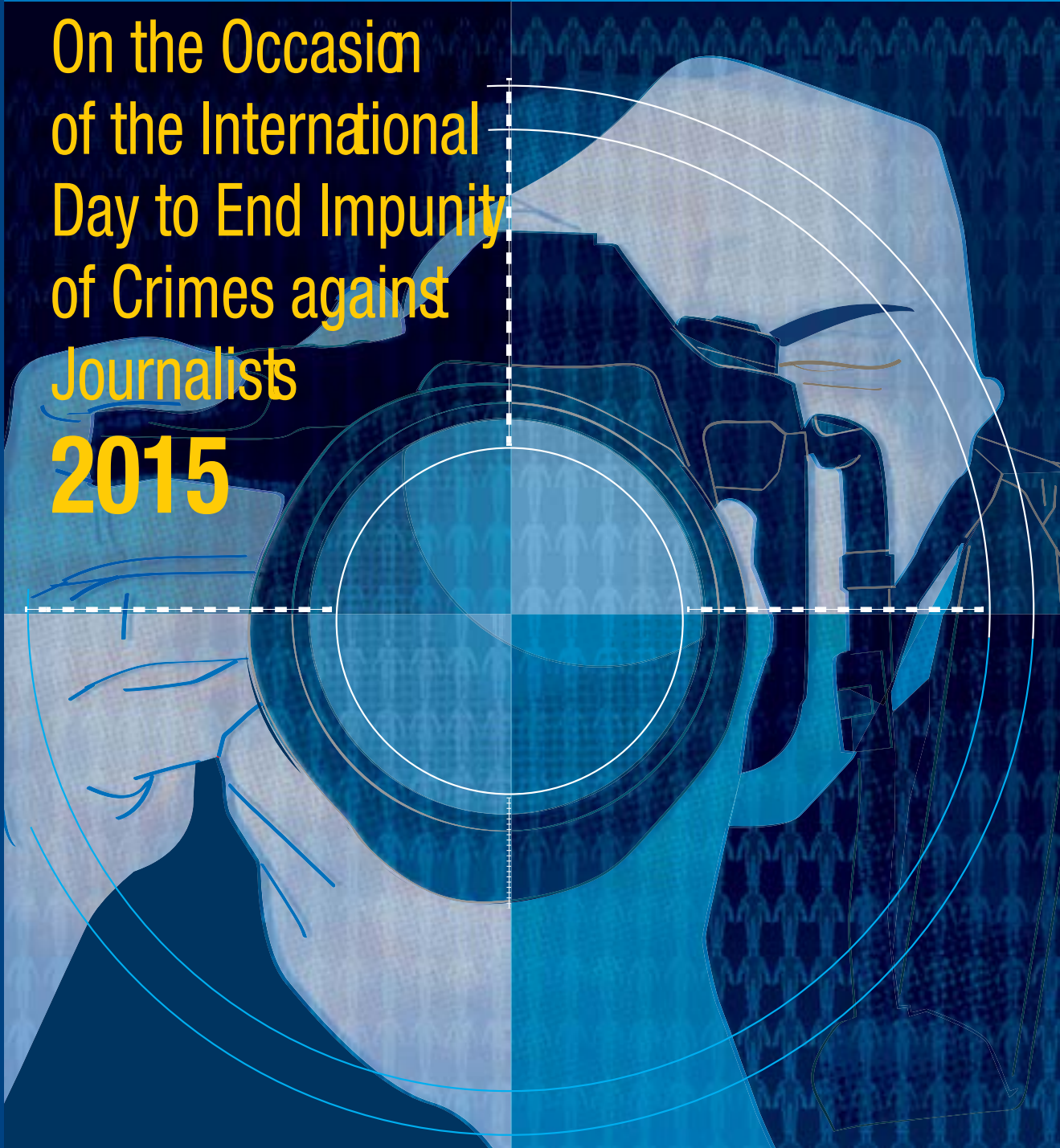




United Nations
Educational, Scientific and
Cultural Organization

Commemoration conference

On the Occasion
of the International
Day to End Impunity
of Crimes against
Journalists
2015



Ending Impunity for Crimes against Journalists

Conference Report
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I. Preface



The primary goal of this report is to summarize and contextualize the conference held by the cluster office of UNESCO in San José, Costa Rica, in the Inter American Court of Human Rights the 9-10 October of 2015, with regard to the commemoration of the International Day to End Impunity for Crimes against Journalists. The report includes and summarizes the main ideas discussed during the panels, in which 34 panelists from more than 20 nationalities who collaborate with several national and/or international institutions, as well as distinguished members of civil society. This event will be contextualized within the initiatives developed to fight impunity for crimes against journalists and freedom of information.

This kind of forums not only promote dialogue among panelists and people in attendance, through live streaming and the preparation of materials for reflection and study, they represent an important contribution to move in a specific direction. In order to address a problem of this magnitude it is necessary to assemble the highest number of relevant agents, both locally and internationally, possible. Reaching a consensual agreement on which measures have to be taken is proof all the influential spheres are getting involved. Therefore, a high amount of individuals and institutions involved does not only guarantee an accurate diagnosis of the situation it also encourages these agents to take action.

The objectives set by the UN Plan of Action on the Safety of Journalists are concise and specific, directly appealing to the root of the problem. As a product of this, the solutions suggested are feasible, measurable and realistic. The idea is based on the combination of action and awareness-raising. As the concerns over the state of freedom of expression and safety of journalists settle in the international concert, the number of measures adopted by different states will increase. It is crucial to understand that the profession is under constant attack. Groups of power deliberately attack this right because they know how powerful it is. A well-informed society who can rely on free and independent media is a

society that is committed to fight for the ideas of justice and equality. In this sense freedom of expression is the best weapon to defeat criminals, corrupt politicians, dictators, etc.

Since this is a known fact, it does not come as a surprise that there are always attempts to restrain this right.

Impunity does not only encourages murderers, it also dissuades justice defenders from taking a step forward. To focus efforts in fighting impunity means to attack the root causes of the issue, not to accept the tragic fate of many journalists. Therefore, the plan seeks out implementing punitive actions and deterrent and precautionary measures.

The International Day to End Impunity for Crimes against Journalists and associated events that reinforce the significance of this day should serve to sensitize societies on the scale of the problem. Infringing freedom of expression is to infringe the right to receive truthful information. To silence the voices of journalists paves the way for the violation of rights and the perpetuation of injustices. A collaborative effort between international organizations, states and civil societies is the only way to protect one of the most important rights to ensure peace and justice across the globe.

Ignacio Vidal Vázquez
Journalist & Human Rights Expert



Mauricio Herrera, Minister of Communication of Costa Rica during his speech.

II. Summary

This report aims to contextualize the conference held in Costa Rica on the issue of Ending Impunity for Crimes against Journalists. This event is one of the many that have taken place in the last 3 years aimed to sound the alarm on the landscape of violence against journalists.

UN and UNESCO, as well as the organizations and bodies they collaborate with, are completely aware of this concern and are determined to transfer it to states and civil societies. UN recently declared November 2 as the International Day for Ending Impunity for Crimes against Journalism.

The conference inscribed in the context of this celebration took place the 9-10 October 2015 and was held in the Inter American Court of Human Rights. More than 30 panelists from 20 different nationalities attended the panels. Subjects such as limitations on freedom of expression in different

societies, the worrying climate of violence against communicators and the possible solutions to the issue were addressed.

Impunity is the ultimate consequence of the apathy many states show towards safeguarding freedom of expression and protecting media professionals. It is necessary to tackle the problem judicially and politically to produce positive results. To put criminals in jail sends a powerful deterrent message to those that might want to follow their steps and also builds a climate of trust among journalists.

The nine panels addressed the different realities of this multilayered issue and tried to find solutions that could integrate all the spheres of power. The following summaries synthesize the most relevant ideas presented by the panelists, discussed afterwards when the floor was opened for questions and comments.

III. Information regarding the organization of the International Day to End Impunity for Crimes against Journalists in San José, Costa Rica.

Strasbourg was the first place chosen for the commemoration in 2014 of the International Day to End Impunity (IDEI). Many important European institutions are based in this French city, such as the European Parliament, the European Council or the European Court of Human Rights.

Choosing Strasbourg responds to practical and functional reasons, as more European and international organizations can be gathered, therefore the commemoration of the International Day to End Impunity (IDEI) gains more notoriety around the world. Europe might be considered as an example of respect to human rights and freedom of expression, but the whole region has its own problems in regard to the issue. Many states do not have access to information laws or do not sufficiently provide protection to the forms of journalism that have arisen as a result of the development of new technologies. It is convenient that each country approached the issue of freedom of expression from its own perspective, making advancements towards achieving greater levels of protection. Europe, on the other hand, does not have a tangible problem of violence against journalists, however, media professionals face some impediments that hinder the proper exercise of their profession, obstacles that have to be eliminated.

The capital of Costa Rica, San José was the city chosen to host the 2015 edition. Costa Rica is a world leader in defense of freedom of expression and human rights. It has signed and ratified all the international treaties on becoming party to all seven Declarations, Protocols and Covenants included in the International Bill of Human Rights.

Moreover, the Inter American Court of Human Rights is also based in San José.

The rationale behind the designation of this location is twofold: San José is the capital of Costa Rica, a country known for its defense of human rights. This nation belongs to a continent in which the safety of journalists has become a serious problem.

Lots of journalists have been killed in the line of duty in places like Brazil, Colombia or Mexico. That is why these international forums are so important, as they serve to assemble the most important elements of the judiciary spheres with the intention of finding solutions to the issue of impunity.

Through its sentences, the Inter American Court of Human Rights has tried to set jurisprudence to avoid these cases to sink into oblivion. The investigative and judicial powers have to comply with their duties and obligations in the best way possible to protect the right to freedom of expression. It would be interesting to compare and control the measures each country is taken to prevent impunity for crimes against journalists. Out of the 6 protection mechanism created to protect journalists, 5 of them have been developed and implemented in America. That speaks volumes about the willingness to solve the problem.

This forum allows to verify whether the results derived from the solutions implemented are being successful and to look for new approaches in regard to seeking more justice for crimes against journalists.

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Despite the fact that the forum aims to provide a global solution, it generates a greater impact on the region where the forum is held, so to have to privilege of hosting the event entails more accountability when it comes to the implementation of potential solutions.

IV. Contextualizing the Commemoration conference on the occasion of International Day to End Impunity for Crimes against Journalists

In order to fully understand the scope of the conferences it is necessary to provide context and rationale. Hence, statistics can help to take stock of the situation.

That the full exercise of the profession of journalist is a stumbling block for those who seek private interest over justice is a proven fact. Journalists are feared by criminals, dictators, corrupt politicians due to their ability to unveil secrets. For this reason many of these professionals are harassed by several institutional powers with the purpose of silencing their voices and censor their stories. Journalists are usually at a disadvantage when they decide to counteract any threat or attack against them. Not only they lack the resources to safeguard their integrity against some dangers, in case they suffer an attack it is unlikely that the perpetrator or group of perpetrators are prosecuted and punished. In recent years, UN and UNESCO have relentlessly tried to bring to justice those who violate freedom of expression.

According to the 2014 Report of UNESCO's Director-General on the Safety of Journalists and the Danger of Impunity, 593 journalists were murdered from 1st January 2006 to 31st December 2013. Only 39 cases were solved, a shocking 7 percent of the total¹.

The Committee to Protect Journalists (CPJ) reports that 1139 journalists have died since 1992². 756 were confirmed as victims of a deliberated attack in relation to their activity³, 660 of the cases were never investigated⁴. Reporters Without Borders estimates that 410 journalists⁵ have been murdered from 2010 to October of 2015.

This is a global problem that affects a lot of countries in the world. The CPJ elaborates every year an index of countries in which impunity prevails. The index is calculated by counting the number of murdered journalists as a percentage of the population of each country.

“The Committee to Protect Journalists (CPJ) reports that 1139 journalists have died since 1992”

Below is the ranking of the most dangerous places for the practice of journalism between 1992 and 2015:

- 1 The Safety of Journalists and the Danger of Impunity. Report by the Director-General to the Intergovernmental Council of the IPDC (twenty ninth session). http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/IPDC/ipdc_29_council_safety_report_rev2.pdf
- 2 Committee to Protect Journalists (CPJ) (2015); “1139 Journalists Killed since 1992,” available at <https://cpj.org/killed/>
- 3 CPJ (2015); “Methodology,” available at <https://www.cpj.org/reports/2013/05/impunity-index-getting-away-withmurder.php#table>
- 4 CPJ (2015); “660 Journalists Killed with Complete Impunity since 1992,” available at <https://www.cpj.org/killed/impunity.php>
- 5 <http://en.rsf.org/>

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Killings in 20 Deadliest Countries, 1992-2015	Confirmed Murders, 1992-2015	Corresponding Impunity, 1992-2015
Iraq: 167	104	103
Syria: 84	11	11
Philippines: 77	75	75
Algeria: 60	58	58
Somalia: 57	40	39
Pakistan: 56	32	30
Russia: 56	36	32
Colombia: 46	42	36
India: 35	22	22
Mexico: 34	31	28
Brazil: 33	31	22
Afghanistan: 27	12	8
Turkey: 20	18	14
Sri Lanka: 19	10	10
Bosnia: 19	4	4
Bangladesh: 18	17	14
Rwanda: 17	17	15
Tajikistan: 17	14	14
Sierra Leone: 16	9	9

To say that there are countries in which an intervention is more urgent than in others is an understatement. Although freedom of expression is not only restricted by the use of direct violence –actions labeled as such are the most extreme way of restriction- , the focus is on developing initiatives aimed at ending impunity and improving safety, which by itself is just the tip of the iceberg. The underlying goal of these initiatives is to set specific measures in order to produce quantifiable changes.

UN and UNESCO have fought for the respect of human rights since their very inception. Being freedom of expression is one a fundamental rights, it is not easy to determine the exact moment in which the concerns over impunity became an issue of importance. However this indetermination, the incidents that led to the celebration of the International Day Against Impunity for Crimes Against Journalists can be tracked down, as well as the all the events and actions related to the subject.

The first Inter-Agency meeting ⁶ on the Safety of the Journalists and the Issue of Impunity was held in the UNESCO Headquarters in Paris on 13 and 14 September 2011. Representatives of different agencies, programs and foundation gathered in Paris to compose the draft of a Plan of Action devoted to improve the safety of journalists and fight impunity for crimes against them.

The plan is aimed to safeguard the fundamental right to freedom of expression creating a safe environment for the proper practice of journalism through the establishment of synergies with all the stake-holders in order to reduce risks and fortify national and international legal mechanisms of defuse of free information and freedom of expression. Some of the specific measures were the following: to alert the civil society about the risks of not having free press, to help Governments to develop laws aimed to protect journalists and media staff against impunity, to create courses of self-protection for journalists, to establish action-oriented mechanisms of response, to enforce safety in places in conflict and to raise awareness among Governments, owners of media groups and journalists on the surge of violence against media professionals.

⁶ Available at: <http://www.unesco.org/new/en/communication-and-information/events/calendar-of-events/events-websites/inter-agency-meeting-on-the-safety-of-journalists-and-the-issue-of-impunity/>

Several regional institutions, professional organizations NGOs and member states attended the first meeting, an event devoted to the elaboration of a Plan of Action designed to protect the right to freedom of expression. The finalized UN Plan of Action on the Safety of Journalists and the Issue of Impunity was subsequently endorsed by the UN Chief Executives Board on 12 April 2012. It was also welcomed in the UN General Assembly resolution that established the IDEI.

The 2nd UN Inter-Agency Meeting⁷ was held in Vienna, Austria, from 22 to 23 November 2012. The aim of the second meeting was to formulate a concrete UN Implementation Strategy on The Safety of Journalists and the Issue of Impunity. The Strategy help guides the implementation the UN Plan of Action on The Safety of Journalists and the Issue of Impunity.

The meeting was co-hosted by UNESCO, OHCHR, UNDP, and UNODC. Fifteen UN Agencies and more than 40 non-governmental and intergovernmental organizations, independent experts, media groups and professional associations who took part in the meeting reached a global commitment to ensure that all the issues of journalists safety and combating impunity will be tackled and through a multi-stakeholder approach.

In December 18th 2013 UN adopted the resolution A/RES/68/163⁸ and proclaimed 2 November as the International Day to End Impunity for Crimes against Journalists urging UNESCO to facilitate the implementation of the International Day in collaboration with Governments and relevant stakeholders and urges Member States to “do their utmost to prevent violence against journalists and media workers, to ensure accountability through the conduct of impartial, speedy and effective investigations into all alleged violence against journalists and media workers falling within their jurisdiction and to bring the perpetrators of such crimes to justice and ensure that victims have access to appropriate remedies”.

The current 3rd UN Inter-Agency Meeting took place at the premise of the Council of Europe in Strasbourg, France on 4 November 2014. This meeting reviewed the first two years of implementation of the UN Plan of Action from 2013- 2014, including the key achievements, challenges, lessons learnt as well as to discuss steps for the future implementation of the UN Plan of Action. The 3rd Inter-Agency meeting also discussed general awareness of the issues and of the UN Plan of Action itself. Among these is the extent to which international NGOs have acted on the potential role of the UN Plan of Action as a mechanism that could improve the safety of journalists and increased resource mobilization. Discussion will also cover the response of news organizations and media houses, for example Al Jazeera Media Network has included principles of the UN Plan of Action as part of their regular safety training for their journalists

Closer in time is the conference on which this report is about, that took place on the 9 and 10 October 2015. It was hosted by the multi country cluster of UNESCO San José and held in the Inter-American Court of Human Rights in San José, Costa Rica.

7 Available at: <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/safety-of-journalists/2nd-un-inter-agency-meeting-on-the-safety-of-journalists-and-the-issue-of-impunity/>

8 Available at: <http://www.un.org/es/comun/docs/index.asp?symbol=A/RES/68/163&referer=http://www.un.org/es/ga/68/resolutions.shtml&Lang=E>

V. Concept Note

Commemoration Event as part of the buildup for the International Day Against Impunity for Crimes Against Journalists. 2 November 2015. It was held in the Auditorium of the Inter-American Court for Human Rights, San José, on 9 and 10 October 2015.

Several member of the Inter-American Court of Human Rights participated in the event. Listed below are the institutions and organizations that also took part:

- Special Rapporteur for Freedom of Expression, Inter-American Commission on Human Rights of Organization of American States and
- Article 19;
- Centre for Freedom of the Media (CFOM), University of Sheffield;
- Center for Justice and International Law (CEJIL);
- Committee to Protect Journalists (CPJ);
- Costa Rican National Commission for UNESCO;
- European Lawyers' Union (UAE);
- Freedom House;
- Global Freedom of Expression and Information, Columbia University;
- Inter American Press Association (IAPA/SIP);
- Inter-American Court for Human Rights, San José, Costa Rica;
- International Association of Broadcasting (IAB/AIR);
- International Association of Lawyers (UIA);
- International Center for the Promotion of Human Rights (CIPDH);
- International Federation of Journalists (IFJ/FIP)
- International Freedom of Expression Exchange (IFEX);
- Media Legal Defense Initiative (MLDI);
- Office of the High Commissioner on Human Rights Panamá (OHCHR Panamá)
- Open Society Foundations (OSF)
- University of Peace
- World Association of Newspapers and News Publishers (WAN-IFRA)

The rationale behind the celebration of an international event of this type comes from the necessity of getting all the agents involved and in touch towards the design of effective solutions. Moreover, all the content and impact generated by this conference helps to ratify the established goals and to gain visibility. Impunity towards crimes against journalists is considered one of the main factors fueling the cycle of violent crime against the exercise of freedom of expression and human rights more broadly.

The operators of judicial systems (judges, prosecutors, lawyers, and investigative police) are crucial to address

the issue of impunity. Deepening and sharing experience and jurisprudence of International Courts, as well as national references in regard to High Courts, can be an important tool in fighting impunity. It is also important to raise knowledge about international standards and international law. Holding the event 9-10 October, two weeks before the 2 November, provides an advance global and regional signal about the imminent International Day Against Impunity for Crimes Against Journalists. It will also prepare for activity on the actual day when the outcomes will be widely circulated, and there will be the launch of an online discussion and an online course involving the constituency.

Judicial systems are complex structures with multiple stakeholders. Therefore, sustainable processes of awareness rising, peer-to-peer discussions, knowledge sharing and capacity building are needed to support actors in these systems to understand and act to end impunity and enforce the rule of law in the cases of attacks against journalists. The role of jurisprudence coming from International Courts is especially relevant within this context, that's why it is particular relevant to hold this kind of meeting in partnership with bodies like the Inter-American Court of Human Rights.

The conference aims to achieve the following goals:

To ensure continued momentum around the opportunity of the recently proclaimed IDEI, and contribute to the build-up of activities on this day.

To provide continued dialogue and sharing of good ideas among the international judicial agents, as started in Strasbourg in 2014.

To emphasize judicial agents in general the particular importance of journalists in the search of ending violent crimes and the strengthening of rule of law, in line with the draft of Sustainable Development Goal number 16 (to promote peaceful and inclusive societies for sustainable development and provide access to justice for all).

To provide a platform for Latin American agents to share experiences each other and with counterparts from abroad on fighting impunity, thus building understanding and capacity.

To provide publicity on the issues, increasing awareness and a quality concept note along with a conference report on the outcomes, which are circulated amongst key stakeholders.

VI. Summary of Panels

Session 1: Opening Ceremony

The UNESCO Representative in Costa Rica, Pilar Alvarez, Mauricio Herrera, Minister of Communications of Costa Rica, Zarela Villanueva, President of the Supreme Court of Costa Rica and Humberto Sierra, President of the Inter-American Court of Human Rights, opened the commemoration conference on the occasion of the International Day of End to Impunity (IDEI) for Crimes against Journalists 2015.

The international two-day conference covered the essential issues on ending impunity of crimes against journalists. A forum that gathered more than 50 experts from 25 countries representing 20 international organizations that stand up for the defense of human rights, especially freedom of expression and the fight for ending impunity of crimes against journalists.

Nowadays it is merely impossible to dissociate democracy from freedom. One of the main freedoms is the right to freely express and spread information and opinions. Without this recognized and respected right it is impossible to have strong, healthy and free democratic institutions. A society where people do not have freedom of expression and where the access to information is denied regarding local and international events, is a

society of alienated and disinterested individuals in public life. Journalists and media professionals choose to devote their careers and lives to this task without which no democracy is able to function properly. To guarantee that these professionals can do their job in a guaranteed framework of safety, recognition and respect is everybody's duty: civil society, nations and international organizations. UNESCO, as the UN agency promoting education for all, culture, sciences, access to information and freedom of expression is leading the



The Director of the UNESCO Cluster Office San José, Mrs. Pilar Álvarez during the inaugural speech

"593 journalists have been killed between 2006 and 2013, only a staggering 6% have been resolved and lead to a final judgement against the perpetrators"

movement on ending impunity of crimes against journalists.

According to UNESCO reports that were mentioned in the opening ceremony by the Director of the Office in San José, 593 journalists have been killed between 2006 and 2013, out of which only a staggering 6% have been resolved and lead to a final judgement against the perpetrators. This shocking figure is the reason why national and international organizations have started to take actions aimed to revert this situation. The UN Plan of Action on the Safety of Journalists and the Issue of Impunity was endorsed by the UN Chief Executives Board on 12 April 2012. The Plan was prepared during the 1st UN Inter-Agency Meeting on this issue, convened by the Director General of UNESCO at the request of the Intergovernmental Council of the International Programme for the Development of Communication (IPDC). The plan is a collection of objectives, principles and actions developed by UNESCO in collaboration with UN agencies, intergovernmental organizations, NGOs, professional associations and UNESCO member states. In addition, the General Assembly of the United Nations, in collaboration with UNESCO, issued in 2013 the resolution A/RES/68/163 declaring the 2nd of November the International Day to End Impunity (IDEI) for Crimes against Journalists.

Violence against journalists does not only take place in regions where there is an ongoing armed conflict. Most of the deaths happen in countries that are not at war or even are consolidated democracies. In Latin America the three countries with the highest number of dead journalists are, according to the Freedom of the Press Foundation or the Brazilian Association of Investigative Journalism (BAIJ), Mexico, Brazil and Colombia. This might lead us to think that the threat is not only in areas of armed conflict but also in those countries where the state is failing to protect the citizens, and where the provided protection is not sufficient.

Even in Europe, the birthplace of Human Rights and Democracy, has witnessed tragedies like the Charlie Hebdo shooting in Paris, where 12 people of the French satirical magazine were killed.

Being murdered is the most extreme and violent measure to end freedom of expression, but it is not at all the only way. There are more subtle and frequent ways to restrain this right; to exercise control over broadcast licensing, to restrict access to public information or to prosecute those that dare to publish information against some institutions.

The Minister of Communications, Mauricio Herrera, claimed that Costa Rica has a greater degree of freedom and safety for journalists than other countries in Latin America, although he also pointed out that there is always room for improvement. Given his position in the Inter-American.

Court of Human Rights he recalled that during his time as a journalist he had to resort to this institution to protect his right to freedom of expression against the State of Costa Rica. Now as the Minister of Communications it is his prerogative to guarantee that this right is not only respected but broadened. He announced three measures that the government is planning to implement in the upcoming months. The first is the development of a law on public information that guarantees the access for any citizen or reporter to the registers of the institutions of the nation so that they can learn and monitor what is done with government expenditure, project bidding, salaries and activities of the public servants.

The second measure will address the creation of a law on public advertising focused on making sure the official

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information is not used to reward or punish Costa Rican media groups. This measure is set to end discretion and vagueness.

As a third measure the Minister mentioned a future amendment of the criminal code to decriminalize the crimes of slander and defame related to investigations and publications of public interest that aimed to raise awareness of irregularities of public and/or institutional agents.

The President of the Court, Humberto Antonio Serra argued in his opening remarks that states have to be the warrantors of freedom of expression, being the organs that administer justice, such as the Inter-American Court of Human rights, that states have to comply with their obligations. Mr. Serra also alluded that nowadays the Inter-American Court of Human Rights represents more than 500 million people in the American continent and 70% of the laws of every country are heavily or directly based on international laws. The jurisdiction of the Court merges with the jurisdiction of each one of the countries that have ratified the treaty with the OAS.

In addition, the President of the International Court of Human Rights indicated that states can apply a battery of special measures aimed to safeguard the integrity and work of media professionals. Those include the development of measures of prevention of violence against journalists, like the introduction of protocols of immediate response. Of course, to train the society as a whole in Human Rights is also important. It would be a good idea to organize research and judicial groups specialized in freedom of expression. Therefore, to have a deep knowledge of the patterns, context and main agents of violence against journalists increases the chances to make the responsible to be held accountable for their actions. In the cases where impunity is fought with success and perpetrators are prosecuted and sentenced the people or institutions that planned but not executed the attack are often not punished. These special units would be able to analyze the cases individually for those groups that benefit from the restraining of freedom of expression that then could be identified.

The President of the Court also referred to the idea developed by the President of the Supreme Court of Costa Rica, Zarela Villanueva: the judicial and social establishment has to rethink who is a journalist.

In a globalized, technology-driven world, information has a transnational power. Freedom of expression becomes a real threat for those that have control over the state but acknowledge how influential public opinion can be. There are many examples of the involvement of third parties when the reality of a certain area or region is unveiled and becomes a matter of international interest, driving these third parties to put an end to some injustices. States and dictatorships not only control the international stream of information, they also make an effort to prevent some realities to be known outside their borders.

The new approaches to journalism and communications, require that blogger, activist and whistleblower have to be protected by the legislation of national organizations and states. Measures like mandatory membership in a professional association for the practice of journalism exclusively for those that have college training in the field restricts the pool of professionals only to a chosen few, therefore there will be only a reduced group of known reporters and communicators.

The relationship between freedom of expression and impunity was also addressed in the opening panel, not to embrace the inevitability of the crimes but to look at them as the best way to prevent violence. To show the

society as a whole and the potential perpetrators that an attack on the integrity of the journalists come at a toll and have subsequent judicial consequences has a clear deterrent effect. A society where justice is administered with equality and fairness is by default a safer society. These intertwined concepts are the best answer to defend freedom of expression. To eradicate impunity does not mean to overlook other important goals such as the implementation of specific safeguard mechanisms for media professionals and journalists. Multifaceted problems call for multifaceted approaches. Thus, a state that complies with the decisions of international organizations, that promotes the respect for human rights within its borders, that is also applying specific mechanisms of protection for journalists, and that is properly punishing those that act against the law is a state that integrally supports freedom of expression.

To end with impunity is to attack the root of the problem, avoiding its recurrence as well as dissuading potential perpetrators of crimes against freedom of expression.

A society where journalists are appreciated and recognized by the citizenship and its democratically elected institutions would hardly allow external agents to disrupt the right to freedom of expression.

Just 7% of the murdered journalists were women. As well as the aforementioned sorts of violence, female journalists are in addition often exposed to suffering sexual aggressions. The mechanisms of prevention and safeguarding have to be adjusted to the circumstances of women. As the new forms of journalism bring new legislative and judicial realities, the further incorporation of women in many countries into the journalistic profession has additional risks for them that should be considered and tackled with all the resources and means available.

Session 2



Ms. Lorena Pinto, moderator of the panel 2, UNESCO Chair Human Rights, University La Salle, Costa Rica

The role of the Judiciary Power in Protecting and Promoting Freedom of Expression

Keunote speakers of the conference were Claudio Grossman, President of the Inter-American Institute of Human Rights (IACHR) in Costa Rica and Dean of the American University Washington College of Law, Edison Lanza, Special Rapporteur on Freedom of Expression of the Organization of American States, and Diego García Sayán, Judge of the Inter-American Court of Human Rights.

Ms. Lorena Pinto, UNESCO Chair Human Rights, University La Salle, Costa Rica was the moderator of the second session. Before introducing the panelists that would take part in the panel, Ms. Pinto remarked that in 1993 the United Nations declared May 3 to be World Press Freedom Day. By 1993 this right was not as protected as it is now. 20 years later and with the proclamation of November 2 as the International Day to End Impunity for Crimes Against Journalists the problem is far from being solved. It should be noted that in the last 10 years more than 700 journalists have been murdered in the line of duty, mainly while

covering political events, stories related to violations of human rights or in armed conflict. 9 out of 10 of the crimes were not punished, which brings up the words of the General Secretary of UNESCO on this regard: “impunity is pernicious, leads to self-censorship by fear of retaliation and deprives society from relevant sources of information.”

The major point of discussion were the functions and limitations of the national and international judiciary powers, from the standpoint of the jurisprudence enacted by the IACHR with regard to freedom of expression.

Mr. Grossman stated that even though a murder is the most extreme type of violence that can be perpetrated against freedom of expression, there are other non-fatal types to effectively limit this right that come in handy for some groups and states. On this regard, Grossman indicated that the most common types of disruptions of freedom of speech

included censorship, arbitrary broadcasting licensing, and excessive sentences for crimes against honor or privacy and impunity as a result of the inaction of judicial mechanisms.

The barometer of any democracy, as stated by Mr. Grossman, lies in the people's capacity to question the power without fearing retaliation. Freedom of expression in modern societies does not only mean freedom of speech it also entails free access to the media and technologies mass societies need. Freedom of expression requires pluralism. Media monopolies are one of the biggest hindrances to diversity and balance of opinions. Without this balance there is no freedom of expression.

Moreover, power would never be actually questioned nor fought. The judiciary power needs to acknowledge how the right to freedom of expression is limited nowadays and try to knock these limitations down.

The crimes of defamation should never be applied beyond the individuals. Institutions should try to avoid taking legal action for defamation, as it dramatically hinders the flow of information related to the activities of companies, government bodies.

Edison Lanza raised the question of the relationship between freedom of expression and the right to privacy. Even though it is true that information is empowering, information can also pose a threat to this inalienable right. However, this right should not be used as an excuse to undermine freedom of expression although the limits that allow a regular citizen to have an independent, private life should not be trespassed either. Social media and new communication technologies expose people to the public eye, taking pictures in public spaces or sharing their everyday life. Judge Baltasar Garzón will address this “degradation of privacy” in the 6th session.

It should be noted any case of restriction of freedom of expression, aimed at either an individual or a collective, not only violates the rights of the direct victim or group of victims, it has an effect on the society as a whole, since it deprives the citizens of the right to information, which is absolutely necessary for a democracy. An uninformed citizenship is at the mercy of a shadow government that does not have to account for its actions.

The judiciary power has to be the moderator that ensures individuals and governments observe the laws. However, if this power is not separated from the other then it becomes a tool to restrict human rights. It is in said circumstance when the supranational judiciary powers play a key role, as they have to correct the potential imbalances that might take place between the powers of a state.

As a judge of the Inter-American Court of Human Rights, Diego García Sayán talked about the role the Court plays in the American continent. During his allocution he referred to three sentences aimed to compensate the deficiencies some countries display when defending freedom of speech. One of the most sanctioned countries -roughly amassing the 70% of the sentences- is Venezuela. One of the sentences , Granier against Venezuela ⁹is crystal-clear example of violation of freedom expression by a sovereign state, this time by means of broadcasting licensing.

Marcel Granier Haydon is a Venezuelan businessman, president and general manager of Empresas 1BC and President of Radio Caracas Televisión (RCTV), founded in 1953. RCTV was one of the oldest stations in the country,

⁹ Inter-American Court of Human Rights Case GRANIER AND OTHERS (Radio Caracas Television) VS. VENEZUELA JUDGMENT OF 22 JUNE 2015 available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_293_esp.pdf

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until its disappearance in 2007. It was in November of 2006 when the by then President Hugo Chávez decided not to renew the broadcasting license of the station. This decision was backed arguing that RCTV lobbied for the coup d'état attempt of 2002 against the current administration. RCTV was very critical of Chávez's party. The 27 May of 2007, the station discontinued the on air broadcasting and turning into a subscription-only station.

The case was presented to the IACHR as a violation of freedom of expression because the right to broadcast of this media group is unjustifiably restricted. Granier got a favorable^[1] judgement and it included the following in the conclusions: 'the reasons given in the official resolution for the withdrawal of the license did not conform to reality, these were merely a disguise to make believe the process complied with the law, although the actual purpose was to silence those that are, which constitute, along with pluralism, tolerance and transparency, the proper requirements of the democratic debate, precisely what freedom of expression tries to safeguard'

Recently the Supreme Court of Venezuela released a statement declaring¹⁰ that the judgment was "unenforceable" since it contradicted the Inter-American Convention of Human Rights and the Constitution of the Bolivarian Republic of Venezuela. The debate regarding contravening the ruling of international institutions pleading the prevalence of their national constitutions will be covered in depth in session 4 of the conference.

The events recounted represent a prime example of how a sovereign state can flagrantly violate the right to freedom of expression and information through arbitrary licensing decisions, which is, ultimately, a type of censorship.

States that allow the death of journalists do not comply with their duty to respect and protect freedom of expression. Diego García Sayán made reference to the guidelines that have to be taken into account to state whether a state is responsible of the death of its citizens, since the extent of responsibility may vary, even being non-existent in some cases. These circumstances have to be considered in order to determine such responsibility: the acknowledgement of the situation of danger, a clear and obvious identification of the individuals or groups that might potentially plan and execute attacks towards the citizenship and lastly that the law enforcement agencies have are prepared to prevent any action.

In the second presented case 'Campo Algodonero against Mexico'¹¹ the IACHR found Mexico guilty of violating the right to life and personal integrity –among others- for not intervening to avoid tragedy, acknowledging the risks and having the power to use deterrent measures while failing to undertake a subsequent investigation.

This case, albeit not directly related to freedom of expression it represents an example of a state putting at risk the life of its citizens by omission while infringing a fundamental right. It is important to stress that the states are not only guilty by their direct actions but also if they choose not to take part. To fail to safeguard a fundamental right is a breach of duty. Therefore when states do not whatever is in their power to investigate and solve crimes against journalists they are violating at the same time the right to life and the right to freedom of information. As well as highlighting the favorable sentences as cases of success, the panelists also expressed their concerns about the apparent limitations of the Court.

10 Available at: <http://www.tsj.gob.ve/-/tsj-declara-inejecutable-fallo-de-la-cidh-sobre-rctv>

11 Inter-American Court of Human Rights Case of González et al ("Cotton Field") VS. MEXICO JUDGMENT OF 16 NOVEMBER 2009 available at: http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_esp.pdf

The IACHR cannot act ex-officio, only by petition. It is more reactive than proactive. This might imply that cases that do not have much press are often overlooked or misrepresented. The lack of pro-activeness has a negative effect on prevention, as cases have to be notified beforehand and the judicial process tends to be slow, thus diminishing its efficacy.

The lack of adaptation to the new types of journalism and technologies is another weakness of the organization. In many cases the law is not adapted to an increasingly varied number of scenarios where there is a violation of the right of freedom of expression. The Court does not respond in due time to these situations which raises the question of whether the judges should embrace capacity building in order to stay up to date on the aforementioned fields. This topic will be discussed in the next sessions.

The Special Rapporteur on Freedom of Expression of the OAS, Edison Lanza, pointed out in the discussion that some judges might have a conservative approach to the responsibility of the states in the safeguard of fundamental rights. In addition it is the bureaucracy itself what impedes a fast and timely delivery of justice.

As seen during this panel, the IACHR has a key role in the defense of rights such as access to information and freedom of expression. The constitutions of the American states are inspired by its laws and jurisprudence. To count on the protection provided by this international organization is the proof that justice can travel beyond borders.

However, it is necessary to be aware of the inherent limitations of the organization and that it is a priority to focus on the defense of human rights rather than in the punishment. To raise awareness among the citizens and states on the importance of universal rights has to be the main tool to defend them.

To conclude the session, Ms. Pinto remarked some key issues: the interesting analysis of the jurisprudence of the Inter American Court, the fight for freedom of expression as a work in progress, and Mr. Lanza's idea of never forgetting that behind the statistics of killed journalists there are people that suffer.

Session 3

Problem diagnosis: the dimensions of violence against journalists and the issue of impunity

The goal of this session was to assess the magnitude and characteristics of violence and count on the participation of the main agents, organizations and institutions that manage information on the issue. The panelists involved were Germán Rey Beltrán, from The Gabriel García Márquez New Iberoamerican Journalism Foundation (Colombia), Emmanuel Combié, Member of Reporters without Borders (RSF, Brazil), Joel Simon, Member of Committee to Protect Journalists (CPJ, USA), Daniela Pastrana, independent journalist in Mexico, Roberto Rock, Vice-President of the Commission against impunity, Inter-American Press Association (IAPA) and Sylvie Coudray, Chief of Section Communication and Information Sector of UNESCO Paris.

Panel moderator José Luis Jaca, Vice-President of the International Association of Broadcasting (IAB/AIR) in Uruguay, claimed that the fight against impunity for crimes against journalists is not a matter of favoritism, it is because journalists are the living picture of one of the fundamental rights of every democratic society. To kill journalists limits an individual and collective right. Societies become more transparent and fair once they get rid of this scourge.

Before tackling the problem regarding safety and protection of journalists around the globe it would be advisable to consider the statistics available in order to identify patterns by country. This would help to know what is causing such vulnerabilities and which measures should be implemented.

Through big data and case studies it is possible to get an accurate idea of the problem and how to solve it.

According to the report of UNESCO's Director-General on the Safety of Journalists and the Danger of Impunity, as mentioned before, less than 6 percent of the 593 cases have been resolved. In 60 percent of the cases UNESCO does not have information about the judicial processes concerning the prosecution of the perpetrators of the crimes. Joel Simon claims in this regard that just 40 percent of the states report accordingly on the crimes committed against journalists. These figures, alarming in their own right, might be the reflection of a far worse real situation.

Emmanuel Combié, Member of Reporters without Borders, says that, according to his organization, 20 journalists have been killed in America in 2015, being Brazil, Guatemala and Mexico the most hazardous countries. Daniela Pastrana, independent journalist in Mexico, warned that 7 of the murders took place in Mexico, specifically in the state of Veracruz, a place that has become, according to her view, a harsh region to be a journalist.

Germán Rey asserted that Colombia is still recovering from the armed conflict the country went through in the last decades. In recent years the remote areas of the country have been the scenario of the military confrontation between the Revolutionary Armed Forces of Colombia (in Spanish: Fuerzas Armadas Revolucionarias de Colombia, FARC) and the government. Journalists of small media groups that cover stories outside big cities

are in great danger. According to Reporters Without Borders 50 journalists have been kidnapped by this armed group and the ability to exercise the profession of many others has been limited.

A significant part of the threat has disappeared thanks to the peace process developed in Havana, although there are still other threats, mostly related to criminal or paramilitary organizations.

Even though the conflict is set to be solved many journalists still lose their lives. Most of them work for small media groups in places away from the big cities.

The data shown in the Impunity Index developed by the Committee to Protect Journalists (CPJ) reveals that there are countries that despite not being in an ongoing armed conflict amass a worrisome amount of deaths of media professionals. Some of these countries, such as Pakistan and Nigeria, 19 journalists were killed in 2013.

It should be noted, as Daniel Pastrana points out, that in many cases the states are the direct responsible of such deaths. The line between criminal armed groups and government representatives is very blurry. In Mexico 54 percent of the cases was responsibility of the government, whereas 14 percent were perpetrated by criminal organizations. In some cases the line that separates criminal groups from governments is very blurry. Drug traffickers control many spheres of power and the issue can only be solved eradicating the strong influence these criminals have over the institutions of the state. The battle that started in 2007 to end with this problem had a direct negative impact on media professionals, as criminal groups targeted them as the number one enemy.

According to the Impunity Index, calculated by CPJ as a percentage of the number of unsolved murders of journalists considering the population of a state, the countries with the highest degree of impunity are Somalia, Iraq and Syria. In these countries it is very likely that the perpetrators get away with their crimes.

Just 3 percent of the murders of journalists in the whole world result in the prosecution of the intellectual author. The situation takes a turn for the worse when some of these countries have jailed journalists for diverse reasons. Many so-called democracies not only create an unsafe environment for their journalists, they also persecute freedom of expression and do not hesitate to attack those who exercise the right.

The cases of the Colombian journalists Orlando Sierra and Nelson Carvajal were discussed as examples of state-directed violence. According to reports of the Attorney's Office a group of politicians met with the guerrilla to silence the voice of Nelson Carvajal, who was denouncing corruption. The case of Carvajal would be the first in recent times showing politicians and rebels teaming up to kill a journalist. According to Diana Calderón, investigative journalist in Colombia of the Inter-American Press Association. Said institution filed in 2002 a complaint with Inter-American Commission of Human Rights, which was admitted.

Something similar happened to Orlando Sierra, who was killed in 2002 and after years of trials that led to the acquittal of the intellectual authors, one of them eventually got convicted. Ferney Tapasco, former president of the Liberal Party in Caldas, plotted the assassination of the journalist so that his criticism and findings about corruption in Tapasco's party would not be heard.

Given these examples, it can be said without a trace of doubt that the situation in some countries is very concerning, as justice cannot be properly administered if the state is directly involved in criminal activities. Sadly this happens more often than not, forcing the victims and their relatives to resort to international organizations or courts to find a solution.

Moreover, resorting to these institutions does not guarantee reparation for harm suffered, as all the national judiciary resources have to be exhausted before. In addition, the process can be very long and in most cases justice is delivered a decade after.

Some of the solutions suggested focused on the implementation or improvement of systems of protection of each country. In Mexico the number of deaths increased after the enactment of a law aimed at protecting journalists and activists. This proves that to solve a problem it takes more than fictitious measures intended to persuade people to think the issue is being addressed.

In order to obtain actual solutions the judiciary systems need more funding, so as to be an agent of prevention and prosecution. Systems of protection need to count on the help of several professionals that are not only ready to undertake preventive actions but also are able to identify the root causes of the problem, knowing where the actual dangers are and which are the best ways to solve it. The creation of observatories that raise the alarm about the killing of journalists helps the political spheres to dedicate more resources to prevention of the issue. The international society has to be an instrument of pressure and denunciation so that the goals, as well as defined, can be monitored. To establish achievable and quantifiable goals is a key step in the process.

To not trying to reverse the situation equals to embrace the self-censorship power of violence. According to Roberto Rock, half of the Mexican media do not cover corruption or narco-related stories, fearing potential retaliation. The same happens with digital and social media. Criminal groups are starting to silence their users through attacks against human rights activists, social media users and other communicators related to new technologies. The creation of the Mexican mechanism did not change this situation at all since the number of journalists killed has increased.

To talk about certain topics is becoming a taboo, not only for media professionals but also for every individual that wants to express their ideas through these new means of communication. If the judiciary powers and mechanisms of protection fail to adapt to this new scenario, the voices of the professionals will be silenced, as well as the voice of any person that condemns social and political injustices.

Session 4

Case law of regional and universal human rights protection bodies

The talks and discussions of this session focused on the role of the organizations and international courts in the defense and protection of the right to freedom of expression and safety of journalists. Each panelist analyzed the state of the issue on behalf of the organization they belong but adding their own points of view. One point of interest was the debate of whether the international jurisprudence should prevail over national laws or not. The following is a summary of the most important ideas presented in the debate.

In this fourth session participated Justice Agustino S. L. Ramadhani, President of the African Court on Human and Peoples' Rights, t Andris Mellakauls, the Director of the Committee on Media and Information Society of the Council of Europe, Victor Manuel Rodríguez-Rescia, member of UN Human Rights Committee, and the Vice-President of the Inter-American Court of Human Rights, Roberto F. Caldas.

Panel moderator William Horsley, from the Centre for Freedom of the Media (CFOM), opened the fourth panel making a preliminary assessment of some subjects. Mr. Horsley lamented that any member of the European Court of Human Rights attended the conference but praised the work in support of freedom of information of courts like this one. In addition he acknowledged the weaknesses of the European system in regard to the enactment of cautionary measures aimed to safeguard the integrity of journalists. The Latin American system, on the other hand, is successfully implementing such measures.

The European Council deems necessary to elaborate a summary of international laws and activities of different organizations regarding freedom of expression. This may help to reinforce the power of recently founded or less relevant Courts of Justice. On this note Mr. Horsley referred to a talk given at last year's conference by a Pilipino lawyer. This lawyer claimed that on various the judiciary power of the Philippines lacks the capability or willingness to judge crimes against journalists. In 2009 37 journalists were killed while they were on their way to the investiture of the governor of Maguindanao, a province of the Philippines. This massacre is to date the single deadliest event for journalists in history.

Mr. Horsley also went over the role of states in this fight and asserted that in Europe, countries like the United Kingdom rather prefer their own national courts of justice than international courts, such as the European Court of Human Rights in Strasbourg. About this subject he remarked that the recommendations of the European Council are practical and, most importantly, binding. Therefore, states are obliged to follow them.

Agustino Ramadhani mentioned that this was the first time that the African Court on Human and Peoples' Rights was invited to an event of this global level. Therefore,, he did not want to miss the chance to make a brief introduction of what is arguably the youngest court in the world, created in November 2006.

Justice Ramadhani admitted that the institution has faced several difficulties since its very inception, considering

that only 29 out of the 54 African states have ratified the protocol on the Establishment of an African Court on Human and Peoples' Rights, and only 7 have acknowledged the Court's competence to receive petitions, a mandatory step to complete the process. The Court consists of a small team, just 8 attorneys and 9 judges for the whole continent, its budget is limited, and jurisdiction-wise it is in its early stages, as it was founded less than ten years ago. Despite all these restraints, the African Court on Human and People's Rights has rendered a judgement in 53 cases, two of them related to freedom of expression and both affecting Burkina Faso.

The first case was Norbert Zongo versus Burkina Faso. Norbert Zongo, a fellow journalist and a private driver were killed in the attack. Zongo was investigating the killing of the chauffeur of the brother of the president of Burkina Faso at the time of his assassination.

The state was in charge of the first trial and found no one guilty of the killing, leading the family to take the case to the Court in order to seek accountability for the crime. The Court found that Burkina Faso had violated the right to freedom of expression by refusing to investigate the case diligently and prosecute the responsible.

In the second case, Lohé Issa Konaté versus Burkina Faso, the Court studied the application of this journalist, who was sentenced to prison and to pay a fine because a judge had filed a complaint for defamation against him. The Court ordered the release of Konaté and found that the penalty was not appropriate and violated his right to freedom of expression.

Andris Mellakauls, Director of the Committee on Media and Information Society of the European Council talked about the state of the issue in Europe, whose intention was to demystify the conception of Europe as the region where freedom of expression is respected everywhere and institutions protect this right with diligence. Half of the European countries do not grant guarantee for the access to public information. In addition, several countries keep journalists in jail.

Even though that in Europe there are far less deaths, unlike other regions such as in Latin America or the Middle East, the problems journalists have to face are more subtle. Most of the times is the state who sets up barriers to difficult the practice of the profession.

Of a particular importance is the situation in Eastern Europe. While the Committee on Media and Information Society is working with most of the countries to extend the consideration of journalists and media professionals to include bloggers, social media users and human rights activists. Russia firmly opposes, blocking any advancement.

As an example of the European problems, Victor Manuel Rodríguez-Rescia mentioned a case sentenced by the UN Human Rights Committee involving Belarus. This country demands in its legal system that in order to organize a demonstration an application for multitudinous gathering has to be filed, an agreement of safety and cleanliness, stating that the venue where the event takes place will be cleaned after and, if all the above is approved, the demonstration will be held in a stadium 60 km away from the city. This is happening in the 21st century. These kind of impediments are nothing but a flagrant violation of the right of assembly and the right to freedom of expression in the continent that takes pride in leading the fight for human rights. It cannot be allowed that European states and so-called democracies attack one of the pillars of modern societies.

One of the essential contributions of the UN committee, according to Mr. Rodríguez-Rescia, has been the criticism of the limitation of freedom of expression on national security, among other assumptions. Although this right is not one of core ones, it is important to defend it when it is suspended, as it may set the ground for a potential abuse of power by the state.

The United Kingdom and Canada have invoked the fight against terror to restrain this right. The work of the committee has been fundamental in that sense. One of the other main fronts in the defense of the access to public information.

In the case *Claude Reyes v. Chile*, the article 13 of the American Convention of Human Rights was pleaded. This article states that any person has the right to access to the information under governmental control, with the exceptions established by the Convention.

It should be noted that in 2007 Daniel Vargas Tellés wished to know how many public servants worked in the Municipality of San Lorenzo, which were their duties and salaries. Lacking answers, Vargas requested a quick petition and in first instance it was resolved not to ‘accommodate’ this appeal for legal protection, disposition confirmed in second instance by the Fifth Chamber of the Court of Civil and Commercial Appeals of the Capital District. The case led to some internal debate and to the promulgation of a law on access to public information. While in this case international jurisdiction was observed and inspired the creation of a law on access to public information, it is not always that way. Some states like Venezuela versus *Granier v. Venezuela* showed- refuse to comply with the ruling of the IACHR, claiming that it contravenes the constitution.

Mr. Rodríguez-Rescia does not agree at all: the adherence to international institutions has always been a voluntary decision, never mandatory. Hence, this attitude shows that in the 60s many countries did not exactly know what were the consequences of ratifying some treaties and now use the inviolability of their own constitutions as an excuse to ignore them.

The article 26 Vienna Convention on the law of treaties clearly states that every treaty in force is binding upon the parties to it and must be performed by them in good faith (“*Pacta sunt servanda*”) while the 27 specifies that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article 46.

Mr. Rodríguez-Rescia has also observed that European countries like Spain also have the same attitude towards international organizations. Spain demands the creation of a rulebook to make the decisions of the UN Human Rights Committee legally binding.

He also explained that the decisions and recommendations of the committee are not groundbreaking, they are just a reminder of the assumed international obligations of each state. On this note he considers that the committee is more often than not too shy and moderate. The committee does not apply the obligation of the states to adapt their legislation to the agreement on civil and political rights. It does not apply the *lura novit curia* either, whereby the parties in a litigation do not need to prove the law applies to their case, since it is assumed the judge knows them and applies them accordingly. Moreover, that the states ignore the recommendations of the committee weakens the institution.

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According to Roberto F. Caldas, Vice President of the International Court of Human Rights, there is as well another problem for international courts of justice, namely the slowness of justice. He considers that following the jurisprudence of the international court would produce simpler and faster processes. In 80 percent of the cases analyzed by the court there is a violation of the articles 8 and 25 for not rendering jurisdictional services effectively or in due time.

The case Bulacio versus Argentina refers to the event that took place 19 April 1991, when Walter David Bulacio was arrested by the Argentinian Federal Police, which was conducting a razzia. Bulacio was on his way to a rock concert and on April 26 of the same year he died, because he was tortured while in custody.

Argentina violated the rights to life, to humane treatment, to personal liberty, to fair trial, of the child, and to judicial protection as well as the obligation to respect human rights, enshrined in the articles 4,5,7,8,25 and 19. The American Convention sentenced Argentina for its actions and omissions and ordered that the state has to conclude the investigation of the facts and punish those responsible. Moreover, the relatives of the victim must have total access and the power to act at all stages of the investigations pursuant to national legislation and the provisions of American Convention on Human Rights. Finally, the results of the aforementioned investigations must be made known publicly, guaranteeing that a case such this one will never happen again, implementing any measure required to adjust the domestic legal system to the international norms of human rights, giving them full effect.

Roberto F. Caldas wanted to stress that the convention is having a positive impact on domestic jurisdiction. Thanks to the jurisprudence of the Inter American Court Brazil has introduced the procedure called “custody hearing”, in which a detained has to be brought to a judge within 24 hours from his/her detention.

It was also stressed that states have to guarantee freedom of information in all contexts and forms, even when the states have to make public and accessible all the information regarding institutional operations and resource management.

There is a necessity to adapt the domestic and international legislation to the new challenges the new forms of journalism present. To use the cases in which the sentences of the international courts have contributed to make the difference in the fight against injustices as examples of success is also a call for constant improvement. To do so, it would be important to speed up the processes and to assure that states consider the sentences as legally binding.

For the professionals it is not debatable that national sovereignties have to defend international jurisdiction. Adhering to a treaty is always voluntary action and the benefits it provides, once signed and ratified, are just one side of the coin. The other is the obligation to abide the decisions of these institutions.

Mr. Horsley wanted to know the opinion of Mr. Caldas on the words expressed by the former President of the Federal Court of Brazil, who stated that corruption is ingrained in the political and judiciary powers of the state, a circumstance that hinders the fight against impunity. Mr. Caldas asserted that each country has a particular set of problems that have to be addressed within and outside its borders.

Session 5

The importance of comparative legal studies and knowledge sharing on jurisprudence

A fair share of the solution to a problem lies in the acknowledgement and comprehension of the root causes and the study of its context. To fight impunity for crimes against journalists requires a huge amount of monitoring, study of cases, design of potential solutions. It is of the utmost importance to understand which are the best tools to tackle impunity. Jurisprudence allows us to know what was done in similar cases and through the study of jurisprudence we can apply judicial solutions of the same type on a global scale.

The following speakers of the panel work in different organizations that spend a lot of time and resources studying violence against journalists. They gave some clues about what can be done to solve the problem.

This fifth session included the talks of Toby Mendel, President of the Center for Law and Democracy (Canada), Marcia Aguiluz, Director, Program for Central America and México, Center for Justice and International Law (CEJIL), Taís Borja Gasparian from Global Freedom of Expression and Information, Columbia University (USA) and Athar Minallah, judge of the Islamabad High Court (Pakistan).

Panel moderator and Senior Attorney/Human Rights Specialist, Office of the Special Rapporteur for Freedom of Expression Ona Flores pointed out that it is necessary to establish a regional dialogue between countries with the intention of making the fight against impunity for crimes against journalists more effective. She showed her concern over how judges and human rights defenders could make a better use of comparative law in order to protect freedom of expression and fight impunity more efficiently.

The issue of violence against journalists is a problem that dates back to the very inception of the profession. In these days societies are more aware of the power of information, although violence is still a persistent problem. Since 2005, when the Center for Law and Democracy issued its statement, the situation and the ways to solve it have not changed much. Nevertheless, given that more groups of national and international societies are more aware of the problem, the efforts to invest in ways to end violence have increased.

The Center for Law and Democracy and UNESCO have joined forces to develop mechanisms of protection that contemplate the peculiarities of the crimes against journalists.

On this point it would not be wise to focus solely on the surface, without taking into account the intellectual authors of the crimes and which ramifications have within the political, economic and social powers of a country. According to Mr. Mendel, a mechanism of protection requires the support of specific criminological studies. Through research it has been found that in countries like Canada, which has a conviction rate for all types of crimes of 75 percent, around 75 percent of the crimes are committed under the effect of alcohol or drugs. Therefore, to identify patterns through research would help to investigate crimes against journalists. So to eradicate it, it would be advisable that the law enforcement and judiciary bodies determine without a trace

of doubt the origin of the issue.

The current line of action among the institutions of defense of freedom of expression is to raise the alarm and send the message that impunity is bound the end. This strong stance should have a deterrent effect, thus decreasing the amount of murdered professionals. Thence those mechanisms of protection with an insufficient political willingness to deal with the problem and limited resources are destined to fail. For instance, Mexico introduced a mechanism of protection that, at its early stages, instead of reducing the number of deaths achieved just the opposite. On the other hand, a similar mechanism in Colombia yielded positive results when it had the support of the civil society and the government.

Marcia Aguiluz claimed that the establishment of precautionary measures is an effective way to prevent crimes. Thanks to the measures granted by the Inter American Court of Human Rights, the Honduran TV station Canal 36 could keep broadcasting during the coup d'état of 2002, when the government ordered to confiscate all the equipment and to shut down the station.

The courts are more and more specialized as jurisprudence is soaking through the domestic legislations. The judge Athar Minallah, of the Islamabad High Court declares that his country was one of the first states to provide an effective and specific mechanism of quick response to judge crimes that violate the foundations of the state. Therefore a court specialized in terrorism and attacks on media was constituted. Moreover, the government, in its parliamentary activity, assigns specific cases to ad-hoc committees. Fruit of the work in this direction was the creation in 2013 of a counter terrorism prosecution manual. This manual should empower trainers to equip and motivate prosecutors towards proactive conviction of terrorists with celerity, surety, and certainty, from pretrial to post-trial and to take all steps in ensuring the best care and attention to victims and survivors. The judge Minallah also advocates to include in the category of safeguards of freedom of expression all those that, not being journalists by trade, sacrifice their personal integrity to defend this right. The case of Malala Yousafzi would serve as example that, the youngest person to ever receive the Nobel Peace Prize for her defense, of her right to go to school. Years later members of the Taliban shot her in the head. She survived the attack. 8 of the 10 people involved were acquitted after being found guilty in secret trial. Many are the voices that demand to shed light on this judicial process.

To have an in-depth knowledge of these processes and the sentences guarantees a correct administration of justice. Jurisdictions are progressively more applicable regardless where they come from or where they are going to be applied. With the purpose of creating a database of knowledge on the issue, Taís Borja Gasparian, from the Global Freedom of Expression and Information of the University of Columbia announced the launch of a website, globalfreedomofexpression.columbia.edu that gathers a repertoire of judicial decisions on freedom of expression. The site also counts on the participation of lawyers from different countries and promotes critical analysis and thinking, as well as providing access to reports, links to blogs and journals.

The database currently hosts more than 400 case analysis from 60 countries. The cases go through a strict process of standardization to facilitate quick searches. Each analysis includes a summary of the case and its outcome, facts, an overview of the decision, information, the direction of the decision (whether it expands or restricts a right), the significance of the case and a reflection on the influence of the case. In addition, the official documents of the case can also be consulted. These documents are attached in the language they were

originally written. The case selection is made by the community of contributors of the University of Columbia. The database allows the attorneys and judges to examine prior cases to compare them when necessary. This platform is an invaluable source to study the jurisprudence of an issue, which allows the establishment of parameters that guarantee the exercise of freedom of expression.

Taís Borja also stressed the importance of the proper management of sentence by the media, which occasionally misinterpret some concepts and terms. One of the goals of the portal is to put an end to the problem. An example of what Taís Borja was explaining was the treatment of the Brazilian media of the case against Google in Spain regarding the right to be forgotten, which can be defined as the right to amend or rectify information because it is outdated, not relevant anymore or violates a right. In this case, an individual named Mario Costeja González decided in March of 2010 to resort to the Spanish Agency of Data Protection (AEPD in the Spanish acronym) to file a complaint demanding the withdrawal of an information published in 1998 by the Catalan newspaper La Vanguardia regarding a story of an auction organised following attachment proceedings for the recovery of social security debts owed. He alleged that the debt was satisfied and the story was not relevant anymore.

The Catalan newspaper refused to do it, and the AEPD rejected the complaint filed by Mario Costeja. This organization consider that the information was lawfully published, view then seconded by the Spanish National High Court. However, the complaint was upheld with regard to Google. The agency requested the company to withdraw the information. Notwithstanding, the company appealed the decision to the National High Court, who, with dozens of cases about the right to be forgotten on the table and doubts, referred a prejudicial question to the Court of Justice of the European Union.

In May of 2014 supported Costeja and ruled that the search engines Google, Yahoo, Bing, etc. had to remove the links to sites containing information published in the past that could be deemed harmful, irrelevant or did not pertain to a public figure.

According to Taís Borja, due to the fact that the media did not offer a good explanation of the sentence the Brazilian justice operators accepted illegal applications. This example proves the risks of misunderstanding or not understanding at all the sentences issued by a court. That is why is so important to have a database that includes the main decisions of the courts of different countries that they have taken with regard to freedom of expression, explained by professionals.

In the debate that followed the interventions of each panelist it was suggested that the misinterpretations could be a product of laziness of the media professionals but also a consequence of the syntax and terminology used in many sentences. On that note the judge Baltasar Garzón told a story in the next session about how sentences are redacted. He personally decided to change the way to redact them, when in 1984 he had to comfort a woman who after winning a case presided by him though she had lost it because she had not understood the sentence. This event made him reflect on the fact that if the addresses the sentences, the citizens, were not able to understand them, Justice as a concept would be failing to be universal.

The change of approach costed him the admonition of the Spanish High Court of Justice, who revoked the style he was adopting until it became a common practice in Spain.

Session 6

Successful cases in ending impunity

The main subjects discussed in this session was the necessity to implement efficient systems of protection, the concern over the lack of actual separation of the powers in the states that violate freedom of expression, the importance of working independently in the media industry, and the observance of ethical codes.

The professionals that participated in this panel were the Spanish judge Baltasar



Baltasar Garzón, Former Magistrate Judge of the General Court of Spain

Garzón, President of the International UNESCO Centre for Human Rights Promotion (CIPDH) João Bosco, Member of the Federal Prosecutor Office of Brazil, Mohammed Ayat (Morocco), former staff at UNICTR Rwanda, and Bach Avezdjanov, Global Freedom of Expression and Information, Columbia University.

Panel moderator Ernest Sagaga, Human Rights and Safety Officer, International Federation of Journalists (IFJ) opened the session by talking of the dynamics he experiences as a journalist and a lawyer. Being part of each side helps him to have a better understanding of the situation media professionals are going through, and how the judiciary power can assist them. Mr. Sagaga worked for CNN after joining the International Criminal Court, an organization that is actively fighting impunity for war crimes and crimes against humanity. In the last 25 years the IFJ has issued annual reports on journalists and media staff in the judicial line. The levels of violence against journalists are excessively high and the solution lies in the enforcement of local and global measures of protection. To do so, it is necessary to acknowledge the magnitude of the problem and to involve the

highest possible number of agents.

Judge Baltazar Garzón wanted to start his conference quoting Jorge Castañeda, former Secretary of Foreign Affairs of the Republic of Mexico: “nothing but a silent press to have more killers, nothing like corrupt journalists to have more impunity culture.” If the media is too docile towards the powers then

“Nothing but a silent press to have more killers, nothing like corrupt journalists to have more impunity culture.” Jorge Castañeda, former Secretary of Foreign Affairs of the Republic of Mexico

it loses its raison d’être because it forgets its social function according to Mr. Garzón, as it would be at the disposal of particular interests. In the same way as there exist corrupt politicians, businessmen and

judges, there exist also journalists that cause damage to the profession if they opt to be at the service of the economical, political or criminal powers of a region.

Therefore, journalists that do not aim to work with objectivity hinder the free expression of ideas and thoughts. Mr. Garzón used the media coverage in Spain of the 2004 Madrid train bombings as an example for this issue. In his view there was an ensemble of pro-government media groups that, disregarding all evidence, blamed ETA. This line of thought exonerated the government of the People's Party, who at that time showed full support to the 2003 invasion of Iraq. The finger was pointed at the Spanish Socialist Workers' Party, who at that time as well was allegedly in talks with some key members of the Basque terrorist group. These accusations had electoral implications, as General Elections were held few days after the attack. Years passed and even though the Spanish judicial system declared the international jihadist terrorism was involved in the bombings, yet there was media still defending the other thesis. For Mr. Garzón there should be mechanisms in place to punish propaganda because it is harmful to the health of the democratic institutions.

Another damaging factor is the lack of transparency of many institutions. The creation of laws aimed to protect the right to have access to information relating to the administration is of the utmost importance. However, that need of transparency is often misinterpreted these days, to the point that in the sake of it, there is a "biodegradation of privacy", because the individual sphere is not respected. Hence, it is essential to discuss which would be the potential limits to freedom of expression when other rights, such as the right to privacy or honor, come into play. Judge Garzón claimed that it is necessary to develop robust mechanisms of protection, avoiding endless debates in the process. A specific measure would be to modify the article of the Treaty of Rome to consider the crimes against journalists as crimes against humanity. As terrorism is fought globally, this problem should be fought the same way, because it is an universal problem too. Garzón also pointed out that it is not a strong requirement to have a concise and widely accepted definition of journalism, there is not the case with the definition of terrorism yet is fought all over world. What has to be chased are the actions against freedom of expression, regardless if the person who is suffering the attack, is a certified journalist or not.

In that sense, whistleblowers require more protection, as they get to the bottom of a story no matter what the consequences are, a rare way of proceeding these days.

A clear example of impunity is the killing of a journalist in the Palestine Hotel of Iraq in 2003. During the invasion the international press was based in this hotel, a circumstance duly notified to both sides of the armed conflict. However, the 8th of April of 2003 a tank of the US Army deliberately opened fire on the journalists and media professionals that were recording at the moment. The attack killed two journalists, and caused injuries to other three. The case was presented before the Spanish court, who issued a warrant of arrest against Sargent Gibson, Captain Wolford and Lieutenant Phillip de Camp. Finally, in 2009 and as a product of diplomatic pressure the Spanish legislative power enacted an amendment to the principle of universal jurisdiction, stating these crimes could only be prosecuted if the perpetrators were on Spanish soil. In accordance to the amendment, the case against these American soldiers was filed.

Unlike the aforesaid case, in the prosecution of Ilya Goryachev, Russia, there was an actual political willingness to arrest the real and intellectual authors of the killings of noted members of the Russian civil society, among them anti-fascists, a journalists and a lawyer, as presented by Bach Avezdjanov. Goryachev, also a lawyer, was

part of a criminal group named BORN that plotted more than a dozen of assassinations.

In the opinion of Bach Avezdjanov, the group was convicted because of a combination of factors, among them the use of international legal tools, such as the extradition, an actual political willingness and the joint work of the government and the judiciary power. A conviction of this type would have been never achieved if this criminal group would have had the objectives of journalists of small media groups, critical of the government.

Mohammed Ayat noted that in his country, Morocco, there are a lot of restrictions on the exercise of the right to freedom of speech, especially when dealing with topics related to morality, homosexuality or opposing the government. To defend some rights under the protection of the law in a state without a clear separation of powers seems like an impossible task. Judges and professionals of the judiciary system rarely question the decisions of the executive power, mostly to secure a place or promote their careers. In some instances, the separation of powers is just an illusion.

In addition to the aforementioned assertions, Mr. Ayat claimed that freedom of expression is not an absolute right, which means it can be suspended at the discretion of the state. This circumstance can be used as an excuse to restrain the exercise of rights. Some of those false pretexts are national and public health security, public order or morality. The invocation of these concepts allows the state to be both judge and jury.

The incorrect application of the right to reputation might also limit freedom of expression. Self-censorship is also an issue, given that journalists might restrain themselves from investigating some stories, for fear of reprisals. There are very few cases in which justice prevails and the right to freedom of expression is successfully defended.

João Bosco expressed his concerns about one of the biggest problems in Brazil: the rise of violence in the last 35 years, especially when, according to Harvard professor Steven Pinker, the world is safer as ever.

The situation in Brazil is not following a trend across the globe. It is a domestic problem that has not been addressed properly. Changes in the government and administration are required to end violence against population in general and journalists in particular. It is the police and politicians of small towns who systematically perpetrate such violence.

As it happens in Colombia, journalists working in isolated areas need special protection. Brazil is one of the most dangerous places for journalists in Latinamerica, and unlike Mexico, Colombia, Brazil has not implemented any mechanism of protection.

Figures are obviously worrying and the trend has not changed over the last few years. In order to look for and find solutions it is necessary to introduce substantial changes in the political and judiciary powers, both –in countries like Brazil- deeply influenced by criminal groups.

Mr. Moraga closed the session highlighting that the *raison d'être* of both journalists and judges is to search truth and justice. Whereas the former focus on raising the alarm and identifying the problem the latter take the all the necessary measures to solve the problem. Therefore if any of these two agents cannot do their job, justice and truth cannot be successfully sought.

Session 7

The importance of capacity building for judges

The panelists in this session discussed measures for improvement that can be implemented in the judicial sphere to fight impunity of crimes against journalists with more efficiency. Among others, they also reviewed the most important cases of violent deaths of journalists in Latin America. To analyze each case one by one can be useful to provide solutions to the failures of the judiciary systems, especially when it comes to the mechanisms of protection and prosecution.

Consequently, the seventh panel counted on the participation of four panelists: Mr. Guilherme Canela, Regional Adviser for Communication and Information, UNESCO Montevideo, Mr. José María Costa, advisor at The Supreme Court of Justice of Paraguay, Ms. Lena White, Advisor to the President of the Supreme Court of Costa Rica, and Ms. Vivienne Harris, Justice of the Supreme Court of Jamaica.

Panel moderator José Thompson, Executive Director, Inter-American Institute for Human Rights, praised the work of the International Court for Human Rights (ICHR). The Court, since its very first advisory opinions, has always supported journalists, as they embody the concept of freedom of expression. In addition, the ICHR deems that attacks directed towards journalists not only affect people from the professional but the society as a whole. The collective right to information is severely damaged.

Guilherme Canela stressed the importance of the international forums like the this conference and the relevance of including prominent agents of the judiciary power. On occasion, judges exercise their duties powerlessly, as they cannot take part in the social reality and discuss what changes should be introduced in the legislation to adjust to the obstacles journalists face today.

Guilherme Canela emphasized the importance of celebrating these international forums, since they serve as a meeting point for key agents of the judiciary power. This events represent an invaluable opportunity for the highest representatives of Justice to assess what the the core ideas are to intervene. From the ideas and findings of that group f one stands out: often the administrators of justice themselves impose restrictions to freedom of expression. Thus, journalists receive excessive sentences under the pretext of the commission of a crime, of defamation or libel. Another point of criticism is that institutions show no interest in investigating some cases. As Mohammed Ayat, former staff at UNICTR Rwanda remarked in session 6, separation of powers in some countries is just an illusion and the professionals of judicatory are more interested in being promoted within the charts acting in line with the commands of the government than in seeking and providing justice.

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity is a major step forward towards the consolidation of an international jurisprudence that guarantees the freedom of expression all over the world.

Guilherme Canela also observes that many judges are not prepared for the implications of the free expression of ideas on Internet. For that reason, he has promoted a plan of online capacity building for judges so that they are prepared to fill the gaps presented in the legislation regarding freedom of expression on the Internet through

online based continuous training.

An online course using the platform of the University of Texas was implemented in Brazil. It was tested first in Mexico, also for developing the content. In two weeks 2000 people applied for the course. The program has surpassed the expectations and it is set to be translated into other languages.

José María Costa agrees that capacity building is required and he adds that the Paraguayan judiciary system is aware of the challenge. From his position of a consultant to the Supreme Court of Justice of Paraguay he is committed to promote internal training activities, supporting capacity building, correcting the mismatch many judiciary schools face towards the subjects of freedom of expression, access to public information, transparency and protection of journalists.

José María Costa talked about two of the most relevant cases of killed journalists in Paraguay. The first is the case of Pablo Medina, who worked for the newspaper ABC Color. At the time of his murder he was working on a story about the connection between the political power and the narcotraffic gang in the small town of Ypejhú. He received threats against his life and his family's after the publication of several stories. Eventually, he was gunned down the 16 October 2014, in a rural road of Itanarãmi, 10 km away from Villa Ygatimí in the Canindeyú Department, 315 km from Asunción.

The case was prosecuted, putting the alleged material and intellectual authors on trial. The former mayor of Ypejhú, Vilmar Acosta Marqués, accused of ordering the murder of the journalist was extradited from Brazil to Paraguay thanks to the international cooperation.

The second case mentioned by Mr. José María Costa was the murder of Santiago Leguizamón by contract killers hired by narcotraffic gang at the Brazilian-Paraguayan border. The crime took place in 1991, during the transition to democracy. This case remains unsolved, the state failed –by omission- to find and prosecute those responsible for the crime.

Unlike Paraguay, Costa Rica leads the defense of human rights and freedom of press. According to the World Press Freedom Ranking 2015, published by Reporters without Borders, Costa Rica ranks 16th out of 180 evaluated countries.

Lena White, Costa Rica, thinks there are reasons to be happy and satisfied. The situation of Costa Rica has nothing to do with the situation of its neighbors and other South American countries. However, there have been cases within Costa Rican borders, although there is only one that ended up fatally. This country has not had to lament the death of journalists in recent years. The last case dates from 2001, when a Colombian radio journalist, working in Costa Rica, was killed while conducting an investigation into the activities of different groups of power. The 19th of December of 2007, the Supreme Court of Costa Rica, in what is the longest trial to date in history of the country, convicted the businessman Omar Chavez of being the intellectual author of the murder. The Court also convicted Father Minor Calvo of fraud thanks to the evidence Medina had gathered against him. The last of the prosecuted, Jaime “El Indio” Aguirre was convicted of being the material author of the murder.

Besides this case, according to the records of the criminal analysis unit of the Costa Rican judiciary power, from 2004 to 2015 there were 16 complaints for crimes against journalists.

Constitutionally-speaking, there are several important verdicts, one punishing the use of force by agents of the Ministry of Public Safety against journalists and camera crews. In another case, the General Director of the Judicial Investigation Department and the deputy district attorney specialized in cases of organized crime were convicted for violating the right to privacy and confidentiality when they ordered to track phones with the purpose of determining the identity of the judiciary officers who were the source for the publication of a series of stories.

Akin to Costa Rica's is the situation in Jamaica. Ms. Vivienne Harris, from the Supreme Court of Jamaica, expressed that her country is peaceful and the rights of journalists are usually respected. Justice is delivered efficiently and the judiciary power operates with independency.

With regard to the latest advancements in the realm of defense of freedom of press and expression it should be noted that in 2002 a law on public information was passed. In the last 15 years there have been changes in the legislation to adapt to principles of the defense of human rights. The judiciary power Jamaica, as said above, is independent. Even though no journalist has ever been murdered in Jamaica, journalists in this Caribbean country also face problems.

Not only justices and judges should undertake capacity building courses, all the people involved in the legal system should too. The best way to defend human rights is to create a culture in which all the spheres of society respect them.

Mr. Thompson remarked that justice officials are not only in charge of protecting journalists, they also can guarantee that the right to freedom of expression is rightfully exercised. In this sense, this duty does not only apply to media professionals, the right to freedom of expression of the civil society has to be equally protected by the judiciary power. Alas, this right is very restricted in Latin America.

With regard to Paraguay, Mr. Thompson noted that the ICHR directly inspired the passing of an access to information law. States have to consider international organizations not just as corrective bodies but as a mean to reinforce national legislation. Regarding the mandatory association to a professional journalists association in Costa Rica, he stated that it was precisely this Court who ruled against this idea, as it violated freedom of expression. Even though Costa Rica has an edge over its regional peers in terms of human rights, this country has to keep developing ways to protect these rights. Justices and judges have to undertake capacity building activities focused on the relationship between new technologies and freedom of expression. Moreover, they create spaces in which they can share knowledge and jurisprudence. Mr. Thompson also added that judges are not exempted from receiving social and political pressures that might difficult their work. Therefore, judges need to exercise their duties in a climate favorable to the rule of law.

Session 8

Presentation of the Experience of Civil Society Organizations with the Fight against Impunity for Crimes against Journalists

This session counted with the highest number of panelists. The problem of violence was addressed from a closer standpoint, giving voice to those that had suffered it and the civil organizations that know cases and the actions of the government firsthand.

Criticism towards governments was unanimous. They hold the governments responsible for the different situations civilians have to get through, in Latin America and in the rest of the world. In many cases this responsibility is not only political. Governments show lack of willingness to create mechanisms of protection and solve crimes and in addition they also have direct responsibility over some cases of violence against journalists. In Mexico, the government is involved in roughly 48% of the cases. In Brazil, law enforcement agencies cause most of the cases of harassment against media professionals. Speakers in the eighth session were Ms. Sonali Samerasinghe, Sri Lanka, former journalist and editor in exile, Ms. Sahar Habib Ghazi, Pakistan, Global Voices, Mr. Marcelo Träsel, Director of the Brazilian Association of Investigative Journalism, (ABRAJI), Ms. Adriana Arce, from the International UNESCO Centre for the Promotion of Human Rights, (CIPDH), Mr. Darío Ramírez, Director of Article 19, and Mr. Pedro Vaca, Executive Director of the Foundation for Press Freedom (FLIP).

Ms. Sonali Samerasinghe opened the session by recounting an extreme case of violence against journalists. The 8th of January of 2009 her husband was murdered by forces linked to the government. Shortly after she had to leave Sri Lanka for fear of being murdered too. In January 2015 she finally could go back, important political changes in the country made her stay in Sri Lanka safer. She remarked how important it is to know the story behind each case. If the civil society could empathize then it would be easier to fight for freedom of expression because the masses have power to put pressure on the institutions.

In the event that a government systematically and openly terrorizes those that dissent or dare to publish alternative narratives to the official ones, it becomes nearly impossible to find solutions. If states decide not to respect human rights, then the international organizations have to provide a strong and unified response. In Sri Lanka, the judiciary institutions were dated and the political power was in the hands of the Military, so all the powers of state were under the same agent. Being in control of the country, the military junta decided to develop their own media, websites and funds for the creation of newspapers, that obviously lacked any diversity. Rather than falling under the spell of this illusory freedom of expression and press, the people need to vehemently demand the creation of non-partisan media. If people do not demand this, they become puppets and lose the ability to organize and fight for their rights.

It seemed that the war in Sri Lanka was the darkest for freedom of expression but the truth is that the actual restrictions came when the new power settled. Then repression and violence against journalists became more apparent.

Since 1992, 19 journalists have been murdered, 10 of them in the last decade, according to the CPJ.

The case of Sonali Samerasinghe proves that faith should never be lost, that people need to keep fighting. She could return to her country after years in the exile. Now the country she had to leave is determined to defend freedom of expression and of the press.

In the intervention of the next speaker there was a change of scenario: from a country of roughly 20 million people to a country like Pakistan, with a population of 182 million. Sahar Habib Ghazi recounted the difficulties of protecting journalists in a country so populated and with so many powers quarreling with each other. In some places its particularly hard, like in the city of Karachi. A case of murder was actively prosecuted by the Court of Justice leading to the arrest of 6 people, even though the prosecution came 3 years later. In the meanwhile, 6 witnesses, 2 police officers and a lawyer were killed. The case Sahar Habib Ghazi referred to, was the murder of Wali Khan Babar, Pakistani journalist of GEO News who was killed by a gunman in the city of Liaquatabad, in Karachi. The perpetrators, Saulat Mirza and Faisal Mota, were sentenced to the death penalty in March of 2015., despite the fact that the material authors were convicted, the masterminds, who pertained a political party –one of the murderers was captured in one of the offices of the party- have not been convicted, let alone prosecuted, according to Sahar Habib.

Another case, the panelist cited, was the attempted murder of the columnist, political analyst and journalist Raza Ahmad Rumi in March of 2014, who resulted in the murder of his driver. The prosecution is being rocky, as the main witness, the driver's brother has been threatened. Even Raza Ahmad has been forced to relocate in the USA to safeguard his life.

These type of cases show the deficiencies of a system unable to deliver justice or to protect those that are threatened.

According to Sahar Habib Ghazi, a solution to solve the problem in Pakistan is to involve the civil society. In that case it would be the media companies, that would have a strong influence on politics and economy. In a country of its size, in which exist 84 private TV stations who make huge profit, it should be mandatory for these companies to assign part of the income to the development of programs of protection, to fund research or to fund the creation of awareness campaigns.

To Pedro Vaca, Executive Director of Foundation for Press Freedom (FLIP), the social alarm that follows the murder of a journalist is a powerful weapon to fight impunity. During the 90s, a few people in Colombia would be taken back by a case of such nature. However, things are different in 2015, as demonstrated by the case of Flor Alba Núñez. The stir of the death of this journalist has provoked in all the stratum of society and has been pretty significant, although what is expected from the judiciary power is a judicial response, not political.

Violence against journalists in Colombia has decreased over the years, mostly due to the mechanism of protection implemented to that effect. The positive trend, however, comes at a price. Nowadays there are still 15 journalists under protection, which not only entails a big public expense -7 million dollars a year-, it also restricts the freedom of movement of these human beings.

There are no mechanisms of protection in Brazil in place, states Marcelo Träsel, being the only alternative to the

witness protection program. That, in his view, is not an efficient solution as it bans journalists from the exercise of their profession. This measure gives criminals exactly what they want: the unwanted voices are silenced.

Pedro Vaca quoted the words of the murdered Colombian journalist Orlando Sierra: “violence is just the first stage of censorship, because fear comes after violence, and silence follows fear.” Impunity in that sense conveys two messages: journalists should restrain themselves or the society from poking around some narratives and there is a climate of permissiveness that does not punish crime. Pedro Vaca also suggested that an effective solution requires the involvement of the government and the civil society. To allow the kin of the murdered to actively participate in the prosecution of the authors provides some kind of restitution, as it relieves the profound frustration they feel. Moreover, it could also serve as proof that the institutions and the population form an united front against violence.

Impunity in Brazil does not only affect the collective of media professionals and journalists. The Brazilian police do not investigate around 90 percent of the homicides, and in case they do, only 2 percent of them lead to a conviction, according to data provided by Marcelo Träsel, as crimes against journalists remain uninvestigated. To add insult to injury, most cases of violence are perpetrated by the police itself. According Mr.Träsel, the political authorities do not have a real willingness to solve the problem. An example of this lack of commitment is what the former President of the Supreme Federal Court of Brazil once said: “reporters of small regions face few episodes of violence.” Brazil is one of the worst places on Earth to be a journalist. Since 1992, 33 journalists have been murdered, 22 of them remain unpunished. In the last two years 220 journalists, according to ABRAJI, had suffered attacks while working. 174 of these attacks were perpetrated by law enforcement agents, the rest by members of the civil society.

On this note Mr. Träsel mentioned the death of cameraman Santiago Andrade during a confrontation between protesters and police in February of 2014. He was covering a rally against public transport fare rises at Rio's Central Station. Anarchist protesters were held responsible for the crime.

Darío Ramírez, Director of Article 19, agreed on the matter of lack of political willingness. He was very skeptical about some of the initiatives undertaken by the Mexican Government. It is important to take into account that Mexico is one of the countries in Latin America with the highest rate of murdered journalists. In his opinion, the government is using the institutions more to pretend it is doing something than to effectively tackle the problem.

He dedicated harsh words towards the implementation of the witness protection program by the Mexican government. Far from yielding a positive outcome it has done nothing to prevent the assassination of journalists. To his understanding, these mechanisms should only come into force as temporary measures. The ultimate goal of a government is to guarantee total safety. In the fight against violence saying that there are already mechanisms of protection in place is not enough, it would be like applying a bandage on a severe hemorrhage. Furthermore, journalists have reason not to believe in these mechanisms, as they have been proven ineffective. Just 2 million dollars are destined to the creation and implementation of mechanisms of protection, which seems a scarce budget for a country the size of Mexico. Darío Ramírez also reviewed the inconsistencies of some of these tools: “in recent years 54 cases have been addressed; 34 panic buttons that do not work when pressed, 22 emergency numbers seldom respond, 17 CCTV stations in which the CPUs get stolen [...]”

In that sense it is dangerous to feel the government is doing something right by the mere fact of having mechanisms of protection. If they do not serve their purposes they are useless. Here are some points in the construction of these protection tools that need to be reviewed and corrected, such as its inadequate judicial nature, the technical inability of its operators and the lack of political willingness to make them work.

Impunity in this context is the tacit permission to commit crimes against freedom of expression. If they are not prosecuted and punished the basic principle of punishment is violated, thus jeopardizing the foundations of the rule of law. By this logic, if impunity was fought, mechanisms of protection would not be needed. “There are too many institutions in Mexico that only care about pretending”, states Darío Ramírez.

Nearly half of the cases of violence against journalists are perpetrated by the bodies of the government. Therefore in order to fight impunity the Republic of Mexico should be willing to investigate itself. Instead of its consequences, what has to be attacked is the root and underlying causes of the issue.

Adriana Arce continued the panel with an analysis of the evolution of freedom expression in Argentina, from dictatorship until today. Nearly 200 journalists disappeared, were killed or threatened during the dictatorship. In those days, the government confiscated the only paper factory in the country to favor the media that were loyal to the government.

Even with measures such as the revision of the Audiovisual Communication Services Law, revision that opens the array of broadcasting licensing to universities, cooperatives and other organizations, monopolistic groups are still in control. This situation of power established during the dictatorship constitutes a hindrance to the actual exercise of freedom of expression. As Claudio Grossman aptly pointed out in the second panel, without plurality there cannot be freedom of expression. Several countries in America are affected by this problem.

As seen in the different presentations of this session it seems clear that is it the state, more than sectarian or economic groups, who are restraining freedom of expression, either by lacking the political willingness to promote effective solutions or by preventing people to exercise this right fearing that will overthrow the structures of power.

Therefore, it is evident that the organized crime is integrated in the daily life of many states, to the point that it is not rare to find deep connections between the organized crime and the political, economical or military spheres, just to name a few. To search for freedom of expression in some countries it is excruciating when it is hard to discern the criminal groups from the government. In these places violence affects the society as a whole, everybody is a victim there, journalist or not. These situations require a key achievement: that the states show a real willingness to create a strong democratic society based on free press and transparency. Such transparency only will be achieved if the institutions rule themselves with justice, equality and respect for and monitoring of human rights.

Panel moderator Giancarlo Summa, UN Department of Public Information (DPI), did not make any remark at the beginning of the panel, although he pointed out a couple of ideas towards the end of the panel. Mr. Summa emphasized that Brazil was the only country among the states with the highest rate of crimes against journalists that had not implemented protection mechanisms. According to a report elaborated by the Secretariat for

Conference Report

Human Rights of the Cabinet of Brazil most of the cases of violence against journalists were perpetrated by members of the state, politicians or law enforcement agents.

This is obviously a serious and undesirable circumstance that makes the situation even more difficult. In order to solve the issue states have to create a violence monitoring body and mechanisms that prevent violence. Violence will never end if these two measures are not taken.

Session 9

Wrap-up, Recommendations and Conclusions

This session summed up all the final thoughts on the contents showed in the more than 30 contributions for this conference. To that end in this last conference participated Pilar Álvarez, UNESCO Representative in Costa Rica and Director of the UNESCO cluster office in San José, Edison Lanza, OAS Special Rapporteur for Freedom of Expression, Agustino Ramadhani, President, African Court of Human and Peoples' Rights and Roberto F. Caldas, Judge, Vice President of the Inter-American Court of Human Rights (IACHR).

Each one of the panelists analyzed the key points in the fight against impunity. Pilar Álvarez did not miss the chance to honor all the journalists killed while exercising their profession with a standing ovation in their respect. After paying tribute to the victims, Pilar Álvarez listed some of the necessary points to achieve the goals set in each session. Among them, the positive elements that the debate between professionals of Justice, members of organizations for the defense of journalism and other agents of civil society can bring. Crimes against journalists not only send the message that censorship is winning, they also leave a climate of fear and self-censorship, in order to avoid fatal consequences. Organized crime, most of times linked to drug trafficking and political corruption, is creating an environment of structural violence that is specially negative for journalists. Therefore, it is necessary to fight this social evil to create a climate of peace so that journalists can work safely.

The state has to guarantee the safety of all of its citizens, paying special attention to those that play an important role in the defense of justice and protection of human rights. States have to consider the standards devised by international organizations and listen to their advice and comply with the sentences issued by these organizations. Public prosecution services and investigation units have to be aware of the underlying problems of violence against journalists and with that knowledge in mind they need to be able to develop a plan of actions that fit the root causes, considering as well the solutions suggested by other civil and professional organizations. In addition, the efficiency of mechanisms of protection has to be revised.

Edison Lanza was on the same line as Ms. Álvarez, stating that for future conferences it would be interesting to invite those responsible for the implementation of mechanisms of protection. There is still a long way to go, only 6 countries have such mechanisms and 5 of them are in Latin America. Most of the solutions or approaches suggested in this forum are aimed at the creation or improvement of systems of defense of media staff. For Edison Lanza it is very important that all ideas debated during the conferences should not be kept in mind and that the ideas should have a practical purpose. For those who think that real-world ideas cannot be idealistic, Lanza dedicated them to the quote of the Polish journalist Ryszard Kapuciski: "The cynical doesn't fit with this job"

In order to prevent that all the ideas presented in the panels of this international forum sink into oblivion, Edison Lanza suggested a series of questions to consider. The first of them is to have in mind what the 2nd of November, the International Day to End Impunity for Crimes against Journalists, truly means. Not only the international organizations have to be mindful of the Day, the society and media have to contribute to the task initiated by UNESCO in that regard. All journalists that never received the justice they deserved should be

remembered while trying to prevent these situations now and in the future.

Capacity building in the latest means of communication and applications of law to prevent censorship is his second point. The project launched by UNESCO and the University of Austin for the development of a capacitation building program for justice administrators –which summed more than 3000 inscriptions- was thoroughly discussed in the panels.

It is also important to keep alive and increase the array of monitoring instruments that help to identify the evolution of problem and to check that the goals are met. Violence is the most extreme type of censorship. There are other types too, such as the use of the penal code to prosecute journalists, the restraint of broadcasting licenses, the lack of transparency of many institutions, etc.

Roberto F. Caldas remarks that all these measures, together with impunity, create a climate of self-censorship that not only has an effect on the professionals, it weakens the society as a whole. Journalists under these circumstances can be considered direct defenders of the human rights, and it is more likely that wherever they can work safely human rights are respected. Mr. Caldas also observed that institutions such as the Inter American Court of Human Rights, the European Commission of Human Rights, the African Court of Human and Peoples' Rights and the rest of institutions from other regions are nothing but the homes of the people they represent and the place where their rights have to be defended. The creation of similar organizations elsewhere will arrive soon. The African Court of Human and Peoples' Rights, for instance, is an organization founded not long ago. Its President, Agustino Ramadhani requested the help of the justices and members of the international institutions to persuade more African countries to ratify the protocol and issue the mandatory statement to join the Court.

Therefore it is essential that these institutions have more and more effective power to act all over the world. Even though the Universal Declaration of Human Rights has proven its effectivity for more than 60 years, there are still places where they are not observed. Most of the population in the world do not know the real power of these rights. Freedom of speech in virtually every case is violated by groups of people or states that directly attack the fundamental rights. A society with freedom of speech not only grants the correct functioning of a democracy, it also guarantees the fulfillment of basic human rights.

VII. Findings and Conclusions

After the presentations of more than 30 panelists -coming from more than 20 different countries, highly experienced in different subjects and pertaining to public or private institutions-, who also engaged in high-end debates, many conclusions can be drawn on the consequences of impunity towards crimes against journalists, as well as the potential solutions.

In that sense, the debates have profusely focused on the search of solutions that integrally include all the social agents. Therefore, international and national organisms, personnel of the judiciary power, journalists and civil society play an important role in solving the crisis on freedom of expression.

Effective solutions can only be provided through a multifaceted approach pondering the role of each agent and controlling that the general and particular goals are met.

The slain of journalists by criminal groups and governments is increasingly worrisome. According to data cited by UNESCO's General Director, mentioned in the opening session by UNESCO's Director in San José, 593 journalists have been murdered from 2006-2013, from which only 6 percent have been resolved.

This percentage does not necessary mean that the intellectual authors were prosecuted. The fight against impunity is not only a restorative measure, but a preventive one too. A feeling of embodiment is promoted when perpetrators and masterminds realize their actions are not and will not be punished, thus encouraging them or others to keep attacking the right to freedom of expression. In addition, this circumstance presents another consequence: it dissuades journalists from investigating or reporting inconvenient truths.

Hence, impunity not only fuels violence, it also creates a climate of self-censorship. Many are the media groups that decide not to cover some topics, for safety reasons. This paves the way for those that violate, or have the intention to, national and international laws, setting up insurmountable obstacle for those who decide to exercise their right to freely express their ideas and opinions.

A fact widely discussed in the conferences is the involvement of governments in the cases of violence against journalists. In nearly half of the cases an institution is directly or indirectly involved. In most of the cases the line between criminals and governments is so thin it is impossible to discern who is who. This aggravates the issue, as it is easier to fight criminal groups from the powers of the state, using national and international resources than to fight states. In that case it remains unclear to decide who has to solve the problem.

It is the international institutions and courts of justice who ultimately have to protect human rights of the individuals of every country, regardless the political interests of the body of government of each one. In order to protect them and their rights, institutions rely on the legitimacy of the international treaties voluntarily accepted by most of the country in the world. This can be a long and excruciating task. Even though that some examples of success were thoroughly analyzed in the panels of the Commemoration conference on the occasion of International Day Against Impunity for Crimes Against Journalists, such as the IACHR rulings on the "Campo Algodonero" and "Granier versus Venezuela" cases, reach limited, mainly because these courts can only initiate

a proceeding after an application is issued. In addition, they lack personnel and resources. These are factors that affect the length of processes, being too long and complex, which tarnishes the concept of timely delivery of justice. Lastly, states can argue that sentences issued by international courts contravene their constitutions, therefore they refuse to comply with them. International pressure is vital to make the states follow the decisions of supranational courts and bodies. The power of these institutions is weakened if states do not take a stand a exercise diplomatic and political pressure. However, the contribution in this regard of civil societies and other organizations is also very important, if not equally important. In conclusion, the task of promoting and safeguarding freedom of expression is hindered if there is not a multidimensional contribution.

The UN Plan of Action on the Safety of Journalists and the Issue of Impunity, which acknowledges the importance of having a strong political willingness to protect freedom of speech, urges states to take the necessary measures to guarantee the right.

One of the measures some countries have implemented in the development of protection mechanisms. After this tool was implemented in Colombia, the number of deaths has decreased. The mechanisms include cautionary measures, panic buttons, assistance and protection centers and the creation of bodies specialized in the prosecution of this type of crimes. The panelists were pleased with the measures, but reminded that these have to be backed up with political commitment, social support and enough funding and specialized staff.

If the above is lacking, the mechanisms are nothing but propaganda tools, as they would give the impression the issue is addressed. Highly criticized was the Mexican protection mechanism which, far from reducing murder, yielded more deaths of journalists. The mechanism did not have the resources required to be efficient. Therefore, it would be convenient that these tools experience a process of professionalization, creating specific police and investigative divisions what is the context in which the attacks against journalists take place, and based on the information they could gather, focus their investigation. Another solution discussed in the forum was the creation of specific district attorney offices. In many cases the root of the problem and the agents who attack freedom of expression are closely related. To identify patterns through analysis and research would help to find the responsables sooner and make the precautionary measures more efficient. In line with having bodies prepared to manage complex information, the necessity of promoting capacity building among justices and judges so that they can be prepared to face any legal issue regarding freedom of expression in the realm of new technologies.

Technological advances, telecommunications, Internet and social media offer a new world of possibilities for the exercise and protection of freedom of expression. Judges cannot afford to apply old formulas or jurisprudence in this brave new context, they need to know firsthand which are the legal implications of using new technologies as means of expression, and how to protect the rights of the users. Since these areas are uncharted territory, to have a robust legal framework is key.

Attacks on free expression and information are not always as evident as direct violence towards those who challenge established powers. There are more subtle ways of censorship that can produce similar damage. Limitations on broadcast licensing, the application of the penal code in cases of defamation or the false pretext of national security are some of the ways used to violate these rights.

The goal is not just to promote sanctioning and correcting measures against these practices but to encourage democratic states to legislate in support of transparency and free access to information. More and more societies demand and require a legal framework that guarantees the access to public information, so that they can monitor what their governments do. In Europe –the whole continent traditionally seen as the leader in right protection-, half of the countries do not guarantee these rights. This is a strong reminder that the fight for freedom of expression is a worldwide problem, it does not only take place in war zones or dictatorships. For each region to provide more protection of the right to freedom of expression they must set their own challenges and develop initiatives to accomplish their goals. To do so, all social groups have to take part in the process. It cannot be expected that the isolated response of national and international courts is enough to address a problem of this complexity. Only when a society acknowledges that the murder of a journalist is a violation of the individual and collective right to freedom of information solutions can be built. Democracies that do not respect this right are attacking the very essence of the system. An uninformed society cannot adequately exercise its right to choose.

VIII. Annex 1

Agenda

Day 1: Friday, 9 October

08h-09h – Participants registration

Session 1

09h-10h – Opening: Protocol ceremony: Esteban Montanar, IACHR

- Pilar Álvarez, UNESCO Director and Representative, Costa Rica
- Zarela Villanueva, President of Supreme Court of Costa Rica
- Humberto Sierra Porto, President, Inter-American Court of Human Rights, Costa Rica

Session 2

10h-11h30 – Keynote Speakers: The role of the Judiciary Power in Protecting and Promoting Freedom of Expression

Moderator: Lorena Pinto, UNESCO Chair Human Rights, UlaSalle, Costa Rica (tbc)

Claudio Grossman, President of the Inter-American Institute of Human Rights, Costa Rica, and Dean of American University Washington College of Law, USA (video session)

Diego García Sayán, Judge, Inter-American Court of Human Rights (IACHR), Costa Rica

Edison Lanza, Special Rapporteur on Freedom of Expression, OAS Washington D.C.

11h30 – 11h45 Coffee Break

Session 3

11h45-13.00 Problem diagnosis: the dimensions of violence against journalists and the issue of impunity.

This session will contextualize the issue in terms of international standards and UN resolutions on the subject of impunity, and why the case of journalists in particular is of special concern – including in the Sustainable Development Agenda. The session will analyze causes and trends in combating impunity.

Moderator: José Luis Saca, Vice-President, International Association of Broadcasting (IAB/AIR), Uruguay

- Sylvie Coudray, UNESCO Paris
- Joel Simon, Committee to Protect Journalist CPJ, USA
- Emmanuel Combié, Reporter without Borders RSF, Brazil
- Germán Rey Beltrán, The Gabriel García Márquez New Iberoamerican Journalism Foundation, Colombia
- Daniela Pastrana, Independent Journalist, Periodistas de a Pie, Mexico
- Roberto Rock, Vice-President, Commission against impunity, Inter-American Press Association (IAPA)

13h00 – 14h30 LUNCH

Session 4

14h30–16h30 Case law of regional and universal human rights protection bodies

In this session information will be shared about cases involving freedom of expression, and the human rights

standards set out by international human rights regional courts, and by the universal human rights protection system.

Moderator: William Horsley, Centre for Freedom of the Media (CFOM), University of Sheffield

- Fitzgerald Haney, American Ambassador in Costa Rica (tbc)
- Roberto F. Caldas, Judge, Inter-American Court of Human Rights (IACHR), Costa Rica
- Augustino Ramadhani, President, African Court of Human and Peoples' Rights, Arusha
- Victor Manuel Rodriguez-Rescia, Costa Rica, member UN Human Rights Committee UNHRC
- Andris Mellakauls, Steering Committee on Media and Information Society, Council of Europe

16h30-16h45 Coffee Break

Session 5

16h45-18h15 The importance of comparative legal studies and knowledge sharing on jurisprudence.

This session will interrogate how jurisprudence on impunity may be relevant to different situations, and how legal information relevant to the subject can be better shared. It will review different legal regimes which provide particular penalties for crimes against journalists and other human rights defenders.

Moderator: Ona Flores, Senior Attorney/Human Rights Specialist, Office of the Special Rapporteur for Freedom of Expression, Washington D.C.

- Toby Mendel, Center for Law and Democracy, Canada
- Taís Borja Gasparain, Global Freedom of Expression and Information
- Athar Minallah, Justice, Islamabad High Court, Pakistan
- Marcia Aguiluz, Director, Program for Central America and México, Center for Justice and International Law (CEJIL)

END OF DAY ONE

20h-22h Welcome Reception (Radisson Hotel)

Day 2: Saturday, 10 October

Session 6

09h-10h30 Successful cases in ending impunity

Although the resolution rate of cases is very low, there are specific instances that may represent good practice. Issues to be considered, however, are whether justice is timely and transparent, and whether not just the trigger-men but also the commissioning agents of an attack are brought to book. Further, if cases are to be resolved, resources need to be mobilized, which depends on public opinion and on the positions of public officials and representative bodies such as the OAS Permanent Council and the Committee of Ministers of Europe. The role of these organs in relation to end impunity is significant, and can strengthen the rule of law in regard to attacks on journalists.

Moderator: Ernest Sagaga, Human Rights and Safety Officer, International Federation of Journalists (IFJ), Brussels

- Baltasar Garzón, President, International Centre for Human Rights Promotion (CIPDH), UNESCO Center II, Spanish Judge

- João Bosco, Federal Prosecutor Office, Brazil
- Sr. Bach Avezdjanov, Global Freedom of Expression and Information, Columbia University, USA
- Mohammed Ayat, Marocco, former staff at UNICTR Rwanda

10h30 – 10h45 Coffee Break

Session 7

10h45 – 12h45 The importance of capacity building for judges.

This session will examine what areas of capacity could be strengthened, for what judicial and other actors (such as prosecutors and police), and through what mechanisms (workshops, online courses, judicial college curriculum, etc).

Moderator: José Thompson, Executive Director, Inter-American Institute for Human Rights, Costa Rica

- Lena White Advisor to the President of the Supreme Court of Costa Rica.
- José María Costa, Justice, The Supreme Court of Paraguay
- Vivene Harris, Justice, The Supreme Court of Jamaica
- Guilherme Canela, Regional Adviser for Communication and Information, UNESCO Montevideo

12h45 - 14h Lunch

Session 8

14h00-15h30 Presentation of the Experience of Civil Society Organizations with the Fight against Impunity for Crimes against Journalist

Civil society groups, for example from Mexico, Colombia, Brazil and Guatemala, will discuss their role in awareness raising and their work in strengthening the effectiveness of mechanisms to protect journalists and to end impunity.

Moderator: Giancarlo Summa, UN Department of Public Information (DPI),
Rio de Janeiro, Brazil

- Marcelo Träsel, Director, Brazilian Association of Investigative Journalism, (ABRAJI), Brazil
- Darío Ramírez, Director, Article 19, Mexico and Central America
- Adriana Arce, Internacional UNESCO Centre for the Promotion of Human Rights, CIPDH, Argentina
- Pedro Vaca, Director Ejecutivo, Foundation for Press Freedom (FLIP), Colombia
- Sahar Habib Ghazi, Pakistan, Global Voices
- Sonali Samerasinghe, Sri Lanka

15h30-16h00 Coffee Break

Session 9

16h00-17h00 Wrap-up, Recommendations and Conclusions

Protocol ceremony: Esteban Montanar, IACHR

- Pilar Álvarez, UNESCO Director and Representative, San José
- Edison Lanza, OAS Special Rapporteur for Freedom of Expression, Washington D.C.
- Roberto F. Caldas, Judge, Inter-American Court of Human Rights
- Augustino Ramadhani, President, African Court of Human and Peoples' Rights, Arusha

Annexes II. Overview of partners and organizers

Organizers



INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) OFFICE OF SPECIAL RAPONTEUR FOR FREEDOM OF EXPRESSION

<http://www.oas.org/en/iachr/expression>

The Office of Special Rapporteur has a general mandate to carry out activities for the protection and promotion of the right to freedom of thought and expression. This includes the following activities:

Advise the IACHR in evaluating cases and requests for precautionary measures, as well as in preparing reports.

Carry out promotional and educational activities on the right to freedom of thought and expression.

Advise the IACHR in conducting on-site visits to OAS member countries to deepen the general observation of the situation and/or to investigate a particular situation having to do with the right to freedom of thought and expression.

Conduct visits to OAS Member States.

Prepare specific and thematic reports.

Promote the adoption of legislative, judicial, administrative, or other types of measures that may be necessary to make effective the exercise of the right to freedom of thought and expression.

Coordinate with ombudsmen's offices or national human rights institutions to verify and follow up on conditions involving the exercise of the right to freedom of thought and expression in the Member States.

Provide technical advisory support to the OAS bodies.

Prepare an annual report on the situation regarding the right to freedom of thought and expression in the Americas, which will be considered by the full Inter-American Commission for its approval and inclusion in its Annual Report to the General Assembly.

Gather all the information necessary to prepare the aforementioned reports.



INTER-AMERICAN COURT FOR HUMAN RIGHTS San José, Costa Rica

<http://www.corteidh.or.cr/index.php/en>

The Inter-American Court of Human Rights is a judicial organ of the Organization of American States (OAS) that enjoys autonomy from the other organs. The headquarter is in San Jose, Costa Rica, its purpose is to apply and

interpret American Convention on Human Rights and other human rights treaties to which they are subjected called inter-American system of human rights protection.

In November 1969 the Inter-American Specialized Conference on Human Rights was held in San José, Costa Rica in which the delegates of the member States of the Organization of the American States adopted the American Convention on Human Rights, which entered into force on July 18, 1978, when a member State deposited the eleventh ratified document.

To this date, twenty five American nations have ratified or adhered to the Convention, including; Argentina, Barbados, Bolivia, Brazil, Colombia, Costa Rica, Chile, Dominica, Ecuador, El Salvador, Granada, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Dominican Republic, Suriname, Trinidad and Tobago, Uruguay and Venezuela. Trinidad and Tobago denounced the American Convention on Human Rights, by a communication addressed to the General Secretary of the OAS on May 26, 1998. Venezuela denounced the American Convention on Human Rights, by communication to the General Secretary of the OAS, on September 10, 2012.”



UNESCO
<http://en.unesco.org/>

In 1945, UNESCO was created in order to respond to the firm belief of nations, forged by two world wars in less than a generation, that political and economic agreements are not enough to build a lasting peace. Peace must be established on the basis of humanity’s moral and intellectual solidarity.

UNESCO strives to build networks among nations that enable this kind of solidarity, by:

Mobilizing for education: so that every child, boy or girl, has access to quality education as a fundamental human right and as a prerequisite for human development.

Building intercultural understanding: through protection of heritage and support for cultural diversity. UNESCO created the idea of World Heritage to protect sites of outstanding universal value.

Pursuing scientific cooperation: such as early warning systems for tsunamis or trans-boundary water management agreements, to strengthen ties between nations and societies.

Protecting freedom of expression: an essential condition for democracy, development and human dignity.

Sponsors



OPEN SOCIETY FOUNDATIONS
<https://www.opensocietyfoundations.org>

The Open Society Foundations work to build vibrant and tolerant societies whose governments are accountable and open to the participation of all people.

We seek to strengthen the rule of law; respect for human rights, minorities, and a diversity of opinions; democratically elected governments; and a civil society that helps keep government power in check.

We help to shape public policies that assure greater fairness in political, legal, and economic systems and safeguard fundamental rights.

We implement initiatives to advance justice, education, public health, and independent media.

We build alliances across borders and continents on issues such as corruption and freedom of information.

Working in every part of the world, the Open Society Foundations place a high priority on protecting and improving the lives of people in marginalized communities.



GOVERNMENT OF SWEDEN
<http://www.government.se/>

The policy has five focal points: high and more equal electoral participation; broader and equal participation in elected assemblies; enhanced opportunities for influence, transparency and participation between elections; increased democratic awareness; and protecting democracy against violent extremism.

Sweden has acceded to international human rights agreements. This means that the Government has committed itself to ensuring that these commitments under international law are followed and are reflected in legislation and other public undertakings

Partners



ARTICLE 19

<https://www.article19.org/>

ARTICLE 19 is an independent human rights organization that works around the world to protect and promote the right to freedom of expression. It takes its name from the corresponding article of the Universal Declaration of Human Rights that is the foundation of journalism.

Founded in 1987 through a proposal developed by Martin Ennals, former director of Amnesty International, its essence is to defend this right as a guarantee for democracy, good governance and development.

Currently it has offices in Bangladesh, Brazil, Kenya, Mexico, Tunisia, Senegal and the United Kingdom, and is collaborating with 90 partner organizations worldwide.

The line of work of Article 19 is the defense of freedom of expression anywhere in the globe that may be threatened, to this end, this organization maintains a constant monitoring of oppressive governments that regulate in excess free press, annihilating the independence and plurality.

They challenge discrimination in the press, identifying hate speech and advocating for a diverse press and free expression to combat intolerance. They are campaigning to the end that journalists, bloggers, human rights activists and others can express themselves free from tyranny and oppression.

Therefore they promote criminal investigation and prosecution of all uses of violence against freedom of expression that result in censorship, relying on free expression also in times of conflict or repression, and understanding it in turn as a key to promote peace, security and an end to such conflicts.



CENTRE FOR FREEDOM OF THE MEDIA (CFOM)

<http://www.cfom.org.uk/>

The Centre for Freedom of the Media is an interdisciplinary research center based at the Department of Journalism Studies at the University of Sheffield, UK, It's studies cover press freedom and the standards of the media.

Founded with the goal of media freedom in those places where they cannot exercise it, and to analyze the independence and veracity of them.

CFOM's course of action is to work with external groups of interests that evaluate the effective contribution of media towards achieving and maintaining political and civil liberties around the world. CFOM aims to strengthen existing legal and political activities that protect journalists, fight impunity in violations of the right to freedom

of expression, and control the adjustment of the press. CFOM was established as an independent platform that evaluates the effectiveness of existing safeguards against violence directed toward journalists, and presents cases to most effective international mechanisms to fight this type of crime and evaluates the standards of the media and self-censorship.



CENTER FOR JUSTICE AND INTERNATIONAL LAW (CEJIL)

<https://cejil.org/en>

The Center for Justice and International Law is a non-governmental non-profit organization whose main mission is to protect human rights in the Americas through the strategic use of the tools provided by the International Law of Human Rights.

In its work, CEJIL uses strategic litigation and is supported by the American Human Rights system to address serious human rights violations in the region. In that sense, the organization gives priority to paradigmatic cases of endemic violations of fundamental rights and works with the most discriminated and excluded peoples of the hemisphere.

The attention to victims is crucial to CEJIL as well as cooperative work with human rights defenders and partner organizations, with which it joins efforts and shares accomplishments. From its four offices in Argentina, Brazil, Costa Rica and the United States, CEJIL is networking for a collaborative work that aims to turn awake the interest of many other human rights defenders.

CEJIL has consultative status with the Organization of American States (OAS) and the United Nations (UN) and observer status with the African Commission on Human Rights.



COMMITTEE TO PROTECT JOURNALIST (CPJ)

<https://cpj.org/>

CPJ promotes press freedom worldwide and defends the right of journalists to report the news without fear of reprisal. CPJ ensures the free flow of news and commentary by taking action wherever journalists are attacked, imprisoned, killed, kidnapped, threatened, censored, or harassed.

The Committee to Protect Journalists was founded in 1981 by a group of U.S. correspondents who realized they could not ignore the plight of colleagues whose reporting put them in peril on a daily basis.

The idea that journalists around the world should come together to defend the rights of colleagues working in repressive and dangerous environments led to CPJ's first advocacy campaign in 1982. At the time, three

British journalists-Simon Winchester, Ian Mather, and Tony Prime-were arrested in Argentina while covering the Falklands War. A letter from CPJ Honorary Chairman Walter Cronkite helped spring them from prison.

Since then, CPJ's mission involves not only journalists but anyone who cherishes the value of information for a free society.



COSTA RICAN NATIONAL COMMISSION FOR UNESCO

<http://comisionunesco.cr/>

The Costa Rican National Commission for Cooperation with UNESCO is a legal entity, which can be considered as the link between the UNESCO and the Government of Costa Rica, which allows to coordinate actions at a national level to promote education, science and culture in society under an integrative approach.

Founded in 1949, the Costa Rican National Commission for Cooperation with UNESCO is responsible to cooperate in order to implement certain programs of UNESCO.

Other functions include to foster participation and integration of institutions in the development and implementation of UNESCO projects.

Another role of the National Commission is to provide advice to the Government and other government agencies of Costa Rica on issues related to UNESCO, or mediate between the Secretariat of UNESCO and other organizations involved in the development of joint plans.



THE EUROPEAN LAWYERS' UNION (UAE)

<http://www.uae.lu/>

The European Lawyers' Union (UAE) brings together the practicing lawyers within the European Union, with a view to achieving common action for:

- Promoting the professional practice of law within the European Union, as well as the education and continuous training of lawyers;

- Advancing the right of establishment and the freedom to provide services of lawyers in the European Union;

- Promoting the practice of EU law and of the law derived from the European Convention for the Protection on Human Rights and Fundamental Freedoms;

- Promoting the harmonization of the legal statute and the professional and ethical rules governing the practice of law in EU Member States;

- Allowing European practitioners to develop contacts both between themselves and with the EU

institutions.

For this purpose, the UAE and its regional delegations and commissions organize numerous conferences, seminars and other events across the European Union, frequently in cooperation with other professional associations and bodies and with EU and national authorities. The association promotes the publication of the most relevant contributions to its events, and intervenes on matters of common concern for the practice and the rule of law in Europe.



FREEDOM HOUSE

<https://freedomhouse.org/>

Freedom House is a non-governmental organization based in Washington DC and with offices in twelve countries, it was founded in 1941 with the objective of building grassroots support for US involvement in World War II and after that resulted in the US facing battles against the rest of totalitarian regimes of the twentieth century.

Its main task is to conduct research and promote democratic and human rights values.

Since 1972 the organization measures the state of political rights and civil liberties in all countries, including the 35 countries of the Americas, through its annual publication “Freedom in the World” as well as the state of press freedom through Freedom of the Press. In addition, Freedom House published a study of democratic governance in sixty countries called Countries at the Crossroads including fifteen Latin American countries.



**GLOBAL FREEDOM OF EXPRESSION
COLUMBIA UNIVERSITY**

<https://globalfreedomofexpression.columbia.edu/>

Global Freedom of Expression at Columbia seeks to advance understanding of the international and national norms and institutions that best protect the free flow of information and expression in an inter-connected global community with major common challenges to address. To achieve its mission, Global Freedom of Expression undertakes and commissions research and policy projects, organizes events and conferences, and participates in and contributes to global debates on the protection of freedom of expression and information in the 21st century.

The online Global Database of Freedom of Expression Case Law is supported by a network of international experts. It surveys jurisprudence around the world, critically reviews exemplary cases, engages in comparative analysis, and aims to identify national, regional and global trends. By focusing on the role of the institution of Justice, the project aims to determine the extent to which the Justice Institutions are referencing international norms and standards, and approaching information and expression as global in nature and right.



INTER AMERICAN PRESS (IAP)

<http://www.sipiapa.org/en/>

Inter American Press is an association of owners, publishers and editors of newspapers, periodicals and news agencies of the Americas, representing more than 1300 members.

Created in Havana in 1943, its objectives are to defend the rights of people developing journalism and promoting broad knowledge and a greater exchange of information on societies of the Americas, among others.

Among the most important activities of the organization are: The constant monitoring of violations against freedom of expression in each country, public campaigns through publications on issues of press freedom and denounces crimes against journalists, and promoting the creation of national and supra-national jurisprudence to protect the right of access to information.

The organization publishes cases of murders of journalists and investigations of alleged crimes to bring them to international courts, or other facts that considers violence.

IAP awards scholarships to journalists and photographers, promotes accreditation of faculties of Communication and Journalism in Latin America, trains journalists, reporters, photographers, editors, managers, media executives and provides lectures on solutions to what may be posing a impunity regarding the involvement of the judiciary, legislature, other political leaders and representatives of civil society.



INTERNATIONAL ASSOCIATION OF BROADCASTING (IAB/AIR)

<http://www.airiab.com/en/>

The International Association of Broadcasting is an organization of radio associations within the three Americas that work together as institutional partners, including television and radio stations as individual partners.

It's first record was in 1945 when the Uruguayan broadcaster Don Lorenzo Balerio Sicco addressed all the broadcasters of America and proposed the idea of organizing a congress in one country of the continent, with the goal of unifying ideas and strengthening the role of private broadcasting in America as an universal culture, consolidating the Principle of freedom of thinking and expression, and the union between people from different parts of the world.

Due to the realization of the Inter-American Conference of Communications in 1945, there were meetings that culminated in the creation of the Inter-American Association of Broadcasting in 1946. AIR IAB was consolidated in the mid-80s with a new statutory structure that opened it's doors to all private radio and television companies in various regions with a new international profile. AIR IAB is a non-governmental organization with the official status as an association to UNESCO and performs a permanent defense for the Freedom of Expression of

Thought, by supporting cooperation between broadcasters on those actions that work to help social service and public interests.

It aims to contribute to the raising and cultural development of peoples and advocating to establish uniform standards of legal protection for their activities.



INTERNATIONAL ASSOCIATION OF LAWYERS

<http://www.uianet.org/en>

The International Association of Lawyers (UIA - Union Internationale des Avocats) brings together over 2, 000 individual members and 200 bar, federation and association members, from more than 110 countries.

The UIA is Open to all the world's lawyers, both general practitioners and specialists. Its members also include legal professionals, judges, law students and teachers.

The UIA is a multilingual and multicultural organisation, and is the only major international lawyers' organisation to have adopted French, English and Spanish as its working languages.

The UIA's membership has extensive expertise in legal matters, which means the UIA can initiate high-level legal debates within its technical commissions and working groups, as well as adopts resolutions on current problems faced by the legal profession throughout the world.



INTERNATIONAL CENTER FOR PROMOTION OF HUMAN RIGHTS(CIPDH) UNDER THE AUSPICE OF UNESCO

<http://cipdh.gov.ar/>

The UNESCO International Center for the Promotional of Human Rights (CIPDH for its acronym in Spanish) emerged in 2007 from an initiative of the Argentine State together with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

The CIPDH is the first Category II Centre of UNESCO dedicated to human rights internationally. On 22 January 2013, the Secretary for Human Rights of the Nation, Dr. Martin Fresneda put in office the authorities.

Its overall objective is to promote the deepening of democracy, the consolidation of human rights and the prevalence of human rights, liberty and human dignity, in particular expanded in the Mercosur region, the Member States of UNESCO and other international organizations.

This entity aims to promote strategic institutional relations, strengthening the exchange of experiences and knowledge, with emphasis on cooperation among developing countries. It also promotes research on human rights and to be able to systematize such knowledge, also supporting networks working on the same goal.



INTERNATIONAL FEDERATION OF JOURNALIST (IFJ)

<http://www.ifj.org/>

The IFJ promotes international action to defend press freedom and social justice through strong, free and independent trade unions of journalists.

The IFJ does not subscribe to any given political viewpoint, but promotes human rights, democracy and pluralism. The IFJ is opposed to discrimination of all kinds and condemns the use of media as propaganda or to promote intolerance and conflict.

The IFJ believes in freedom of political and cultural expression and defends trade union and other basic human rights. The IFJ is the organization that speaks for journalists within the United Nations system and within the international trade union movement.

The IFJ supports journalists and their unions whenever they are fighting for their industrial and professional rights and has established an International Safety Fund to provide humanitarian aid for journalists in need.

IFJ policy is decided by the Congress which meets every three years and work is carried out by the Secretariat based in Brussels under the direction of an elected Executive Committee. The last Congress was held in Dublin from 4-7, June, 2013.



INTERNATIONAL FREEDOM OF EXPRESSION EXCHANGE (IFEX)

<https://www.ifex.org/>

IFEX is a global network founded in 1992 by 95 non-governmental organizations, connected by a shared commitment to the defense of freedom of expression as a fundamental human right.

IFEX uses its website as a tool for communication and dissemination of certain stories and events that attack freedom of expression, and thus an effect of mobilization and action against censorship is achieved, focusing on the regulation that prevents free expression, criminal defamation, political media concentration.

IFEX in its work covers 65 countries, with more than two thirds located in the Global South, and each with its respective areas of expertise, the common denominator of its members is that they have a work of defense of journalists, press media or all those people who want to exercise their freedom of expression, as cyber-

dissidents, academics and artists.

This network brings together organizations that are operating at a local, regional, national or international level, working together in coalitions of defense, improving international understanding of the issues and creating job opportunities for the promotion of freedom of expression, trying to raise awareness by supporting and strengthening action groups.



MEDIA LEGAL DEFENSE INICIATIVE (MLDI)

<http://www.mediadefence.org/>

MLDI is a non-governmental organization created in 2008 to provide legal assistance to journalists (regardless of the medium used, whether in the field of printed press, radio, TV, or Internet) and independent media.

For this matter this organization works to offer legal cover to ensure their defense and borne the costs of the judicial process if it is necessary, ensuring the defense of the legitimate right to freedom of expression. Working alongside promoting the exchange of information, tools and strategies for litigation lawyers working on cases of freedom of the media.

MLDI assists around the world without geographical restrictions. Two other prominent financial assistance programs are in the center of legal defense of media, and direct support for broadening knowledge on media legislation.

The organization has provided legal assistance in representative cases as “Union versus Burundi Journalists” in the East African Court of Justice, or “Lohe versus Issa Konaté Burkina Faso” “the first case of freedom of expression to the African Court of Human and Peoples’ Rights.



OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS PANAMÁ (OHCHR PANAMÁ)

<http://www.oacnudh.org/>

The “Central America Regional Office” (OHCHR) with headquarters established in Panama since 2007, carries out its activities in Belize, Costa Rica, El Salvador, Nicaragua, Panama and Dominican Republic. In addition, joint actions are coordinated with the Country Office of Guatemala and the Human Rights Advisor in Honduras.

The four main lines of action of the OHCHR are:

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- Fighting poverty and inequality, promoting social and cultural rights;
- Fighting discrimination, putting its emphasis on Afro-descendants and indigenous peoples and other groups that suffer from exclusion in the region, including women, LGBT and migrants;
- To influence policies to attack the insecurity and violence, including violence against women, and promoting human rights training for the police force;
- Strengthening the rule of law and fight impunity, in compliance with international human rights standards of the judiciary.

The Office monitors the implementation of the recommendations issued by the United Nations to the member countries about the mechanisms for the protection of human rights. It establishes a relationship of dialogue with governments, human rights institutions, civil society and UN teams in each country.



UNIVERSITY OF PEACE
<https://www.upeace.org/>

Headquartered in Costa Rica, the United Nations-mandated University for Peace was established in December 1980 as a Treaty Organization by the UN General Assembly. As determined in the Charter of the University, the mission of the University for Peace is: “to provide humanity with an international institution of higher education for peace with the aim of promoting among all human beings the spirit of understanding, tolerance and peaceful coexistence, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress, in keeping with the noble aspirations proclaimed in the Charter of the United Nations.”

To ensure academic freedom, the University was established under its own Charter, approved by the General Assembly. UPEACE is not subject to UN regulations and is directed by its own Council of renowned personalities with expertise in peace and security matters. This has allowed the University to move rapidly and to innovate, focusing its new, rigorous academic programme on the fundamental causes of conflict through a multidisciplinary, multicultural-oriented approach.



**THE WORLD ASSOCIATION OF NEWSPAPERS
AND NEWS PUBLISHERS (WAN-IFRA)**

<http://www.wan-ifra.org/>

The World Association of Newspapers and News Publishers, or WAN-IFRA, is the global organization of the world’s press, representing more than 18,000 publications, 15,000 online sites and over 3,000 companies in more than 120 countries.

The organization was created by the July 2009 merger of the World Association of Newspapers and IFRA, the research and service organization for the news publishing industry. The two organizations have a 110-year history between them as the global representatives of the world's press.

The mission of the organization is simple: "To be the indispensable partner of newspapers and the entire news publishing industry worldwide, particularly our members, in the defence and promotion of press freedom, quality journalism and editorial integrity and the development of prosperous businesses and technology."

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