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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED
TO ANY FORM OF DETENTION OR IMPRISONMENT

Written statement submitted by the International
Federation of Journalists, a non-governmental
organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[25 March 1998]

Introduction

1. In the fiftieth anniversary year of the Universal Declaration of Human Rights, it is to be hoped that efforts will be renewed to ensure respect for fundamental principles which govern relations between States and their peoples. It is not enough for the international community to commemorate this anniversary with declarations and statements of intent. There must be concrete action to secure the exercise of these universal rights by all.

2. The international community should not underestimate the level of abuse of the rights contained in the Universal Declaration. The rights to freedom of expression and freedom of association and the right to join a trade union are regularly denied. The denial of these rights is frequently exercised in contravention of rights on the detention, interrogation and trial of individuals.

3. Governments continue to believe that it is acceptable to silence journalists and media professionals. This attempt to gag the media takes various forms, including murders, physical attacks and detentions.

4. The details provided below come from the IFJ's safety programme which monitors and reacts to human rights abuses against journalists throughout the world. In this report we outline various activities which are not limited to one country or continent and which we believe the international community must recognize and take action against.

Murders

5. There were 47 murders of journalists and media workers in 1997 and our evidence suggests that in many cases agents of the State were involved. Although the IFJ does not believe that every murder ordered or carried out by a police officer, soldier or other agent is endorsed by the authorities, experience has shown that the authorities will often not undertake serious and independent investigations into these killings.

6. This immunity from prosecution sends a message to all members of society wishing to stop journalists from informing the public. It is a conscious act on the part of the authorities which undermines democracy, rule of law and human rights.

7. Not only are crimes not investigated, but in certain cases, those calling for investigations are themselves threatened. In Argentina, on the first anniversary of the assassination of José Luis Cabezas, those involved in the campaign to find his killers continued to be harassed and threatened.

8. Without genuine revulsion and action on the part of the international community to these killings, which may be directly or indirectly approved by Governments, there can never be respect for the rights enshrined in the Universal Declaration of Human Rights.

9. The IFJ calls upon the United Nations Commission on Human Rights to formally condemn all murders of journalists and media workers. The IFJ calls

upon the Commission to request that Governments give details of all journalists and media workers killed in their countries and the steps taken to apprehend the killers.

Assaults

10. Journalists are often assaulted as a result of their work. These attacks occur in an attempt to silence them and are perpetrated by various elements in society including State agents, criminals and terrorists.

11. Journalists have been seriously beaten and left alive as a warning to others not to investigate certain matters. In some instances, police themselves have warned journalists that if they continue to publish stories on public officials or officers, they will be detained or attacked.

12. Those who attack journalists frequently remain free.

Arrest and detention

13. This is a particularly worrying activity against the media as there can be no doubt about the involvement of the State machinery.

14. Media professionals are often detained when the Government does not share their point of view. This includes journalists who investigate corruption, or who simply raise issues which do not follow the government line.

15. Many countries still have press laws which permit the imprisonment of journalists for press offences such as defamation. However, our experience has shown that Governments will use the excuse of "bad journalism" to imprison journalists whom they find politically embarrassing.

16. The IFJ considers that press laws should not be included as part of the criminal code. In particular, provisions on defamation, of any kind, and whoever the individual concerned, should always be civil offences. Imprisonment should not be a sanction for those against whom a complaint of defamation has been upheld. Politicians, including heads of State, should not be given greater protection than other members of the population and should accept more criticism than ordinary members of the public. The IFJ believes that this position is in accordance with international provisions on freedom of expression.

17. Once journalists have been detained, the international principles on the detention, interrogation and trial of prisoners should apply. However, it is our experience that this is not the case and that journalists may be detained without charge, and if charged may not receive a fair trial.

18. Questions of national security are used to silence the press and are not always clearly defined by law. The procedures involving these provisions are often not transparent or open to the public. Faceless tribunals, national security courts held in camera, and other systems which prevent journalists from being fairly heard or represented are used in contravention of the rules of natural justice and the International Covenant on Civil and Political

Rights. It is also the case that countries which do provide constitutional or other legal protection on paper, do not respect their own laws in this field.

19. The IFJ calls upon the Commission on Human Rights to formally condemn the practice of imprisoning journalists for press offences. We also ask the Commission to call upon Governments to respect international principles on freedom of expression and on the arrest, detention and interrogation of individuals.

Freedom of association

20. Many Governments continue to impose restrictions on the rights of journalists to organize themselves in free trade unions or professional associations. Journalists may be forbidden from organizing because they are considered civil servants, or because the Government will only recognize one professional body. This body is normally Government controlled.

21. Often an independent professional body whilst representing journalists will, de facto, criticize the authorities. They are also more likely to fight for editorial independence in the media. For these reasons, some Governments restrict the existence of such bodies by banning them, imprisoning their leaders or refusing to register them so they are unable to organize public meetings or gain access to important infrastructure.

22. The IFJ calls upon the Commission on Human Rights to insist that journalists be allowed to organize in trade unions and professional bodies independent of direct or indirect government control.

Conclusion

23. Oppression of the media should always be taken as a warning that worse is yet to come. Governments who are allowed to assault, imprison and censor journalists believe they have a free hand to oppress the entire population.

24. The international community need look no further than this decade to recognize the fatal consequences of ignoring government control of the media and attacks on the independent press.

25. Without action on the part of the international community, Governments will continue to feel justified in their actions to impede the free flow of information. In this way they undermine good relations between individuals and the maintenance of world peace.

26. The IFJ urges the Commission on Human Rights to reiterate the importance of freedom of expression and to defend the right of journalists to exercise their profession free from corruption, harassment and fear.

Brussels, 1998
