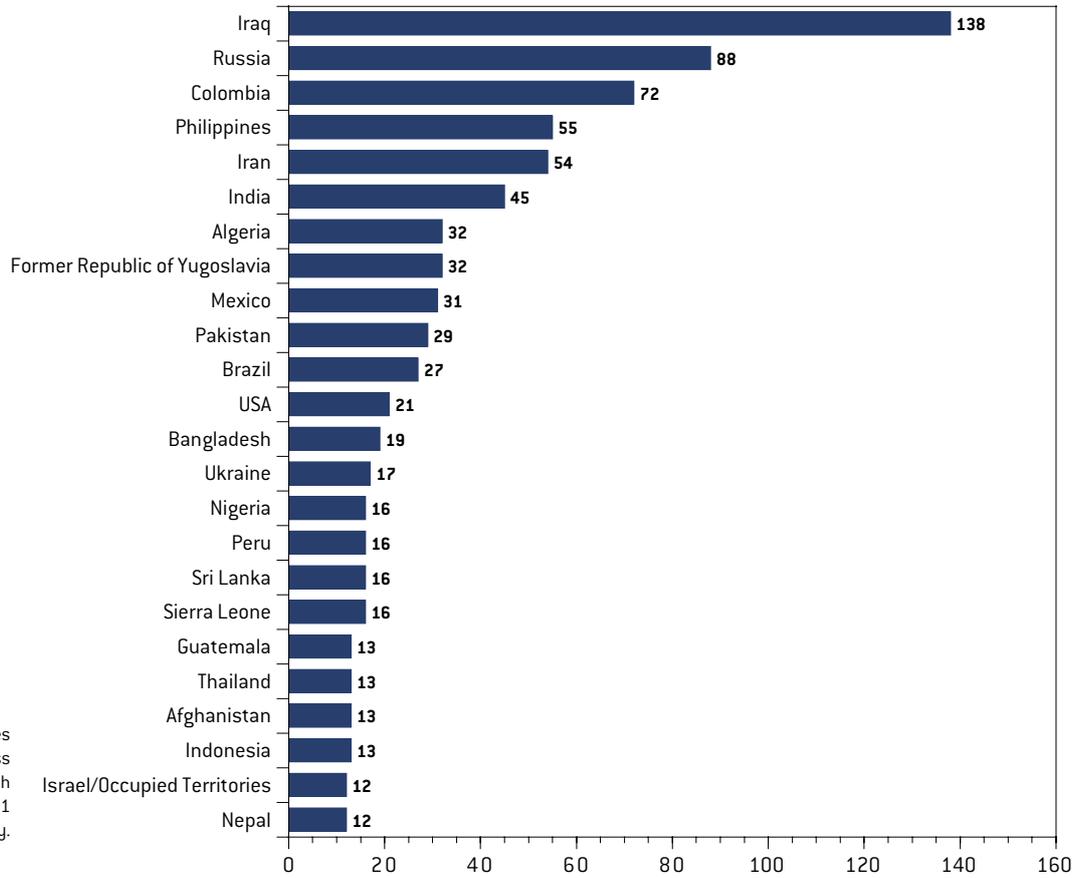
Country of Death

Country of Death	Deaths
Iraq	138
Russia	88
Colombia	72
Philippines	55
Iran	54
India	45
Algeria	32
Former Republic of Yugoslavia	32
Mexico	31
Pakistan	29
Brazil	27
USA	21
Bangladesh	19
Ukraine	17
Nigeria	16
Peru	16
Sierra Leone	16
Sri Lanka	16
Afghanistan	13
Indonesia	13
Thailand	13
Guatemala	13
Israel/Occupied Territories	12
Nepal	12
Haiti	9
Angola	8
Chechnya	8
Turkey	6
Tajikistan	6
Argentina	6
Germany	6
Somalia	6
Ecuador	6
Cambodia	5
Spain	5

Country of Death	Deaths
Democratic Republic of Congo	5
Kenya	5
Ivory Coast	5
China	5
Uganda	5
South Africa	4
Ethiopia	4
Azerbaijan	4
Lebanon	4
Belarus	4
Nicaragua	4
Venezuela	4
Uzbekistan	3
Rwanda	3
Zambia	3
Georgia	3
Mongolia	3
Malaysia	2
Cyprus	2
Honduras	2
Ireland	2
Kazakhstan	2
Burma	2
UK	2
Dominican Republic	2
Gambia	2
Netherlands	2
Costa Rica	2
France	2
Kuwait	2
Bolivia	2
Guinea Bissau	2
Croatia	2
Romania	2
Other ⁵	27
Total	1000

⁵ Countries with only 1 death: Armenia, Bahrain, Bosnia Herzegovina, Burkina Faso, Burundi, Canada, East Timor, El Salvador, Estonia, Greece, Guyana, Japan, Kyrgyzstan, Latvia, Libya, Malawi, Morocco, Mozambique, Namibia, Papua New Guinea, Paraguay, Saudi Arabia, Sudan, Taiwan, Uruguay, Yemen, Zimbabwe.

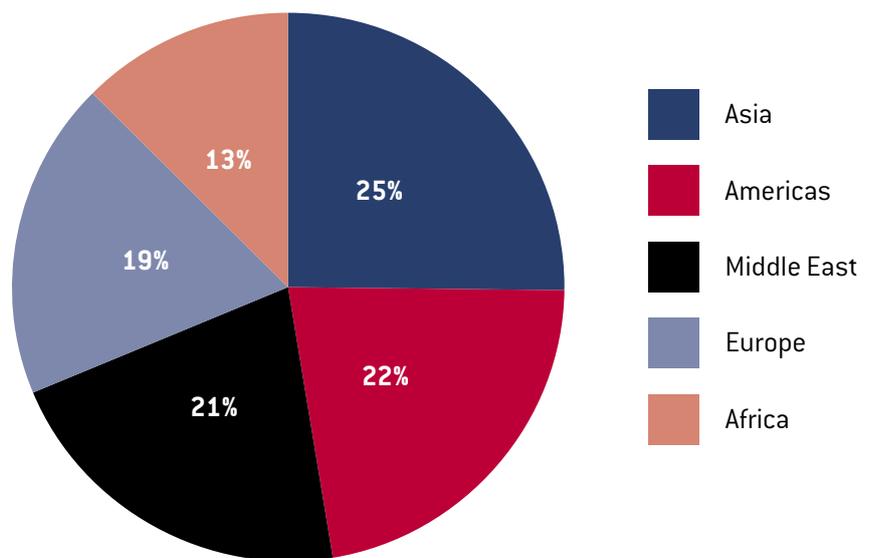
Country of Death⁶



⁶ This graph excludes any countries where the number of deaths is less than 10 and the category 'other' which stands in for countries with only 1 death, for the purpose of clarity.

Region of Death

REGION OF DEATH	DEATHS
Asia	252
Americas	222
Middle East	213
Europe	188
Africa	125
Total	1000

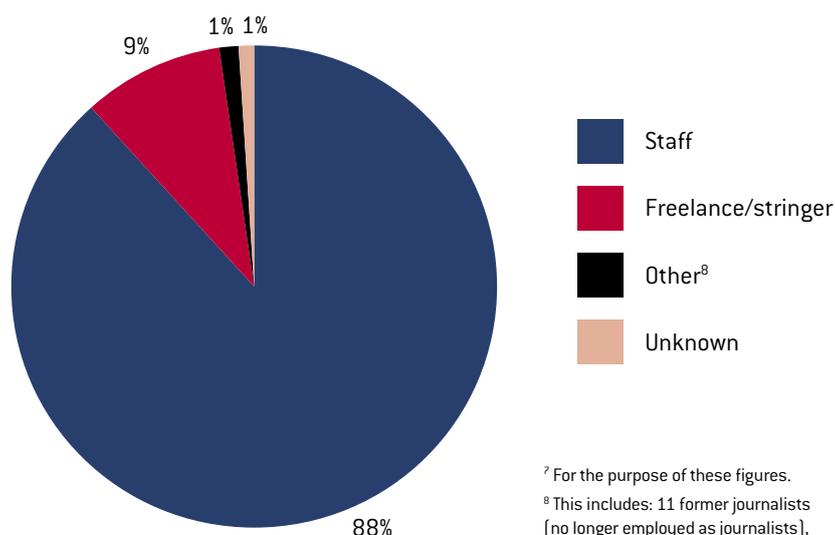


Regions

AMERICAS	ASIA	MIDDLE EAST ⁷	EUROPE	AFRICA
Colombia	India	Israel/Occupied Territories	Russia	Algeria
Mexico	Pakistan	Iran	Former Republic of Yugoslavia	Nigeria
USA	Philippines	Iraq	Ukraine	Sierra Leone
Brazil	Afghanistan	Bahrain	Armenia	Burkina Faso
Peru	Bangladesh	Saudi Arabia	Bosnia Herzegovina	Burundi
Haiti	Nepal	Lebanon	Estonia	Libya
Guatemala	Indonesia	Kuwait	Greece	Malawi
Canada	Thailand	Yemen	Latvia	Morocco
El Salvador	Sri Lanka		Cyprus	Mozambique
Guyana	Japan		Turkey	Namibia
Paraguay	Kyrgyzstan		Spain	Sudan
Uruguay	Papua New Guinea		Ireland	Zimbabwe
Honduras	Taiwan		Georgia	South Africa
Argentina	Malaysia		UK	Angola
Dominican Republic	Cambodia		Chechnya	Rwanda
Costa Rica	Burma		Germany	Zambia
Ecuador	East Timor		Belarus	Ethiopia
Bolivia	China		The Netherlands	Democratic Republic of Congo
Nicaragua	Mongolia		France	Kenya
Venezuela	Cambodia		Croatia	Ivory Coast
	Uzbekistan		Romania	South Africa
	Tajikistan			Gambia
	Kazakhstan			Somalia
	Azerbaijan			Uganda
				Guinea Bissau

Employment Status

EMPLOYMENT STATUS	DEATHS
Staff	883
Freelance/stringer	94
Other ⁸	13
Unknown	10
Total	1000

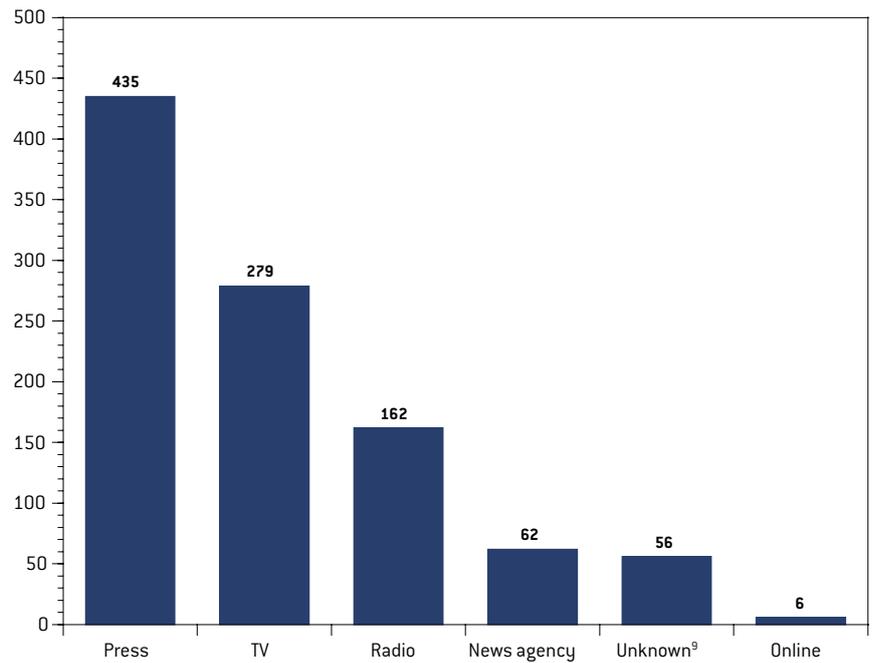


⁷ For the purpose of these figures.

⁸ This includes: 11 former journalists (no longer employed as journalists), 1 editor of an online newsletter (his own, therefore not employed), and 1 student journalist (also not employed).

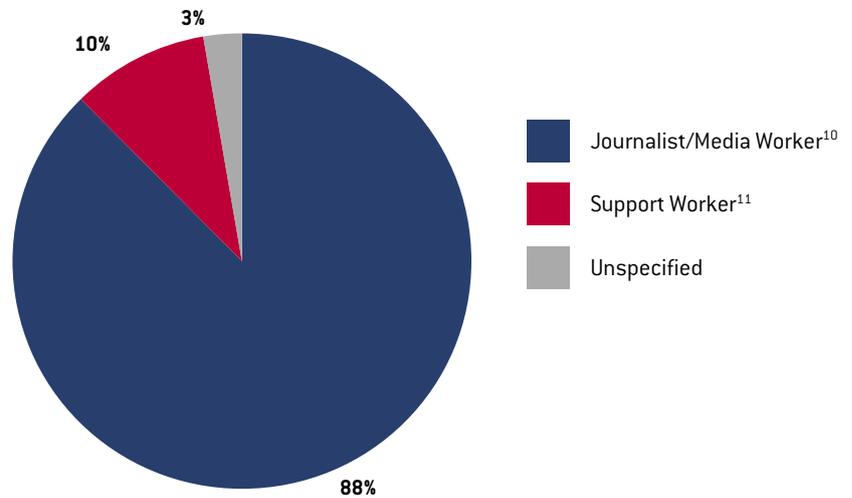
Employer/Commissioner

EMPLOYER/COMMISSIONER	DEATHS
Press	435
TV	279
Radio	162
News agency	62
Unknown ⁹	56
Online	6
Total	1000



Professional Position

PROFESSIONAL POSITION	DEATHS
Journalist/Media Worker ¹⁰	876
Support Worker ¹¹	97
Unspecified	27
Total	1000



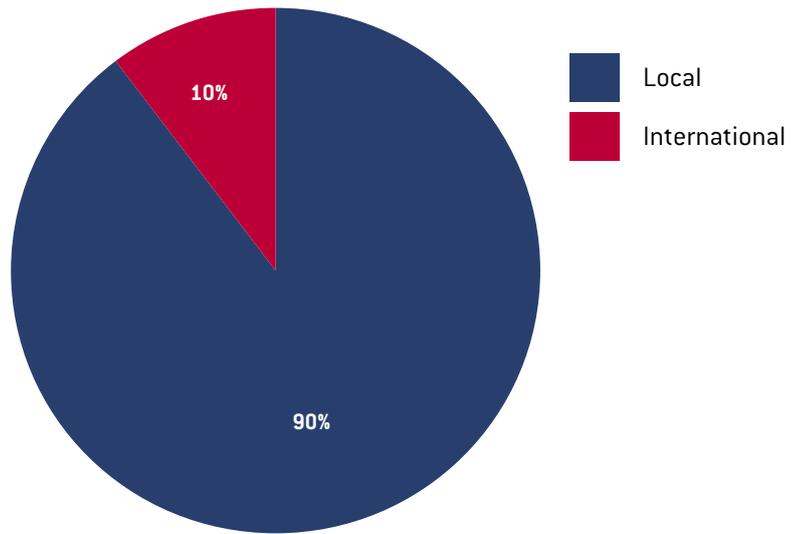
⁹ This category includes journalists and support staff where it is unknown/unclear whether there was a firm or specific commission for the work they were undertaking at the time of their death.

¹⁰ Includes any media worker specifically contributing to the content of a report, those working in an editorial capacity and media owners.

¹¹ Includes supporting workers such as translators, engineers and drivers.

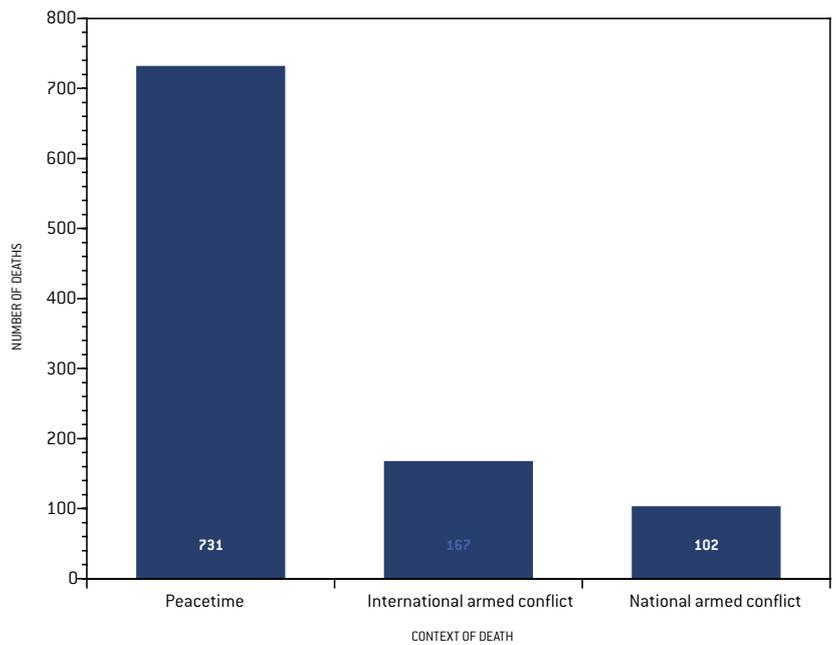
Status in Country of Death

STATUS IN COUNTRY OF DEATH	DEATHS
Local	897
International	103
Total	1000



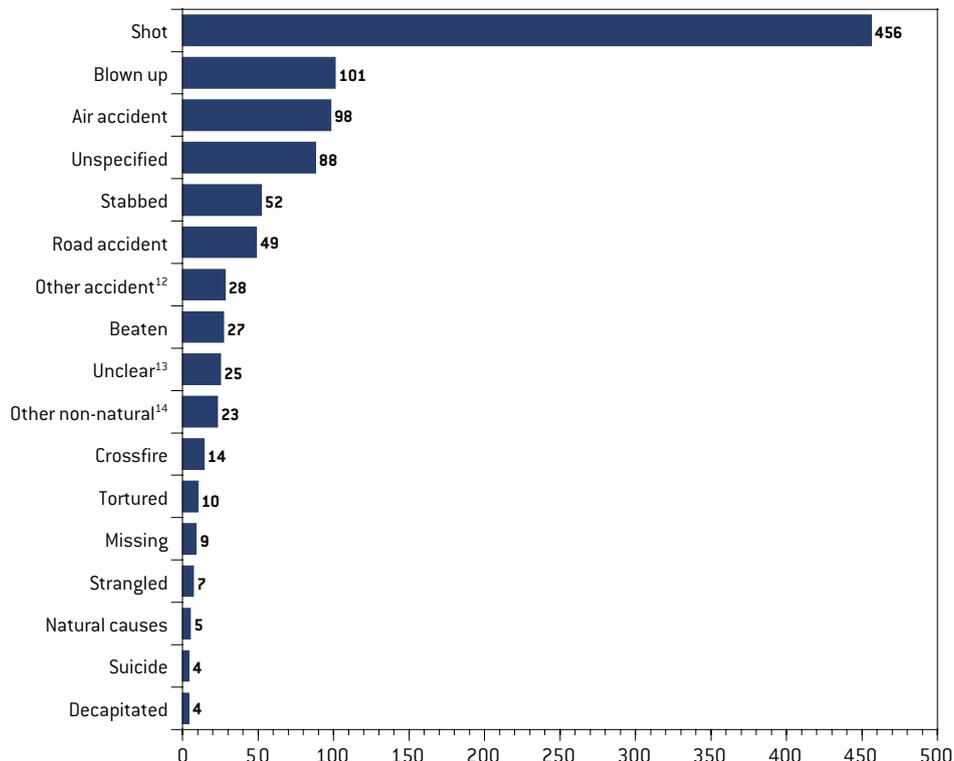
Context of Death

CONTEXT OF DEATH	DEATHS
Peacetime	731
International armed conflict	167
National armed conflict	102
Total	1000



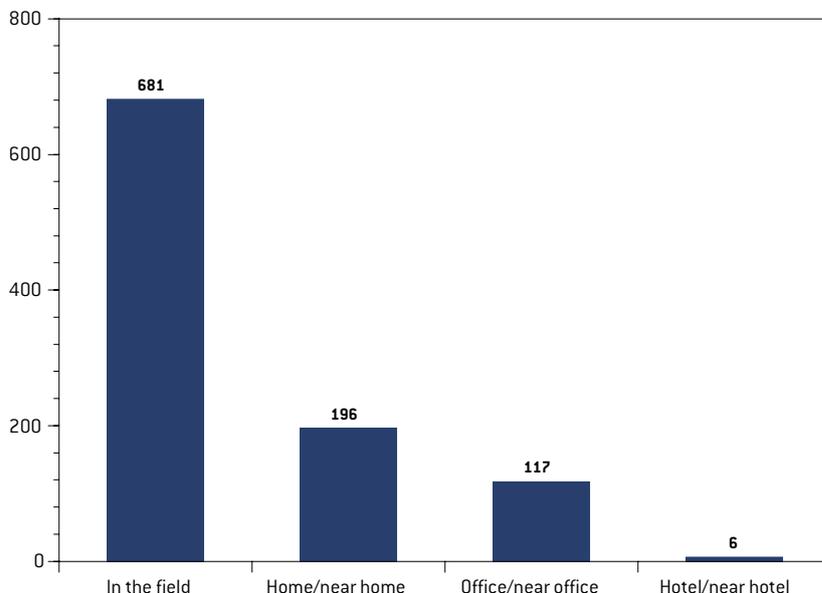
Cause of Death

CAUSE OF DEATH	DEATHS
Shot	456
Blown up	101
Air accident	98
Unspecified	88
Stabbed	52
Road accident	49
Other accident ¹²	28
Beaten	27
Unclear ¹³	25
Other non-natural ¹⁴	23
Crossfire	14
Tortured	10
Missing	9
Strangled	7
Natural causes	5
Decapitated	4
Suicide	4
Total	1000



Location of Death

LOCATION OF DEATH	DEATHS
Office/near office	117
Hotel/near hotel	6
Home/near home	196
In the field	681
Total	1000



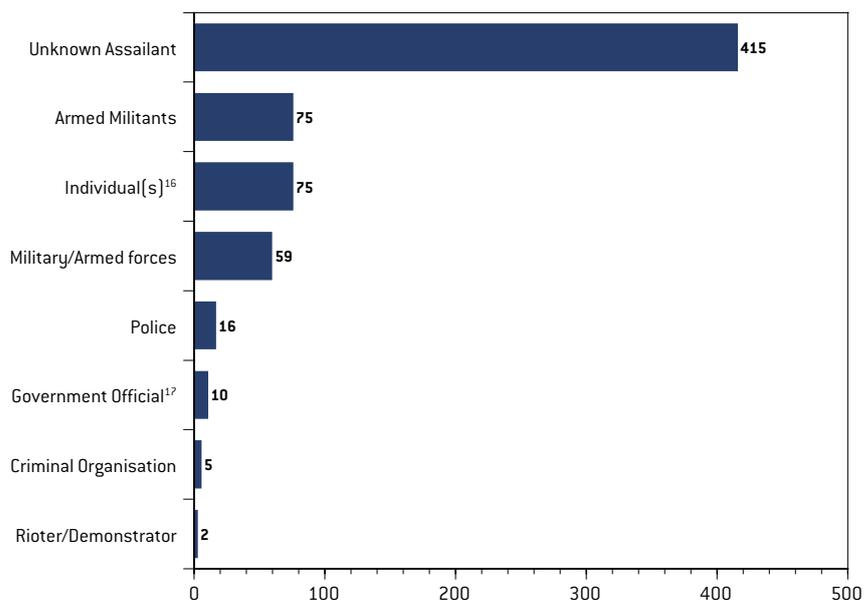
¹² All deaths are accidental. This includes cases where there is death by: trampling by crowd, hit by bus, hit by tank, fire, tear gas asphyxiation (2), fall out of wheelchair, airplane propeller, fall from roof, electrocution, landmine (3), explosion (4), earthquake (3), boating accident (6), mudslide, shooting at drill demonstration.

¹³ These are cases where several different possible causes of death are noted and it is unclear exactly what the cause of death was.

¹⁴ These deaths are unclear whether the cause is accidental or not. This includes cases of death by: head trauma (5), road incident (4), asphyxiation in car boot, blow to chest, explosion (2), multiple shrapnel wounds, anthrax poisoning, heart failure after bombing, lack of treatment in prison (3), acute allergic reaction, blood clot, heroin overdose/poisoning, severed carotid artery.

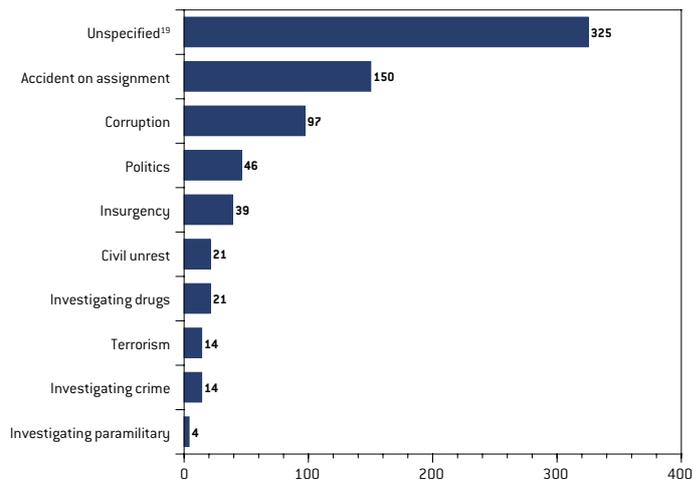
Perpetrator

PERPETRATOR ¹⁵	DEATHS
Unknown Assailant	415
Individual(s) ¹⁶	75
Armed Militants	75
Military/Armed forces	59
Police	16
Government Official ¹⁷	10
Criminal Organisation	5
Rioter/Demonstrator	2
Total	657



Deaths Unrelated to War Reporting

DEATHS UNRELATED TO WAR REPORTING ¹⁸	DEATHS
Unspecified ¹⁹	325
Accident on assignment	150
Corruption	97
Politics	46
Insurgency	39
Civil unrest	21
Investigating drugs	21
Terrorism	14
Investigating crime	14
Investigating paramilitary	4
Total	731



¹⁵ This excludes air accidents, unspecified deaths, road accidents, other accidents, unclear deaths, other non-natural deaths, crossfire cases, missing persons, natural causes and suicides.

¹⁶ This is where a person or group of people have been identified as the attacker(s) but they do not have an announced affiliation with a political group (armed militants), or criminal organizations etc.

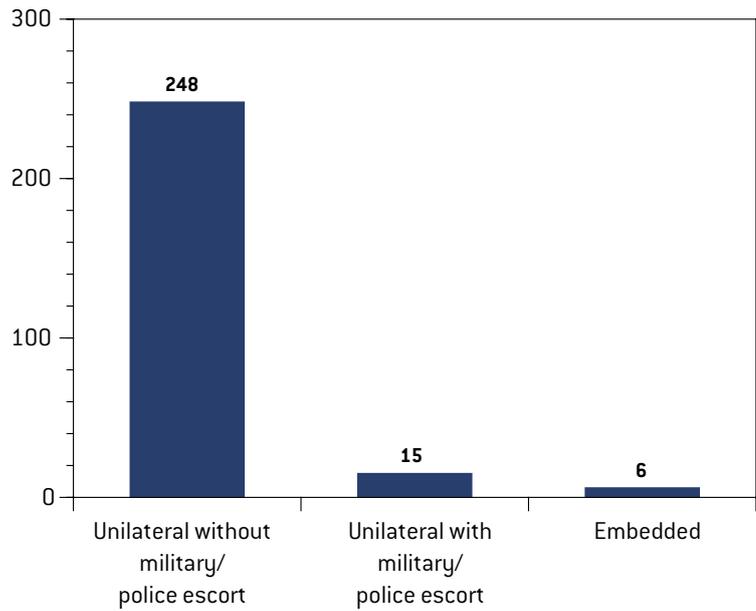
¹⁷ This is where an individual from the government (i.e. a mayor, governor etc) has been identified as the perpetrator.

¹⁸ This excludes the not applicable category, resulting in a total of 731 deaths unrelated to war reporting.

¹⁹ This is where the relationship between the death and the work undertaken is not specified.

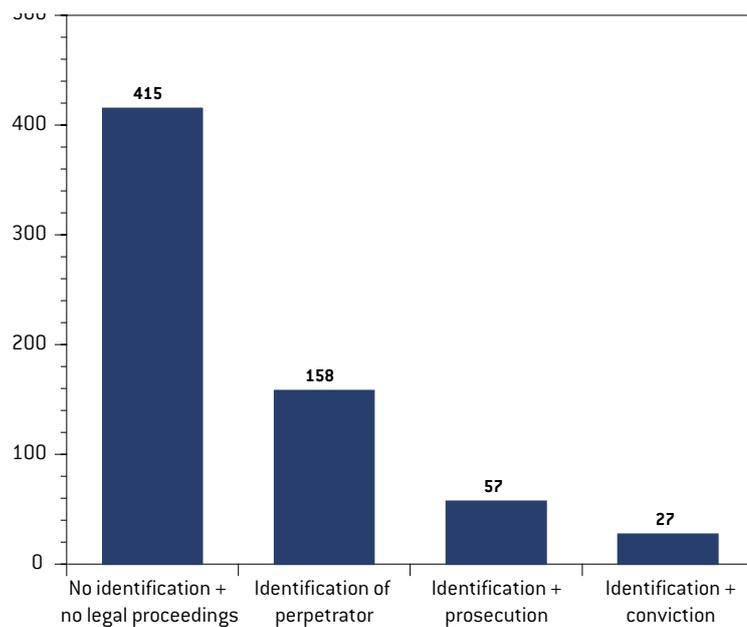
War/conflict zone reporting

WAR/CONFLICT ZONE REPORTING ²⁰	DEATHS
Unilateral without military/police escort	248
Unilateral with military/police escort	15
Embedded	6
Total	269



Legal Outcome

LEGAL OUTCOME ²¹	DEATHS
No identification + no legal proceedings	415
Identification of perpetrator	158
Identification + prosecution	57
Identification + conviction	27
Total	657

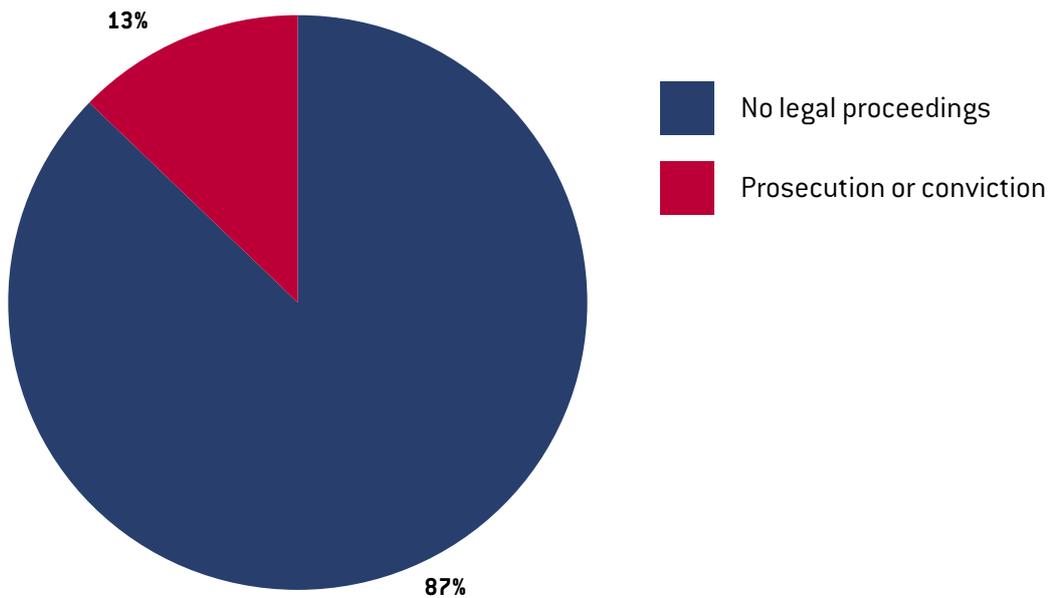


²⁰ This excludes the not applicable category resulting in a total of 269 deaths related to war/conflict zone reporting.

²¹ This excludes air accidents, unspecified deaths, road accidents, other accidents, unclear deaths, other non-natural deaths, crossfire cases, missing persons, natural causes and suicides.

Legal Outcome (Impunity)

LEGAL OUTCOME (IMPUNITY) ²²	DEATHS
No legal proceedings	573
Prosecution or conviction	84
Total	657



²² This excludes air accidents, unspecified deaths, road accidents, other accidents, unclear deaths, other non-natural deaths, crossfire cases, missing persons, natural causes and suicides.

Security Council Resolution 1738 (2006)

Adopted by the Security Council at its 5613th meeting, on 23 December 2006

The Security Council,

Bearing in mind its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and underlining the importance of taking measures aimed at conflict prevention and resolution,

Reaffirming its resolutions 1265 (1999), 1296 (2000) and 1674 (2006) on the protection of civilians in armed conflict and its resolution 1502 (2003) on protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, as well as other relevant resolutions and presidential statements,

Reaffirming its commitment to the Purposes of the Charter of the United Nations as set out in Article 1 (1-4) of the Charter, and to the Principles of the Charter as set out in Article 2 (1-7) of the Charter, including its commitment to the principles of the political independence, sovereign equality and territorial integrity of all States, and respect for the sovereignty of all States,

Reaffirming that parties to an armed conflict bear the primary responsibility to take all feasible steps to ensure the protection of affected civilians,

Recalling the Geneva Conventions of 12 August 1949, in particular the Third Geneva Convention of 12 August 1949 on the treatment of prisoners of war, and the Additional Protocols of 8 June 1977, in particular article 79 of the Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict,

Emphasizing that there are existing prohibitions under international humanitarian law against attacks intentionally directed against civilians, as such, which in situations of armed conflict constitute war crimes, and *recalling* the need for States to end impunity for such criminal acts,

Recalling that the States Parties to the Geneva Conventions have an obligation to search for persons alleged to have committed, or to have ordered to be committed a grave breach of these Conventions, and an obligation to try them before their own courts, regardless of their nationality, or may hand them over for trial to another concerned State provided this State has made out a prima facie case against the said persons,

Drawing the attention of all States to the full range of justice and reconciliation mechanisms, including national, international and “mixed” criminal courts and tribunals and truth and reconciliation commissions, and *noting* that such mechanisms can promote not only individual responsibility for serious crimes, but also peace, truth, reconciliation and the rights of the victims,

Recognizing the importance of a comprehensive, coherent and action-oriented approach, including in early planning, of protection of civilians in situations of armed conflict.

Stressing, in this regard, the need to adopt a broad strategy of conflict prevention, which addresses the root causes of armed conflict in a comprehensive manner in order to enhance the protection of civilians on a long-term basis, including by promoting sustainable development, poverty eradication, national reconciliation, good governance, democracy, the rule of law and respect for and protection of human rights,

Deeply concerned at the frequency of acts of violence in many parts of the world against journalists, media professionals and associated personnel in armed conflict, in particular deliberate attacks in violation of international humanitarian law,

Recognizing that the consideration of the issue of protection of journalists in armed conflict by the Security Council is based on the urgency and importance of this issue, and recognizing the valuable role that the Secretary-General can play in providing more information on this issue,

1. *Condemns* intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict, and calls upon all parties to put an end to such practices;
2. *Recalls* in this regard that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians and shall be respected and protected as such, provided that they take no action adversely affecting their status as civilians. This is without prejudice to the right of war correspondents accredited to the armed forces to the status of prisoners of war provided for in article 4.A.4 of the Third Geneva Convention;
3. *Recalls also* that media equipment and installations constitute civilian objects, and in this respect shall not be the object of attack or of reprisals, unless they are military objectives;
4. *Reaffirms* its condemnation of all incitements to violence against civilians in situations of armed conflict, further reaffirms the need to bring to justice, in accordance with applicable international law, individuals who incite such violence, and indicates its willingness, when authorizing missions, to consider, where appropriate, steps in response to media broadcast inciting genocide, crimes against humanity and serious violations of international humanitarian law;
5. *Recalls its demand* that all parties to an armed conflict comply fully with the obligations applicable to them under international law related to the protection of civilians in armed conflict, including journalists, media professionals and associated personnel;
6. *Urges* States and all other parties to an armed conflict to do their utmost to prevent violations of international humanitarian law against civilians, including journalists, media professionals and associated personnel;
7. *Emphasizes* the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of international humanitarian law;
8. *Urges* all parties involved in situations of armed conflict to respect the professional independence and rights of journalists, media professionals and associated personnel as civilians;
9. *Recalls* that the deliberate targeting of civilians and other protected persons, and the commission of systematic, flagrant and widespread violations of international humanitarian and human rights law in situations of armed conflict may constitute a threat to international peace and security, and *reaffirms in this regard its readiness* to consider such situations and, where necessary, to adopt appropriate steps;
10. *Invites* States which have not yet done so to consider becoming parties to the Additional Protocols I and II of 1977 to the Geneva Conventions at the earliest possible date;
11. *Affirms* that it will address the issue of protection of journalists in armed conflict strictly under the agenda item “protection of civilians in armed conflict”;
12. *Requests* the Secretary-General to include as a sub-item in his next reports on the protection of civilians in armed conflict the issue of the safety and security of journalists, media professionals and associated personnel.

APPENDIX C

THE INSI SAFETY CODE

The International News Safety Institute is dedicated to the right of all journalists to exercise their profession free from persecution, physical attack and other dangers to life and limb. While recognising that some conditions under which journalists and media staff work never can be completely safe and secure, INSI will strive for the elimination of unnecessary risk, in peace and in war. It will draw on the expertise of its members and supporting organisations to lobby on behalf of working journalists everywhere who embrace the INSI Code of Practice and confront physical or psychological barriers to the free and independent gathering and dissemination of news.

- 1.** The preservation of life and safety is paramount. Staff and freelancers equally should be made aware that unwarranted risks in pursuit of a story are unacceptable and strongly discouraged. News organisations are urged to consider safety first, before competitive advantage.
- 2.** Assignments to war and other danger zones must be voluntary and only involve experienced news gatherers and those under their direct supervision. No career should suffer as a result of refusing a dangerous assignment. Editors at base or journalists in the field may decide to terminate a dangerous assignment after proper consultation with one another.
- 3.** All journalists and media staff must receive appropriate hostile environment and risk awareness training before being assigned to a danger zone. Employers are urged to make this mandatory.
- 4.** Employers should ensure before assignment that journalists are fully up to date on the political, physical and social conditions prevailing where they are due to work and are aware of international rules of armed conflict as set out in the Geneva Conventions and other key documents of humanitarian law.
- 5.** Employers must provide efficient safety equipment and medical and health safeguards appropriate to the threat to all staff and freelancers assigned to hazardous locations.
- 6.** All journalists should be afforded personal insurance while working in hostile areas, including cover against personal injury and death. There should be no discrimination between staff and freelancers.
- 7.** Employers should provide free access to confidential counselling for journalists involved in coverage of distressing events. They should train managers in recognition of post traumatic stress, and provide families of journalists in danger areas with timely advice on the safety of their loved-ones.
- 8.** Journalists are neutral observers. No member of the media should carry a firearm in the course of their work.
- 9.** Governments and all military and security forces are urged to respect the safety of journalists in their areas of operation, whether or not accompanying their own forces. They must not restrict unnecessarily freedom of movement or compromise the right of the news media to gather and disseminate information.
- 10.** Security forces must never harass, intimidate or physically attack journalists going about their lawful business.

ENDNOTES

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- The relevant text in full reads: '1. Journalists engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of Article 50. ... 2. They shall be protected as such under the Conventions and this Protocol, provided that they take no action adversely affecting their status as civilians,
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International News Safety Institute

International Press Centre
Résidence Palace, Block C
155 rue de la Loi
B-1040 Brussels, Belgium
Telephone: +32 2 235 22 01
Fax: +32 2 235 22 19
Email: info@newssafety.com
Website: www.newssafety.com

Rodney Pinder
Director
Tel: + 44 207 737 76 28
Mobile: + 44 7734 70 92 67
Email: rodney.pinder@newssafety.com