



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2003/NGO/53  
28 February 2003

ENGLISH ONLY

---

COMMISSION ON HUMAN RIGHTS  
Fifty-ninth session  
Item 11(c) of the provisional agenda

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:  
FREEDOM OF EXPRESSION

Written statement\* submitted by International PEN, 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 1996/31.

[30 January 2003]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.03-11402

### Freedom of Expression and Impunity

International PEN, the world association of writers representing members in 94 countries, has central to its mandate the promotion of the right to freedom of expression, which it sees as essential to the advancement of understanding between nations and cultures, and thus towards international peace and stability. Its Writers in Prison Committee has for over 21 years monitored attacks against writers and journalists for the practice of this right, and has on its records over 1,000 recorded instances of killings, arrests, imprisonment, physical attack, and court proceedings in the past 12 months.

International PEN welcomes Mr Ambeyi Ligabo to the post of Special Rapporteur on Freedom of Expression, and to commend him on his report to the Commission on Human Rights (E/CN.4/2003/67). It particularly welcomes Mr Ligabo's reference to the large numbers of writers and journalists world wide that continue to be killed with impunity and his recommendation that, *"An end to impunity for the perpetrators of such acts and the conduct of serious investigation into these attacks is, in the view of the Special Rapporteur, the first step towards greater security for journalists."*

The unhindered respect for fundamental human rights is the foundation for a flourishing democracy. Included among those rights is that of freedom of expression, as guaranteed under Article 19 of the Universal Declaration on Human Rights. All citizens must be able to express themselves freely on any matter and through any form of communication. In many countries around the world, this right is practised without few obstacles.

However, in other countries, violations to this fundamental right are commonplace. Although the impediments come in varied forms, International PEN has documented that the threat to free expression is as strong today as it was when its work began. Nowhere is this more apparent than in the continued murder of journalists and writers every year because of their work. Over the past decade, free expression monitors have recorded the killings of more than 300 writers, journalists and media workers. Many were intentionally murdered, while others were targeted for their political opinions or for having exposed corruption.

Investigations into the murders are often thwarted by threats, official corruption and lack of political will. The vast majority of cases go unpunished. International PEN notes that the deficient administration and application of justice encourages violent people to continue attacking journalists and writers. When there is no political support, a rigorous police investigation and a quick call for justice to try to find those responsible, a repetition of violence against journalists exists. Whenever these perpetrators benefit from full impunity, their victims' right to know the truth is also sacrificed and every government's responsibility to uphold the truth abused. For these reasons, the fight against impunity is an essential factor in the promotion and defence of human rights.

### Impunity in Latin America

International PEN has documented that nowhere is the assassination of journalists and writers as a means to silence critical or opposition voices more prevalent than in Latin America. In the past decade, significant numbers of journalists and writers have been

killed in the region. As with other parts of the world, the number of these cases that have been solved is alarmingly low. Three countries in particular are known not only as dangerous places in which to be a practitioner of the written word but also as places where impunity is a way of life.

### Colombia

In 1999, a sub-unit of the Human Rights Commission of the Public Prosecutor's Office was established and four examining magistrates were charged to look exclusively into cases that involved journalists. They are now handling 35 cases, 30 of which concern murders that occurred between 1986 and 2001. However, the outcome leaves a lot to be desired: only a few people thought to be responsible for some of those murders have been sentenced or are in detention. While PEN recognises that the particular circumstances within Colombia are a severe hindrance to the apprehension of many of those involved in the assassination of journalists, it maintains that there is more that can be done.

### Mexico

In Mexico, inquiries have led to the sentencing of some of the perpetrators of killings of print and broadcast journalists. However, this is by no means the case in all the 19 instances of journalists killed between 1992 and 2002. The effects of such impunity are evident in the fact that the killings continue unabated.

### Brazil

Since 1991, 14 print and broadcast journalists have been murdered: seven have occurred within the state of Bahia alone, where their murderers have been granted full immunity since, to date, no investigation has been successfully completed.

The situation in Latin America is reflected in other world regions, most notably in countries such as Russia, the Philippines, Ukraine, and Bangladesh.

Thus International PEN welcomes the resolution 2002/79 approved by the 58<sup>th</sup> session of the Commission on Human Rights, April 2002 on impunity that recognises the *“importance of combating impunity for all human rights violations”* and urges that States take action to *“hold accountable perpetrators, including their accomplices, of violations of international human rights and humanitarian law”*. PEN is confident that the Special Rapporteur on Freedom of Expression, alongside other special rapporteurs and mechanisms of the Commission, will consider as a high priority the recommendation that they *“continue to give due consideration to the issue of impunity in the discharge of their mandates”*.