

# The Road to Justice

Breaking the Cycle of Impunity  
In the Killing of Journalists



A special report by the Committee to Protect Journalists



Defending Journalists Worldwide

# The Road to Justice

Breaking the Cycle of Impunity  
In the Killing of Journalists



A special report by the Committee to Protect Journalists  
**Issued October 2014**



Defending Journalists Worldwide



A rally marks the 2009 murder of Russian journalist Anastasiya Baburova. **REUTERS/SERGEI KARPUKHIN**

- 2 CONTENTS**
- 5 ABOUT THIS REPORT**
- 6 FOREWORD**

## **CHAPTER I**

### **8 WHAT DOES IMPUNITY MEAN?**

It isn't just one story that ends with a journalist's death; a climate of intimidation builds. If no one is punished, killers are emboldened, and violence repeats. Journalists have no choice but to censor themselves or even flee into exile. Targeted attacks on the media have kept the world from understanding the full dimension of violence in Syria, drug trafficking in Mexico, militant influence in Pakistan, and corruption in Russia.

## **CHAPTER II**

### **10 MEASURING PROGRESS AGAINST STUBBORN REALITY**

International recognition of impunity as a global problem, including by the United Nations, is an important step. But outside of political corridors, progress is spotty; impunity rates have risen steadily over the past decade in most countries. One encouraging sign: convictions in journalist murders have been edging higher. One country, Colombia, embodies hope, but also shows the long road that must be traveled to reach justice.

## **CHAPTER III**

### **14 WHERE IMPUNITY THRIVES**

There are many ways that widespread, enduring impunity takes hold when it comes to attacks on journalists. In some cases, it is a lack of political will. In others, conflict or weak law enforcement keeps justice at bay. In most situations, it is a combination of these factors. Examining the environments in which impunity thrives is the first step to ending it.

### **20 THE UNSOLVED MURDER OF NATALYA ESTEMIROVA**





Somalis pray at the funeral of journalist Mohamed Ibrahim Rageh, who was shot dead in Mogadishu in April 2013. His murder remains unsolved.  
**REUTERS/FEISAL OMAR**

## CHAPTER IV

### 22 STEPS THAT WORK AND THOSE THAT DON'T

Years of intensive advocacy by press freedom groups, human rights organizations, and journalists have prompted some governments to pledge to fight anti-press violence. But many have failed to take action. Others have enacted legislation, created task forces, or appointed special prosecutors and commissions, with varying degrees of success. Some of these initiatives have led to progress; some were well conceived but poorly resourced; some appear to be little more than a means to deflect criticism.

### 26 A NEW START ON OLD MURDERS IN SERBIA

## CHAPTER V

### 28 BUILDING PRESSURE, ENFORCING COMPLIANCE

The United Nations has adopted resolutions addressing impunity and journalists' safety and launched a plan of action. The plan is taking root in a couple of countries identified for early implementation—namely, Pakistan and Nepal—but has utterly failed in Iraq. To maintain momentum globally, U.N. agencies must increase engagement. Another tool gaining small ground in the fight against impunity is the network of regional courts, but their judgments are often flouted.

### 33 RAISING THE COST OF IMPUNITY, IN THE NAME OF MAGNITSKY

### 36 CONCLUSION

The fight against impunity in the killing of journalists has reached an important juncture, where modest gains could give way to complacency. Efforts by relatives and colleagues, sustained media attention, diplomatic pressure, and litigation have pushed justice forward in rare cases. There are more steps governments can take, including moving trial venues, improving witness protection, reforming judiciaries, and creating independent bodies to scrutinize flawed investigations. Some solutions require extensive resources, but others do not. Meeting U.N. obligations to combat impunity must be paramount.

### 38 RECOMMENDATIONS

CPJ's recommendations to national governments, the international community, and the news media

### 40 APPENDIX I

Journalists Murdered Between 2004 and 2013

### 47 APPENDIX II

Key U.N. Documents and Resolutions



Founded in 1981, the Committee to Protect Journalists responds to attacks on the press worldwide. CPJ documents hundreds of cases every year and takes action on behalf of journalists and news organizations without regard to political ideology. To maintain its independence, CPJ accepts no government funding. CPJ is funded entirely by private contributions from individuals, foundations, and corporations.

## THE ROAD TO JUSTICE

*Breaking the Cycle of Impunity in the Killing of Journalists*

**EDITORIAL DIRECTOR:** Elana Beiser

**SENIOR EDITORS:** Jessica Jerreat, David Westphal

**NEWS EDITOR:** Shazdeh Omari

**DEPUTY EDITOR:** Kamal Singh Masuta

**DESIGNER:** Justin Reynolds

**COPY EDITOR:** Lew Serviss

**GRAPHICS:** John Emerson

© 2014 Committee to Protect Journalists, New York. All rights reserved.

Printed by United Book Press.

### CHAIRMAN

Sandra Mims Rowe

### VICE CHAIR

Kathleen Carroll

### HONORARY CHAIRMAN

Terry Anderson

### EXECUTIVE DIRECTOR

Joel Simon

### DIRECTORS

Stephen J. Adler

Andrew Alexander

Franz Allina

Christiane Amanpour

John S. Carroll

Rajiv Chandrasekaran

Sheila Coronel

Josh Friedman

Anne Garrels

Cheryl Gould

Arianna Huffington

Charlayne Hunter-Gault

Jonathan Klein

Jane Kramer

Mhamed Krichen

Isaac Lee

Lara Logan

Rebecca MacKinnon

Kati Marton

Michael Massing

Geraldine Fabrikant Metz

Victor Navasky

Clarence Page

Norman Pearlstine

Ahmed Rashid

Alan Rusbridger

David Schlesinger

Paul C. Tash

Jacob Weisberg

Mark Whitaker

Matthew Winkler

### ADVISORY BOARD

Tom Brokaw

James C. Goodale

Gwen Ifill

Steven L. Isenberg

David Laventhol

David Marash

Charles Overby

Erwin Potts

Dan Rather

Gene Roberts

Paul E. Steiger

Brian Williams

**COVER PHOTO:** Journalists and journalism students carry mock coffins in Manila to commemorate the third anniversary of the November 23 Maguindanao massacre in the Philippines. **AFP/NOEL CELIS**

**TITLE PAGE PHOTO:** A journalist holds a photo of Nepalese radio journalist Uma Singh, who was murdered in 2009. **REUTERS/SHRUTI SHRESTHA**



A bullet shell is seen standing on press accreditation, surrounded by journalists protesting the murder of reporters in Mexico.

REUTERS/DANIEL BECERRIL

**Elisabeth Witchel**, the founder of CPJ's Global Campaign Against Impunity, is the lead author of this report. Witchel launched the campaign in 2007 and has compiled five editions of the organization's annual Global Impunity Index as well as several other major reports. She has worked in human rights and journalism for more than 15 years and participated in missions to Pakistan, Nepal, and the Philippines, among others. In 2010, she organized CPJ's Impunity Summit, bringing together 40 representatives from more than 20 press freedom organizations to identify challenges and strategies to combat impunity in violence against journalists.

**Myroslava Gongadze**, who has struggled for more than a decade to get justice in the murder of her husband, Ukrainian journalist Georgy Gongadze, wrote the report's foreword. CPJ Executive Director **Joel Simon** wrote the first chapter on the impact of unresolved violence against journalists. CPJ's Andes correspondent, **John Otis**, contributed a section on Colombia's slow battle to curb impunity. **Elena Milashina**, an award-winning, investigative journalist with *Novaya Gazeta* and CPJ's Moscow correspondent, wrote the sidebar about the stalled investigation into the killing of Russian journalist and human rights defender Natalya Estemirova. CPJ's Mexico correspondent, **David Agren**, contributed new reporting on Mexico, and research by CPJ Americas Research Associate **Sara Rafsky** is the basis for the section on Brazil. In compiling this report, Witchel has analyzed more than 10 years of research conducted by CPJ staff. Additional research on Pakistan was done by **Sadaf Khan**, who has worked in print and electronic media in Pakistan for eight years and with local NGOs on journalism security and freedom of expression.

CPJ commissioned "The Road to Justice" to mark the first U.N.-recognized International Day to End Impunity for Crimes Against Journalists on November 2, and in recognition that the lack of justice in hundreds of murders of journalists around the world is one of the greatest threats to press freedom today. The report finds that while international attention to the issue has grown over the past decade, there has been little progress in bringing down rates of impunity worldwide. Far more political will on the part of states to implement international commitments to combat impunity will be needed to make an impact on the high rates of targeted violence that journalists routinely face.

The report focuses specifically on impunity in the murders of journalists and does not explore examples of impunity in other crimes, such as wrongful imprisonment or official abuse. The report examined CPJ's database of killed journalists and analyzed trends from murders committed within the 10-year period from January 1, 2004, to December 31, 2013. Only cases where CPJ determined with reasonable certainty that a journalist was deliberately targeted in connection to their journalism were considered.

This report was compiled as part of CPJ's Global Campaign Against Impunity, which is made possible thanks to generous support from the **Adessium Foundation**, **Leon Levy Foundation**, and the **Open Society Foundations**. CPJ is also grateful for the long-standing support of the **John S. and James L. Knight Foundation**.

*For versions in Arabic, French, Portuguese, Russian, and Spanish, please visit CPJ's website, [www.cpj.org](http://www.cpj.org).*





Ukrainian journalist Georgy Gongadze and his wife, Myroslava, pose for a photograph in 1995. Georgy Gongadze was killed in 2000.

AP/GONGADZE FAMILY PHOTO

BY MYROSLAVA GONGADZE

**It is a sad truth of today's world that the life of a** journalist is often a dangerous one. We in the media hear daily reports of crimes against journalists, from intimidation to murder, and it is even harder when these are committed against our friends, family, and colleagues. A culture of impunity often obstructs our search for justice for these crimes and allows those responsible, whether they are state authorities or powerful elites, to block the people's quest for the truth in the bloodiest of ways.

I came face to face with this unacceptable culture in September of 2000, when my husband, journalist Georgy Gongadze, was murdered at the hands of Ukrainian authorities.

Georgy was an investigative journalist, the editor-in-chief of *Ukrainska Pravda* (Ukrainian Truth), an independent online newspaper that criticized the authorities and exposed corruption and cronyism in the administration of then-Ukrainian President Leonid Kuchma. When Georgy disappeared on September 16, 2000, my first thought was that he had been kidnapped by someone he had angered with his reporting. The journalistic community in Ukraine launched a highly publicized campaign to find him, but the authorities showed little enthusiasm for investigating my husband's disappearance.

To many of us, this lack of involvement came as no surprise since none of the previous crimes against journalists or dissidents in the country were fully investigated. But even I did not suspect that such high-ranking government officials as the president could be behind Georgy's murder.

In the months after his disappearance, I learned—from recordings secretly made in the president's office by his se-

curity officer, Mykola Melnychenko, and later authenticated by a U.S. forensic expert—how seriously his work had been taken at the highest levels of power. I learned of how actively then-Prosecutor-General Mykhaylo Potebenko and his office worked to sabotage the investigation and orchestrate a cover-up of top state involvement.

Georgy's decapitated body was found in November 2000, badly decomposed. It would take four DNA tests to confirm the body was my husband's. His head was not found until years later. He had been strangled to death, beheaded, burned, and buried by his killers: four members of the government police.

I was granted asylum in the United States in 2001 and moved with my two young daughters, fearing my life was in danger.

But finding and bringing to justice the perpetrators and instigators of my husband's murder became my life's mission. Fourteen years after Georgy's murder, we have been able to get partial justice. Three policemen and their boss, Gen. Aleksei Pukach, are behind bars. The former minister of interior of Ukraine, who, according to court documents, ordered the murder, allegedly killed himself by shooting two bullets into his head. But the masterminds of the crime have not yet been held to account. Despite public knowledge of their alleged involvement in the crime, they still enjoy privileged status and material comfort.

I continue the pursuit of justice for my husband because I believe that investigating, not only exposing, crimes against journalists is our obligation to those who fight to bring the truth to the people.

The fight has not been easy. From the start, authorities



In 2005, the European Court of Human Rights, seen here, ruled in Myroslava Gongadze's favor, stating that Ukraine had violated articles of the European Convention on Human Rights by failing to protect her husband's right to life. **AFP/FREDERICK FLORIN**

tried to sabotage the investigation and destroy my husband's and my reputation by fabricating information about his disappearance and death. I had to spend hours and days in the prosecutor's office battling the officials. My law degree and a supportive group of friends and family helped me to withstand the pressure and stay strong. All this time, my family and I were facing danger: I was being followed, my phones were tapped, and every day I felt more pressure from the authorities.

Later, when I realized that it would be impossible to find justice within Ukraine, I appealed to international institutions like the European Court of Human Rights. In 2005 the court ruled in my favor, stating that Ukraine had violated Articles 2, 3, 13, and 41 of the European Convention on Human Rights by failing to protect my husband's right to life. According to the decision, the investigation was not adequate and caused much psychological harm.

Impunity in crimes against journalists like this sends a message to perpetrators—that they can control the media by using force against its members, that intimidation can continue. Bringing those responsible to justice is the final hill we must climb in our quest to save the lives of journalists and to further the cause of free speech and expression.

We must actively support those devoted to seeking justice for these crimes. I know from personal experience that fighting cover-ups, using the courts, and dealing face to face with dangerous and powerful individuals is frustrating and difficult and requires many resources, including devotion, dedication, fearlessness, funds, and tireless energy. Those who pursue justice are frequently in harm's way.

The cause needs an international support system. The United Nations has taken steps toward building this system by approving a resolution to make November 2 the International Day to End Impunity in attacks against journalists and adopting the U.N. Plan of Action on the Safety of Journalists and the Issue of Impunity. These steps must carry forward.

This year, 2014, will have the first international, officially sanctioned day in which to stand in solidarity against impunity.

In honor of this day, I ask governments to uphold their international obligations to protect journalists and seek justice no matter how high the search leads. I ask international human rights organizations to support the family and friends of those who gave their life for the public good, and for these families and friends to stay strong and never give up the pursuit of justice, whatever the obstacles. I ask all of us in the media and the watchdog community to find the courage to stand up for the memory of our colleagues who have died in the line of duty. ■

*Myroslava Gongadze is a journalist and activist based in Washington. Her husband, the journalist Georgy Gongadze, 31, was murdered in Ukraine in 2000. In 2013, the Pechersky District Court in Kiev convicted former police Gen. Aleksei Pukach of strangling and beheading Gongadze and sentenced him to life in prison. In March 2008, the authorities convicted Pukach's accomplices, three former police officers. Former President Leonid Kuchma was indicted in March 2011, but Ukraine's Constitutional Court deemed key evidence inadmissible. Myroslava Gongadze and her lawyer continue to push for a complete investigation into who ordered Gongadze's murder.*





Mikhail Beketov, center, died in April 2013 from injuries he sustained in a brutal attack in 2008. Beketov had covered corruption in the Russian government. No one has been brought to justice. **AFP/ALEXEY SAZONOV**

# What Does Impunity Mean?

**In 1981, the year CPJ was founded, Argentina was** enmeshed in the so-called Dirty War, in which dozens of journalists were disappeared. Most were never seen again. To this day, no one has systematically documented the media murders that took place, and no one knows precisely how many journalists perished. Not surprisingly, given the information void, there was little international attention on journalists' disappearances or the broader human rights catastrophe that many of the murdered reporters were seeking to cover.

It was not until a decade later, in 1992, that CPJ began to systematically document every instance of the killing of journalists for their work anywhere in the world. For the first several years of this exercise, our "killed list" was published on paper as an appendix to *Attacks on the Press*, CPJ's annual compendium of press freedom conditions. Eventually, we moved online and created a public database that allows us—and others—to better understand the trends behind the numbers.

From 1992 until the present day, CPJ has maintained

a consistent methodology. We apply stringent journalistic standards, going beyond press reports and seeking out independent sources of information on each case. We compile basic biographical data—the person's name, media organization, and type of work—and we make tough calls about whether the person killed was acting in a journalistic capacity. We also seek to determine the motive for the killing, and it is only when we are reasonably confident that an individual was killed while engaged in journalistic activity that we consider the case confirmed. It is this consistent and sustained approach that allows us to compile a comprehensive database of every journalist killed and to draw informed conclusions based on the data.

The numbers paint a shocking picture. In the decade from 2004 through 2013, 370 journalists have been murdered in direct retaliation for their work. The vast majority were local journalists reporting on corruption, crime, human rights, politics and war, among other issues of vital importance to

their societies. In 90 percent of all these cases there has been total impunity—no arrests, no prosecutions, no convictions. In some cases, the assassin or an accomplice has been convicted; in only a handful is the mastermind of the crime brought to justice.

But our obsessive record-keeping is intended not only to unearth these troubling trends. We also hope to make sure there is a permanent record of each killing and that the information is updated if there is any progress toward justice. Keeping tabs on the murders also helps us understand the impact of these crimes within a particular society. Targeted attacks on the media have kept the world from understanding the full dimension of the violence taking place in Syria. Unchecked impunity has suppressed critical reporting on drug trafficking in Mexico, militant violence in Pakistan, and corruption in Russia.

The cost to the families, friends, and society as a whole is staggering. One crusading Russian journalist, Mikhail Beketov, died in April 2013 in a Moscow hospital from injuries sustained in an atrocious beating more than four years earlier, after he had reported on environmental destruction outside Moscow. I visited him in October 2010, when he was still struggling to recover from the damage inflicted on him by men with iron bars. The once burly fighter had been enfeebled: he had lost a leg, his hands had been mangled, and brain injuries prevented him from speaking. Through violence, a brave man who had used his voice and his pen to challenge the powerful had been rendered unable to communicate. No one has ever been arrested in connection with the assault.

Our research has found that such impunity emboldens the killers and silences the press. It isn't just one story that ends with a journalist's death; a climate of intimidation builds. A message is heard. Killers are emboldened, and violence repeats. Journalists have no choice but to listen. The murders foment zones of self-censorship, like that which has taken hold in part of Colombia and Mexico. "Impunity is a major, if not the main, cause of the high number of journalists killed every year," said Christof Heyns, the United Nations special rapporteur on extrajudicial, summary, or arbitrary executions, in a 2012 report on journalist killings.

When the killing continues, we have seen whole communities of journalists flee into exile from countries like Iraq, Somalia, and Sri Lanka. Many fear to return until the perpetrators of attacks against journalists are jailed.

With awareness of the grim statistics and heart-wrenching stories have come more steady and insistent calls for action. In recent years, the role of journalists in promoting dialogue and holding power to account has been widely recognized. A free press helps advance the objectives of the U.N. and other intergovernmental organizations by promoting good governance, challenging corruption, combating crime, and helping to resolve conflict and build peace. The devastating impact of unpunished violence on the media undermines these critical functions.



In about 90 percent of journalist murders, no one is brought to justice.

IFEX/LIDIJA SABADOS

As this report makes clear, the United Nations has responded, recognizing that the unchecked killing of journalists represents a threat to the flow of information and thus the global peace and security that the U.N. was founded to preserve. "Every journalist murdered or intimidated into silence is one less observer of our efforts to uphold rights and ensure human dignity," said U.N. Deputy Director Jan Eliasson at the first Security Council debate on this issue in July 2013.

In 2011, UNESCO, with input from civil society including CPJ, began developing the Plan of Action on the Safety of Journalists and the Issue of Impunity.

This report is intended to advance the next step in that process. With the Action Plan and other measures, the U.N. and the international community have assumed responsibility for addressing the impunity crisis. What concrete steps can be taken to ensure success?

Elisabeth Witchel, the lead author of this report, is well poised to answer this question. Witchel founded CPJ's Global Campaign against Impunity in 2007, and today is one of the world's leading experts on the issue. In compiling this report, she carefully analyzed more than a decade's worth of CPJ research and data and interviewed dozens of journalists, U.N. and government representatives, and press freedom advocates. Several members of CPJ staff contributed to sections of the report.

The difference between 1981 and today is stark. When the military junta took power in Argentina in the mid-1970s, it sought to eliminate witnesses to its atrocities and largely succeeded. Today, we have no excuse. Every single murder of a journalist is documented. We know the when, where, and how; we know the why; and we often know the who. Such knowledge compels us to act—not only in the interest of justice but also to ensure that in our globalized society violent forces can no longer determine what we know. If the ideals of the Information Age are to be realized, then we must take every step to eradicate the greatest single threat to global free expression: the unchecked and unsolved killings of those journalists who seek to inform their societies and the world. This report tells us how. ■





A reporter tries to interview a protester being taken away by police during clashes near Bogotá in 2013. Violence against journalists in Colombia has generally waned, and with it, journalist deaths. **REUTERS/JOSE MIGUEL GOMEZ**

# Measuring Progress Against Stubborn Reality

**In November 2013, the United Nations General Assembly** put the issue of impunity squarely on the global agenda.

The Resolution on Safety of Journalists and the Issue of Impunity, adopted by consensus, describes the absence of justice for victims as “one of the main challenges to strengthening the protection of journalists.” It calls on states 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.” Governments are further charged to “bring the perpetrators of such crimes to justice and to ensure that victims have access to appropriate remedies.” The resolution proclaims November 2 as the International Day to End Impunity for Crimes against Journalists.

For CPJ and other groups that have campaigned against impunity, the resolution represented a new level of international recognition. “The vote demonstrated that these governments acknowledge a problem exists, and that the safety of

journalists to do their work in the public interest needs to be protected,” wrote Annie Game, executive director of the International Freedom of Expression Exchange, a global network of freedom of expression groups. The organization has observed an annual International Day to End Impunity since 2011.

In June 2012, at the 20th session of the U.N. Human Rights Council, impunity in targeted attacks against journalists was highlighted as a major blight to human rights by Christof Heyns, the United Nations special rapporteur on extrajudicial, summary, or arbitrary executions, and by the rapporteur for promotion and protection of the right to freedom of opinion and expression, Frank LaRue. Later that year, member states at the Human Rights Council passed their own resolution on journalist safety, calling for states to redress impunity.

In 2012, the U.N. also adopted the UNESCO-led Plan of Action for the Safety of Journalists and the Issue of Impunity, a bid to induce stakeholders—states, U.N. agencies, regional bodies, civil society, and media groups—to pro-



## THE MOST DRAMATIC DETERIORATION TOOK PLACE IN SOMALIA, WHICH SAW ITS IMPUNITY RATING MORE THAN QUADRUPLE SINCE 2008.

mote the protection of journalists and justice for journalist killings. The U.N. Security Council held two debates on the issue in 2013. Other international bodies are taking positions on this issue as well. In April of this year, the Council of Europe's Committee of Ministers adopted a declaration on journalist safety, suggesting that "eradicating impunity is a crucial obligation upon [s]tates."

This international endorsement is an important step in addressing an issue that CPJ previously has seen dismissed by governments as an overstated or inconsequential problem. The member states behind these organizations have, by their adoption of these documents, made strong public commitments to fully investigate and to respond when a journalist is assaulted, threatened, or killed.

Outside of political corridors, though, progress is spotty at best. The reality on the ground is that impunity rates have risen steadily over the past decade in most countries that CPJ has identified as places where journalists are repeatedly murdered and the killers go free. In nine of these countries—Bangladesh, Brazil, Colombia, India, Iraq, Pakistan, the Philippines, Russia, and Somalia—there were new killings in 2013, a chilling reminder that where there is impunity, journalists will remain targets year after year. Amid these discouraging numbers, there is one concrete sign of encouragement: Convictions in journalist murders have been edging higher. The number of convictions in 2013 was nearly twice the previous high mark going back to 2004. Though the road to justice would demand many more convictions, the new trend may be an indication that domestic and international pressure is starting to produce change.

**When CPJ developed its campaign against impunity in 2007, an essential concern was how to measure and define progress. Accordingly, CPJ developed the Global Impunity Index, which calculates murders for which no convictions of any suspects have taken place, as a percent of a country's population. With the aim of monitoring countries with patterns of violence and impunity, each annual index identifies murders that have taken place in the previous 10 years and includes only countries with five or more unsolved cases during that period.**

The first Global Impunity Index was launched in 2008; CPJ published its seventh index in 2014. The changes over time are not dramatic, but they are telling. Sixteen countries have earned places on the index over this period. Ten of them have maintained a place every year, meaning they have sustained a record of at least five unsolved murders for the previous 10 years, an indication that impunity is well

entrenched in those countries. The data from those 10 countries show that impunity has risen on average 56 percent in those countries between 2008 and 2014.

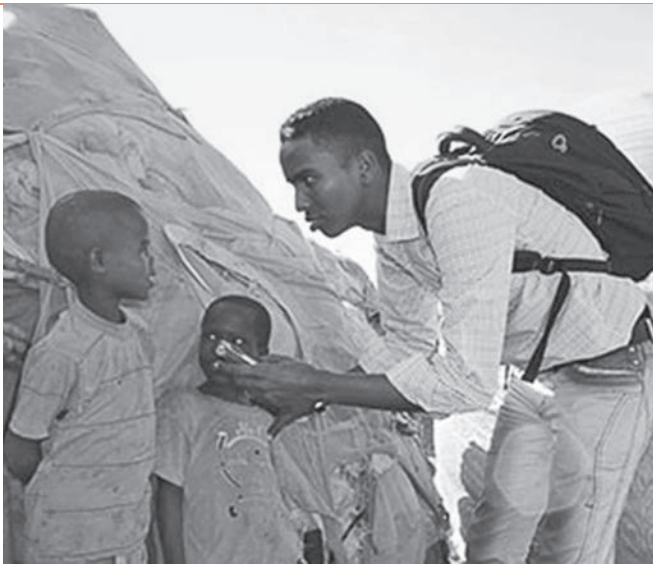
The most dramatic deterioration took place in Somalia, which saw its impunity rating more than quadruple since 2008. Yusuf Ahmed Abukar was the latest victim, and the 27th journalist to be murdered in Somalia over the past decade with full impunity, when his killers remotely detonated a bomb in his car. Pakistan's rating has more than doubled over this period. Despite one major conviction, in the case of Wali Khan Babar earlier in 2014, journalists there face an array of threats, not only from militants and warlords but also from military, security, and government officials, according to CPJ research.

Mexico nearly doubled its impunity rating in the past seven years as authorities failed to check unrelenting violence against the press there. The Philippines, where killings spiked after the 2009 Maguindanao Massacre, followed with the next biggest increase: its 2014 rating has risen more than 80 percent since 2008. Brazil, which joined the index in 2009, has seen its impunity rating rise more than 70 percent since then. India, Iraq, and Sri Lanka all went up slightly. In Russia, sparse prosecutions were offset by new killings; the country has the same rating today that it had seven years ago.

Colombia registered the most positive change. Its 2014 rating fell to less than a third of what it was in 2008, an improvement that has less to do with justice—only two convictions have taken place there in the past 10 years—than with an overall decline in fatal journalist attacks. Three countries, Sierra Leone, Bangladesh, and Nepal, came off the index altogether, also due mainly to an ebbing of anti-press violence linked to broader political changes.

The recent upswing in convictions must be seen in a sobering context. From 2004 to 2013, there were convictions in only 41 cases where CPJ determined a journalist's murder was work-related; a total of 370 slayings occurred in the same period. But the trend line is encouraging, with 26 of those convictions coming in the most recent five years, against just 15 convictions in the earlier five-year period. Last year alone, there was a relative boom, with eight convictions globally, including in countries with long-standing records of high impunity such as Russia, the Philippines and Brazil. In 2004, there was just one.

Eight acts of justice during a year in which 31 journalists were murdered for doing their jobs is not a number to celebrate, but it is a strong departure from the abysmal record of previous years.



Somali journalist Yusuf Ahmed Abukar, seen here speaking to internally displaced children, was killed by a car bomb in 2014.

ABDUKHADER AHMED

**With its recent improvement on CPJ's Impunity Index,** Colombia embodies hope for the future, but also the reality of the long road that must be traveled to reach full justice.

Colombia has more than halved its impunity rating in the last seven years, and it has moved from fifth to eighth in the global ranking of countries with the worst records of prosecuting journalist murders.

Colombia's protection program for journalists, which provides security details or helps relocate threatened journalists, is often credited with improving the country's record of anti-press violence, once among the highest in the world.

But to a large extent, the country's improvement appears to be a byproduct of a waning of the country's 50-year-old armed conflict. The fighting has pitted two Marxist rebel groups against the government; until recently, the mix also included right-wing paramilitaries that often collaborated with the army. All four of these armed actors have gunned down journalists.

But the violence has diminished, and with it, journalist deaths. Illegal armed groups, corrupt politicians, and others continue to threaten reporters, but these days intimidation more often leads to self-censorship rather than murder, according to Pedro Vaca, executive director of the Bogotá-based Foundation for Press Freedom, or FLIP. He described this incremental improvement as going from "really bad" to "bad."

The government is reorganizing the attorney general's office to provide a special team to examine crimes against journalists. So far, however, there have been no improvements in speed or efficiency in solving these cases, Vaca said.

Although Colombia's traditional legal system remains frustratingly slow, some measure of clarity, if not closure, may be achieved through so-called transitional justice. The term refers to judicial as well as alternative measures to

## IN THE PURSUIT OF FULL JUSTICE FOR MURDERED JOURNALISTS, COLOMBIA HAS MADE ONLY HALTING STEPS.

redress widespread human rights abuses in societies transitioning from war to peace.

For example, under a 2005 law that promised light sentences in exchange for disarming and telling the truth, several paramilitary leaders explained their roles in the murders of two journalists in the early 2000s in the northern state of Arauca. Although there have still been no convictions in those cases, surviving family members at least know more about what happened.

Meanwhile, under the Victims and Land Restitution Law of 2011, the government is providing reparations to thousands of victims of human rights violations—journalists among them—who were entitled to state protection from such violence.

In addition, the government has made a number of symbolic gestures to start repairing the profound damage wrought by the armed conflict on Colombian journalism. In February, the government's Victims Unit held a special ceremony in Bogotá in honor of murdered Colombian journalists that was attended by President Juan Manuel Santos. "It is not the same thing as a court putting killers in prison," Vaca said. "But it does have a healing effect."

Yet in the pursuit of full justice for murdered journalists, Colombia has made only halting steps. A vivid example is the case of Luis Eduardo Gómez.

A freelance journalist, Gómez was also a government witness in an investigation into links between Colombian politicians and paramilitary groups, a relationship he often chronicled. On June 30, 2011, an unidentified assailant shot Gómez, 70, in his hometown of Arboletes in northern Colombia, and fled on a motorcycle.

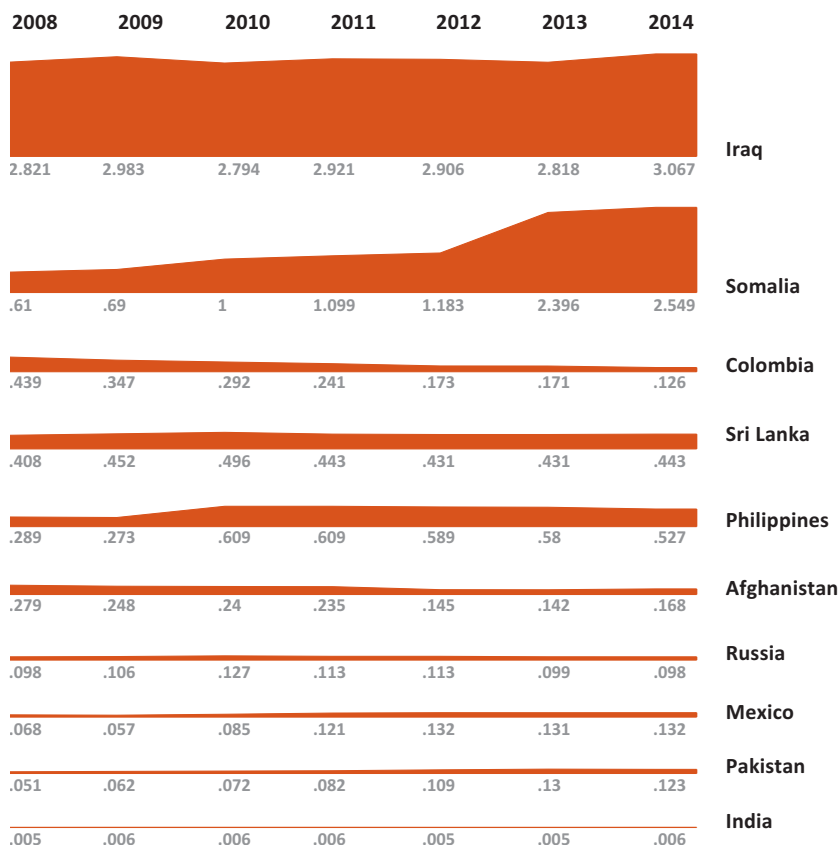
For a while, the Colombian government appeared to be on top of the case. It agreed to pay reparations to Gómez's widow. Last year, Colombia's national police chief, Rodolfo Palomino, announced the capture of Hermes Rebolledo, a former paramilitary leader whom Palomino linked to the killing of Gómez.

Later, however, the attorney general's office said that, while Rebolledo was under investigation for drug trafficking and other crimes, he had not been linked to the murder of the journalist. Three years after Gómez was killed, the case remains unsolved. The case is on CPJ's list of unconfirmed journalist killings, which means that CPJ has not yet determined whether journalism was the motive of the crime.

Justice nearly always remains elusive or incomplete when

## THE GREATEST OFFENDERS

Impunity ratings of the 10 countries that have appeared on CPJ's Impunity Index each year from its inception in 2008

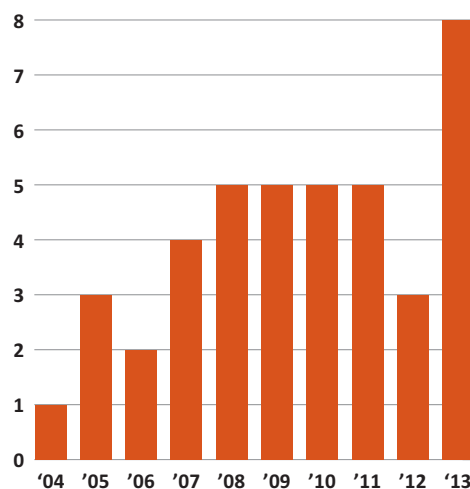


journalists are murdered in Colombia. Since 1977, FLIP has documented 142 killings of journalists that were job-related. Of this total, nearly half have been closed because they exceed a 20-year statute of limitations. The attorney general's office could provide no information on 30 cases because the files had apparently been lost or misplaced. All told, there have been just 19 convictions.

CPJ, which began tracking the killings of journalists in 1992 and uses different methodology, has documented 45 journalists killed directly for their work in Colombia, and an additional 33 killings in which the motive is not clear. In murder cases where CPJ has confirmed journalism is the motive, impunity reigns in 88 percent, with most of the rest having achieved only partial justice.

Even when the killers are caught and convicted, the masterminds who target reporters nearly always remain free, CPJ research shows. Investigations often fall apart due to problems such as overburdened prosecutors, a lack of information sharing, mishandling of evidence, and malfeasance by judicial officials.

## Convictions in journalist murders, 2004 – 2013



**NOTE:** Convictions include some murders that occurred before 2004.

Alejandro Ramelli, a prosecutor for the attorney general's office in Bogotá and an expert on crimes against reporters, blamed two factors for widespread impunity. In a 2013 interview with CPJ, he pointed to structural problems within the judicial system, and a single-minded focus by prosecutors on the last link in the chain—those directly responsible for killing journalists—rather than the criminal organizations and corrupt politicians who are often behind the murders.

The killing goes on. In 2013, one journalist and one media support worker were murdered in Colombia in direct retaliation for their work. Another journalist at the country's leading newsmagazine narrowly survived an assassination attempt, while reporters throughout the country were repeatedly threatened and, in some cases, forced to flee their homes and the country. Speaking at UNESCO on World Press Freedom Day in 2013, journalist Claudia Julieta Duqué, herself a victim of a long campaign of harassment and intimidation that forced her into temporary exile on several occasions, told an audience, "Protection is good, but the people behind impunity must face repercussions." ■





A member of the press holds a photo of Sri Lankan journalist Dharmeratnam Sivaram at a protest in 2013. Sivaram was abducted in April 2005 and found dead the next day. **REUTERS/DINUKA LIYANAWATTE**

# Where Impunity Thrives

## A climate of impunity reached a tragic culmination

on November 23, 2009, when gunmen ambushed a caravan escorting political candidate Esmail “Toto” Mangudadatu as he prepared to file papers to become a candidate for provincial governor in the Philippines. The attackers slaughtered 58 people, among them 30 journalists and two media workers, the largest toll of journalists murdered in a single act since CPJ began keeping track in 1992.

The mass killing on the outskirts of Ampatuan Town provoked immense outrage. But no one has been convicted of playing any role in the massacre, and few are surprised. Many saw the attack as a natural result of the Philippines’ long-running mix of powerful, armed groups, government corruption and inaction, and weak law enforcement. This cycle of violence and impunity shows no sign of weakening.

More than 50 journalists were murdered, without justice, for their work in the Philippines between 2004 and 2013. Hundreds more human rights defenders, activists, and politicians have become victims of extrajudicial killings, mostly without consequence for the assailants. And in this, the Philippines is not alone.

Journalist murders are rarely isolated events. They are not usually the spontaneous act of a hothead angered by what he reads in the newspaper. All too often they are premedi-

tated—ordered, paid for, and orchestrated. They fit into two overarching patterns: intimidation against those who reveal corruption, expose political and financial misconduct, or report on crime; and circumstances where everyday violence by militant groups or organized crime obstructs justice. Enabling these patterns is the simple fact that murdering a journalist is easy to get away with. According to CPJ research, there are no consequences for the killers of journalists in nearly nine of 10 cases.

A culture of impunity in killings of journalists is self-fueling. Where justice fails, violence often repeats, according to trends documented over the last seven years by CPJ’s Global Impunity Index. Iraq, for example, has by far the largest number of unsolved murders and recorded nine new targeted killings of journalists in 2013. Russia saw two more journalists murdered last year, bringing to 14 its total of journalism-related killings with full impunity since 2004. In Bangladesh, Brazil, Colombia, and India, a total of seven journalists were murdered in 2013. All but one of the countries where murders of journalists took place in 2013 had records of impunity in four or more earlier killings. “Every act of violence committed against a journalist that goes uninvestigated and unpunished is an open invitation for further violence,” the United Nations High Commissioner for Human Rights, Navi Pillay, said earlier

## IN HUNDREDS OF CASES, POLITICAL GROUPS OR INDIVIDUALS WHO WIELD STRONG ECONOMIC AND POLITICAL INFLUENCE ARE THE SUSPECTED KILLERS.

this year at a Human Rights Council meeting.

There are many ways that widespread, enduring impunity takes hold when it comes to attacks on journalists. In some cases, it is a lack of political will. In others, conflict or weak law enforcement keeps justice at bay. In most situations, it is a combination of these factors. Examining the environments in which impunity thrives is the first step to ending it.

**Governments often complain that justice is out of their hands.** Impunity in journalist killings is the tip of the iceberg, their argument goes, and immense systemic problems from widespread corruption to continuing strife are the real issues. It is true that insecure or dysfunctional environments seed impunity, but CPJ has seen repeatedly that lack of political will to prosecute is the most prevalent factor behind the alarming numbers of unsolved cases. States too often show that they are unwilling, not simply unable, to pursue justice when it comes to journalist killings. “The most important element is political will,” said Frank La Rue, the former U.N. special rapporteur on the promotion and protection of the right to freedom of opinion and expression.

CPJ has documented case after case that fails to advance toward justice despite evidence that points to potential culprits. In others, law enforcement officials have failed to follow leads, interview witnesses, collect sufficient evidence, or pursue complete prosecutions. When a prominent Sri Lankan newspaper editor, Lasantha Wickramatunga, was assassinated in 2009, his attackers beat him with iron bars and wooden poles on a busy street, within sight of soldiers at an airbase. According to his widow, Sonali Samarasinghe, the police made little use of witnesses and reported Wickramatunga’s death as a shooting, contradicting medical reports that did not mention any bullet wounds. These were but two of several complaints and questions raised in an investigation that, despite pledges from President Mahinda Rajapaksa to solve the crime, has passed its fifth anniversary without a trial.

Evidence in this and other cases frequently suggests the perpetrators are top officials in a country’s power structure. CPJ data analyzing cases since 1992 show that state actors or government or military officials are suspected of being responsible for more than 30 percent of journalists’ murders. In hundreds of other cases, political groups or individuals who wield strong economic and political influence are the suspected killers. Against this reality, it is not surprising that justice is so often nipped in the bud.

“Journalists may become victims of political vendettas or are targeted by politicians. Local-level politicians may also

have business interests that journalists write about or report on,” said Geeta Seshu, consulting editor of *The Hoot*, a media watchdog in India, where seven journalists have been murdered with complete impunity in the last decade. “Political party members who target journalists are protected by their parties and can exercise great influence on the local administration or police so as to delay or hamper investigation.”

In the Gambia, after the 2004 murder of Deyda Hydara, a respected editor and columnist known for his criticism of President Yahya Jammeh, authorities did not interview at least two key witnesses who were injured with Hydara in the attack, nor did they conduct basic ballistics tests—failings recently acknowledged by the regional court of the Economic Community of West African States. The court ruled in June 2014 that the Gambia did not conduct a meaningful investigation into Hydara’s murder, in part because the National Intelligence Agency (NIA), itself a suspect, conducted the investigation. “How can the NIA do an investigation when they are one of the suspects?” said Rupert Skilbeck, litigation director at the Open Society Institute Justice Initiative, who worked with lawyers to bring the case to the regional court.

Worldwide, there has been a near-total failure to prosecute those who order crimes against journalists. In only 2 percent of cases of journalists murdered for their work from 2004 through 2013 was complete justice achieved. In most, there was no justice whatsoever, or convictions targeted lower-level accomplices and triggermen but not the masterminds. Case in point: In the high-profile trial in the murder of Russian journalist Anna Politkovskaya, even a mention of the suspected mastermind has been kept out of the courtroom; closed-door proceedings were ordered for another high-level suspect who might have revealed his identity.

Last year’s conviction of the killer of popular Philippine radio journalist Gerardo Ortega was a victory for justice. But it was also a stark reminder that two suspects, Joel Reyes and Mario Reyes, brothers and both powerful local politicians whom Ortega had accused of corruption, were yet to be even apprehended despite implicating testimony from the convicted gunman. In a statement that echoes the sentiments of dozens of other family members of killed journalists, Michaela Ortega, Gerardo Ortega’s daughter, appealed to authorities to pursue full justice against those with “the power, the money, and the motive to have my father killed.”

The Ortega family’s partial victory typifies the one in 10 cases in which there is some measure of justice. Nearly all of the successful prosecutions are the result of intense international and local pressure, media attention, dogged pursuit

from family members, parallel investigations by colleagues, or legal challenges by civil society groups. When pressed from all sides, states do respond, proving that where there is political will, there is a way.

**If lack of political will is justice's first adversary, conflict is** not far behind. The various forms of conflict—sectarian strife, political insurgencies or combat as defined in international law—are backdrops to some of the most entrenched climates of impunity. Journalists operating in these environments are exposed to immense physical risk. Many are injured or killed by crossfire or by terrorist acts in the course of day-to-day assignments. Even amid these dangers, however, targeted murder is the No. 1 reason journalists are killed. More than 95 percent of those targeted are local reporters, most of them covering politics, corruption, war or crime at the time of their murders.

For the last five years, Iraq and Somalia have held the top two spots in CPJ's Impunity Index, with a combined total of 127 cases of journalists murdered, more than twice the number killed in crossfire and dangerous assignments. Syria, one of the few countries where crossfire deaths of journalists outnumber murders, shows signs of following suit. It joined CPJ's Global Impunity Index for the first time in 2014 with seven cases of targeted murder—a number that has since grown with the shocking beheadings of U.S. freelance journalists James Foley and Steven Sotloff by the Islamic State militant group. The rate of total impunity for these three countries combined is 99 percent.

Armed sectarian groups waged the majority of these attacks. The Al-Qaeda splinter group Islamic State and other Sunni militant groups are believed responsible for a few of the targeted murders of nine journalists last year in Iraq, according to CPJ research. In earlier years of high violence there, Iraqi journalists were similarly targeted by Sunni and Shiite groups. In Somalia, Al-Shabaab militants for years have threatened and assaulted journalists over coverage of the group's activities. With this fact comes a crucial question: When states are at war with the perpetrators of anti-press violence, can the states be blamed for not prosecuting them?

Some say the answer is no. "Somalia has been in conflicts since 1991 and the country is still at war with extremists," said Abdirahman Omar Osman, senior media and strategic communications adviser to Somalia's government. "Somalia faces challenges such as lack of resources, lack of functioning institutions, lack of security as Al-Shabaab is fighting with the government, lack of good governance, and much more."

Yet media colleagues are frustrated by what they see as complete inaction. "The police do nothing after the journalist is killed," said Abukar Albadri, director of the Somali media company Badri Media Productions. "If the government wants to prosecute killers of the journalists it would make all its pledges functional. It pledged to form a task force that would investigate the murders of the journalists; it didn't work. It pledged to investigate and bring the culprits to justice; there

is no investigation made on any case so far."

The inaction is particularly stark in cases when suspicion points to government officials themselves, and to other culprits not shielded by the might and facelessness that armed groups can provide. In the northern Iraqi city of Kirkuk, for example, assailants shot freelance writer Soran Mama Hama in 2008 shortly after he had exposed police complicity in the local prostitution trade. Despite pledges to CPJ from local authorities to give the case full attention, no arrests have been reported.

In a special report on impunity in Iraqi Kurdistan, CPJ examined other cases, including the 2010 killing of Sardasht Osman, a student journalist widely popular for his articles about corruption involving high-ranking government officials. Osman was abducted and found dead two days later. Kurdistan's security forces attributed the murder to a group affiliated with Al-Qaeda, but relatives and colleagues found this account implausible. Seventy-five Kurdish journalists, editors and intellectuals blamed the government. "We believe the Kurdistan Regional Government and its security forces are responsible first and foremost, and they are supposed to do everything in order to find this evil hand," they said in a statement at the time.

In Nigeria, where five journalists have been murdered with impunity in the last decade, a similar dynamic is in play—though with lower overall levels of violence. In response to CPJ's 2013 Global Impunity Index, a spokesman for President Goodluck Jonathan blamed the crossfire of the extremist group Boko Haram for journalist deaths. Boko Haram clearly is responsible for many journalist fatalities in Nigeria. But killings have not been investigated in cases like that of the editor Bayo Olu, who was shot at his front door by six unidentified assailants in retaliation, colleagues believe, for his reporting on local politics.

Boko Haram's terror also does not offer an explanation for why the 2006 shooting of award-winning journalist Godwin Agbroko was never fully investigated. Agbroko was found dead in his car, with a single bullet in his neck, his valuables untouched. The police initially said the crime appeared to be an armed robbery, but later suggested it could be an assassination; there have been no developments since. Agbroko's family still struggles for answers eight years later. "It was all shrouded in uncertainty and there was no procedure for investigation," the journalist's daughter Teja Agbroko Omisore told CPJ. "Nothing was open. Nothing was done."

**During his first state of the nation address in 2011,** Philippine President Benigno Aquino III pledged that his administration would work to end impunity and bring an era of "swift justice." His words were welcomed by colleagues and families of the victims of the 2009 Maguindanao Massacre, who have been seeking resolution and solace after the killings of 58 people, 32 members of the press among them. But justice has not been swift.





Andal Ampatuan Jr., center, is taken into court on charges of leading the attack on 58 people, including 32 journalists and media workers, in the 2009 Maguindanao massacre. **REUTERS/CHERYL RAVELO**

At the start of the Maguindanao case, few observers expected a quick prosecution. With 58 victims, and more than 180 suspects, even the most efficient system would be hard-pressed to dispatch justice quickly. Nevertheless, as the fifth anniversary of this heinous crime nears with no convictions in sight, the slow pace of justice has many worried that justice will be unbearably protracted or severely compromised, or both.

The trial of the Maguindanao massacre has been described by President Aquino as a “litmus test” for justice in the Philippines, a chance to show that the oldest democracy in Asia has a threshold for how much impunity it will tolerate. Instead, the proceedings have underlined the country’s failings.

Countries where CPJ has recorded high rates of anti-press violence and impunity, such as the Philippines, often suffer from weak investigative and prosecutorial capacities, or find their justice system has been co-opted by corruption and violent intimidation. The events of the massacre reflect this pattern of impunity—a flawed investigation, privileges for some suspects in detention, poor witness solicitation and protection, and delaying tactics of the defense—according to Prima Jesusa Quinsayas, a lawyer working for the Freedom Fund for Filipino Journalists. Quinsayas is also a private prosecutor representing many of the victims’ families. In the Philippines justice system, private prosecutors may work alongside the state prosecution team.

The evidence collected is widely thought to be flawed. Local press groups conducted a fact-finding mission immediately after the killings and found the area surrounding the crime scene was not cordoned off. Recovery teams used a backhoe

rather than shovels to raise the buried victims, a method that might have destroyed forensic evidence. Personal effects of victims, including mobile phone SIM cards, had not been collected. “The case would collapse if you rely on evidence,” said Jose Pablo Baraybar, executive director of Equipo Peruano de Antropología Forense, a Peruvian-based NGO invited to look at the crime scene. Dozens of suspects have not yet been apprehended.

Because of these shortcomings, witness testimony has been paramount to the case. But in a series of violent setbacks, three important witnesses were killed. One, Esmael Amil Enog, was found hacked to pieces and stuffed into a bag. Enog, a driver hired the day of the massacre, had offered direct testimony identifying many of the armed men. Two relatives of witnesses were killed and a third was injured after being shot multiple times. The loss of witnesses has brought scrutiny of the Philippines Witness Protection Program, considered heavily under-resourced. Quinsayas said she has been asked to escort witnesses herself to trial motions, in lieu of state protection. Mary Grave Morales, whose husband and sister, both journalists, were among the 2009 Ampatuan victims, told CPJ last year, “When all of those who witnessed the crimes are also dead, the trial will be useless. Justice will not be served.”

The defendants, several of them high-ranking members of the powerful and wealthy Ampatuan clan, have extensive resources to forestall justice. Some families of the victims, many coping with the loss their breadwinner, say they have been approached with bribes and threats. The defense mobilized by the accused, meanwhile, has prolonged the case for years



A protester demonstrates against the killing of Sardasht Osman, a 23-year-old journalist who was abducted and killed in 2010. His killer has not been brought to justice. [YOUTUBE/FILMBRAD](#)

with legal tactics, exploiting rules of the court that many feel need reform in the Philippines. In other cases, notably the murders of the popular whistle-blowing journalists Marlene Esperat and Gerardo Ortega, this kind of maneuvering has bought time and opportunity to allow the masterminds to wrangle a way out of a trial. For witnesses and victims' family members, every year added to the trial is another year to live under intense psychological and financial strain or fear.

But they also are wary of a contradictory threat: that the state may be acting in too much haste. In February 2014, the prosecution told the court it was "no longer inclined" to present more evidence against the 28 defendants who have been arraigned, and was ready to rest its case against them. On the one hand, this would move cases against these suspects, including Andal Ampatuan Jr., accused of leading the attack, from bail hearings to criminal trial. But it also would limit the range of admitted evidence. "I worry that in the guise of speedy justice, what we get instead is compromised justice," said Quinsayas.

Deficiencies in law and order help perpetrators elude justice in other countries where journalists are targeted, among them Pakistan, Nigeria, and Honduras. In Mexico, widespread corruption among law enforcement, the judiciary, and the political system has resulted in only the most perfunctory investigations into dozens of cases where journalists have been murdered or gone missing while covering the criminal activities of drug cartels. The use of violence to eliminate or intimidate anyone who stands in the way of impunity is also in play in Mexico, seventh in the world for unsolved journalist cases according to CPJ's Global Impunity Index. In one disconcerting case, both the lead federal investigator and his replacement working on the murder of the veteran crime reporter Armando Rodríguez Carreón were murdered. Gunmen shot Rodríguez in his car in front of his 8-year-old daughter in November 2008.

The battle to address these systemic problems is not a small one, but strategies have emerged. Mexico recently adopted legislation allowing federal authorities to investigate attacks against journalists instead of local police, more likely to be complicit or influenced by the criminal groups that dominate their areas. In the Philippines, freedom of expression organizations jointly presented recommendations to the Department of Justice in 2010. They include: strengthening the Witness Protection Program; forming response teams with government, media, and NGO representation that investigate journalists' murders; and revising court rules that, in the words of Melinda Quintos De Jesus, director of the Center for Media Freedom & Responsibility, "scrape off the age-old barnacles of a judicial system that seems to exist only for the benefit of lawyers."

It will take time for such steps, even if fully adopted and implemented, to make a difference. In the interim, international and local vigilance over the Maguindanao trial must be sustained, said Prima Quinsayas, who added: "To lose it in the public radar is to be defeated by the protracted proceedings, which is one of the characteristics of the culture of impunity in the Philippines."

**Few countries have more ingredients than Pakistan** to make a climate of impunity. The nation and its media suffer habitual violence waged by well-armed militant extremists and political groups, along with criminal organizations. Its politics are turbulent and its judicial institutions weak. With a history of contentiousness between media and government, political will can easily be questioned. Deadly and injurious assaults against media are frequent. At least 23 journalists were murdered between 2004 and 2013. Until this year, Pakistan had a perfect record of impunity in these cases.

Then came the news in early March 2014 that the Kandhkot Anti-Terrorism Court convicted six suspects of the murder of the popular television broadcaster Wali Khan Babar. Babar, a news presenter for Geo TV, was assassinated on his way home from work in Karachi on January 13, 2011. Four men were sentenced to life; two others, whom police have not apprehended, were sentenced to death in absentia. But justice is far from complete. In addition to the two suspects who remain at large, no one has been prosecuted for ordering the crime. Although the case represents a victory of sorts for Pakistani journalists, it is a somber one. "All the same, we'd rather not be congratulated for losing a journalist," Shahrukh Hasan, managing director of the Jang Group, which owns Geo TV, told CPJ during a visit to the station in March of this year.

The full motives behind Babar's killing have not been revealed, but several suspects convicted in Khan's murder are linked to the Muttahida Qaumi Movement, a political party that wields immense power in Karachi. In a CPJ special report in 2013, journalist Elizabeth Rubin examined impunity in Pakistan's violence against the news media, including this case, concluding that Babar's work for Geo had put him at

## WALI KHAN BABAR'S KILLERS WENT TO UNTHINKABLE LENGTHS TO PROTECT THEMSELVES, AND THE PATH TO JUSTICE HAS BEEN A SHOCKINGLY BLOODY ONE.

odds with the party.

Babar's killers went to unthinkable lengths to protect themselves, and the path to justice has been a shockingly bloody one. In the three years that passed between killing and conviction, at least five people connected to the investigation and prosecution of the crime were themselves murdered. They included an informant, found dead in a sack within two weeks of the murder, two policemen who worked on the case, the brother of a local police chief possibly targeted as a warning, and an eyewitness, shot days before he was due to testify. Two prosecutors who worked on the case were driven into exile with threats.

At some point, the case caught the attention of Prime Minister Nawaz Sharif, who took office after general elections in 2013. Sindh province's home secretary recalled in a meeting with CPJ that the prime minister began making calls to check on the case's progress. In September 2013, Pakistan's then-Chief Justice Iftikhar Muhammad Chaudhry excoriated Karachi law enforcement agencies in a hearing, demanding a report on their failures in the Babar case. All the while, Geo TV, at that time one of the country's largest and most popular stations, kept a heavy media spotlight on the case.

Pakistan's press freedom groups campaigned vigorously for the cases of Babar and dozens of other journalists killed in the line of duty. International attention also mounted. In early 2013, the United Nations began to implement its interagency Plan of Action on the Safety of Journalists and the Issue of Impunity, which named Pakistan as a focus country. The plan, drafted by UNESCO, calls on states to take steps to improve investigations and prosecutions in cases of journalist murders and, among other measures, improve journalist safety.

Babar's family also refused to let matters lie. His brother, Murtaza Khan Babar, hired lawyers to assist the prosecution, but threats drove two of them to drop out. Another was killed. He spent 1.5 million Pakistani rupees (about US\$15,000), in a country where the average annual salary is just over \$3,000. "My business suffered. I sold my house," recalled Babar's brother, who also fears for his own safety as long as some of the suspects roam free.

His petitions and the immense pressure surrounding the tumultuous case led to a relocation of the trial from Karachi to an anti-terrorism court in Shikarpur, where the powerful network backing the accused had less reach and influence. Anti-terrorism courts expedite proceedings and offer a more protected environment. Though too late to have a direct bearing on the Babar case, the Sindh provincial assembly passed legislation to establish a formal witness protection

program in late 2013. The verdict that followed has laid the groundwork for Pakistan to reverse its record of impunity. "Now anyone who murders journalists will think 10 times," said Murtaza Khan Babar.

The elements behind this conviction showcase strategies that can be effective in fighting impunity. Trial relocation to ensure a fair process and greater protection of witnesses have been used to secure convictions in other cases. In the Philippines, the Freedom Fund for Filipino Journalists, with the help of private prosecutors, successfully petitioned for venue changes in the trial of those accused of killing Marlene Garcia-Esperat and other cases that ended with convictions of key suspects. Intense media coverage by Brazil's TV-Globo after drug traffickers abducted and murdered its reporter Tim Lopes in 2002 pushed the authorities to get complete justice; it also galvanized Brazil's media to begin a fight against impunity that continues today. The sacrifices and determination of family members, like Murtaza Khan Babar and Myroslava Gongadze, are indispensable. Foremost, support at the highest levels of leadership is what makes or breaks justice.

A CPJ delegation visited Pakistan in March 2014 shortly after the verdict and raised the Babar case in meetings with Prime Minister Sharif and other government officials. They widely agreed that the proceedings offered lessons to be learned and an opportunity for Pakistan to go from reprobate to model on this issue. Sharif made several commitments during the meeting that, if implemented, could sustain momentum. They include establishment of a joint government-journalist commission to address continued attacks on journalists and impunity; changing trial venues in other cases; and expanding witness protection programs. Pakistan Information Minister Pervaiz Rasheed said the government would appoint both provincial and federal special prosecutors to investigate crimes against journalists.

It would be grossly incorrect to say a new page has turned for impunity in Pakistan. The government has not yet made good on these pledges. Justice has not been meted out for witnesses and prosecutors who were killed in the course of the Babar trial, and it remains stalled in other journalist killings. In many ways the situation has worsened in Pakistan since the verdict and CPJ's visit. There have been several new attacks, including the shooting of Geo News' senior anchor Hamid Mir. And the government has harassed the Jang Group's media outlets after its assertions that Pakistan's Inter-Services Intelligence perpetrated the attack on Mir. But Babar's case offers a glimpse, however brief, of a future where justice is possible even in the most hostile media environments. ■





Russian journalist Natalya Estemirova, who was murdered in 2009, had made many enemies among the Chechen top brass. Her colleagues have pressed for investigation of the Chechen leadership as potential masterminds. **REUTERS/DYLAN MARTINEZ**

# The Unsolved Murder Of Natalya Estemirova

**Russia's well-developed security apparatus has the** investigative and judicial capacity to prosecute suspects in the 14 unsolved murders of journalists that took place there in the past decade, at least by the account of its own leadership. In a televised announcement in January 2014, Investigative Committee chief Aleksandr Bastrykin boasted that 90 percent of homicides in Russia are solved. It's true that the Kremlin has made progress, though long delayed, with convictions in the case of Anna Politkovskaya. Yet, in other cases where journalists are the victims, investigations have a tendency to taper off, particularly when they point toward politically uncomfortable suspects. Few cases showcase this pattern more than the

murder of the prominent human rights defender and journalist Natalya Estemirova.

Five years have passed without justice since the murder of Estemirova, a contributor to the independent newspaper *Novaya Gazeta* and an advocate for the Moscow-based human rights group Memorial. In lieu of arrests, transparency, or a trial, there have been inconsistencies, questionable theories, and neglected evidence.

Estemirova was abducted near her home in Grozny, in Chechnya, early on July 15, 2009. A few hours later, her body, with gunshot wounds in the chest and head, was found ditched near the Moscow-Baku federal highway in the neighboring region of Ingushetia. Then-Russian President Dmitry

## IN 2011, ESTEMIROVA'S COLLEAGUES PUBLISHED A REPORT THAT HIGHLIGHTED DISCREPANCIES IN THE OFFICIAL MURDER INQUIRY, INCLUDING EVIDENCE TAKEN FROM THE CAR PURPORTEDLY USED IN THE KILLING THAT SHOWED NO SIGN OF STRUGGLE.

Medvedev's reaction to the killing was prompt. The head of the Russian Federation's Investigative Committee took the investigation under personal oversight. Igor Sobol, a special investigator with the committee's central apparatus, was appointed to lead the murder inquiry.

Initially, investigators pursued several lines of inquiry, including the possibility that Estemirova was killed by Chechen law enforcement officials in connection with her reports about human rights abuses in which they were implicated. However, the version on which investigators have since focused blames Chechen militants, thought to have murdered Estemirova "to discredit the Chechen Republic's government structures," according to the criminal case file—a theory that does not hold up to scrutiny.

In this account, the motive for the journalist's assassination was an unsigned report by Memorial pointing to rebel leader Alkhazur Bashayev, a resident of the Chechen village of Shalazhi, as a recruiter of new fighters. The way the investigators on the case would have it, Bashayev, while on the run with a group of militants over the mountains in Chechnya, read the report, identified Estemirova as its author, established her whereabouts, kidnapped her one morning in the presence of eyewitnesses, drove her out of the republic, through a chain of police checkpoints at the border, and executed her in Ingushetia—a curious choice if Bashayev's goal, as alleged by the investigators, was to discredit the government of Chechnya.

The charges against Bashayev are built on the murder weapon, a pneumatic pistol remade to fire standard bullets, which was found under strange circumstances in Bashayev's deserted house in Shalazhi village, along with a police identification card with Bashayev's photo. Police forensic experts later found the ID was falsified and Bashayev's picture had been affixed to it.

In 2011, Estemirova's colleagues from Memorial, *Novaya Gazeta*, and the International Federation for Human Rights published an independent investigation titled "Two Years after the Killing of Natalya Estemirova: Investigation on the Wrong Track." The report highlighted discrepancies in the official murder inquiry, including evidence taken from the car purportedly used in the killing that showed no sign of struggle and the sudden unwillingness to look further into the role of the police in Chechnya whose involvement in a public execution Estemirova had been investigating before her murder.

According to the materials that were made available to

the family, at the start of the inquiry, investigators obtained DNA from under the fingernails of Estemirova—who had apparently fought her kidnappers and killers. DNA tests showed it belonged to four individuals, who have yet to be identified. That lead, however, was never fully followed up. Estemirova's colleagues later found through an independent investigation that none of the DNA samples collected from Estemirova's fingernails matched the DNA of the investigators' chief suspect, Alkhazur Bashayev.

Estemirova made many enemies among the Chechen top brass, who have the support of current President and then-Prime Minister Vladimir Putin, and colleagues have pressed for investigation of the Chechen leadership as potential masterminds. In a statement posted online at the time of Estemirova's murder, Memorial Director Oleg Orlov said Chechnya's president, Ramzan Kadyrov, had threatened the journalist. "Ramzan already threatened Natalya, insulted her, and considered her a personal enemy. He has made it impossible for rights activists to work in Chechnya," Orlov said.

Kadyrov denied responsibility and sued Orlov for defamation.

Natalya Estemirova's colleagues have spent five years challenging the direction of the official investigation. They have made some gains in compelling the Investigative Committee to investigate Chechen law enforcement officials for potential complicity in the murder. After the 2011 independent report was forwarded to President Medvedev and the Investigative Committee, lead investigator Sobol issued some 20 warrants for blood samples from Chechen policemen to compare with the suspected killers' DNA samples—primarily from those police officers whose names Estemirova had mentioned in her reports about kidnappings, torture, and public executions.

Regrettably, the efficiency of the committee's efforts ends there. Representatives of the victim have been denied access to the complete case files since the investigation began. Official disclosures about progress in the investigation have been scarce, with the most recent one dated July 2013. It said the investigators still believed Chechen militant Bashayev to be the sole suspect in the murder. The Estemirova case is not on the list of high-priority cases posted to the Investigative Committee's website, and evidently is no longer under the personal oversight of Investigative Committee Chairman Bastrykin.

In July 2014, not one high-ranking Russian official publicly marked the fifth anniversary of this monstrous killing of a journalist. ■



A woman holds up press IDs with the names of journalists killed in Mexico. **REUTERS/ALEJANDRO ACOSTA**

## Steps That Work And Those That Don't

**On May 3, 2011, CPJ representatives traveled to Pakistan** to raise concerns about the increasing attacks against journalists there and the country's high rate of impunity. It was a moment of drama: The previous day, American forces had killed Osama bin Laden in nearby Abbottabad. But Pakistani President Asif Ali Zardari kept his commitment and met CPJ to discuss the growing number of Pakistani journalists murdered because of their work, and the absence of prosecution against the assailants.

Zardari made strong commitments at the meeting. "The protection of journalists is in my mandate," he told the delegation. Zardari asked the interior minister to provide detailed information on the status of the outstanding cases and ordered his cabinet members to work with Parliament to develop new legislation strengthening press freedom.

Since then, 11 more journalists have been murdered in Pakistan. Just weeks after the meeting, the body of investigative journalist Saleem Shahzad was found with signs of torture—a victim, past threats against him suggested, of Pakistan's Inter-Intelligence Services directorate. Neither Zardari nor

his cabinet members produced the promised follow-up information, nor did his government pass legislation that might bring relief from the constant barrage of threats faced by journalists in Pakistan.

CPJ returned to Pakistan nearly three years later and this time met with Prime Minister Nawaz Sharif. Sharif readily acknowledged that Pakistan had a problem when it comes to preventing or punishing violent attacks against journalists. He agreed to take up several of CPJ's proposals to address impunity, including the establishment of a special prosecutor. He even threw in his own idea of creating a joint commission involving government, civil society, and media to review unsolved cases and other press freedom threats. These commitments have not moved substantially forward.

CPJ's meetings with the top leaders in Pakistan and other countries with poor records of solving journalist killings reflect a familiar pattern: Commitments from these governments go largely unfulfilled. Years of intensive advocacy by press freedom groups, human rights organizations, and journalists around the world have transformed the issue of deadly



## THOUGH DISAPPOINTINGLY INCONCLUSIVE, THE SHAHZAD COMMISSION MADE IT ONE STEP FURTHER THAN THE JUDICIAL INQUIRY INTO THE 2006 MURDER OF PAKISTANI JOURNALIST HAYATULLAH KHAN.

anti-press violence into one that governments now readily admit. Many, like Pakistan's leadership, pledge to address it. What's often lacking is the next step: action.

CPJ has elicited similar pledges elsewhere. In 2008, President Masoud Barzani, head of the Kurdistan Regional Government, promised CPJ's visiting delegation that it would "create an atmosphere that is conducive to journalism." By 2014, when a CPJ team revisited Kurdistan, a range of new attacks had taken place, including the murders of two journalists and an arson attack on a TV station, all unpunished. "The government, from the president to the prime minister and across its branches, takes those cases seriously and will do everything it can to ensure justice," Interior Minister Karim Sinjari told CPJ's second delegation.

Other groups have experienced similar disappointments. In Iraq, the government made a pledge to the International Federation of Journalists (IFJ) to establish special chambers in consultation with the journalist's union to investigate the killings of journalists. "This has yet to happen," Ernest Sagaga, IFJ's head of human rights and safety, told CPJ.

In the Philippines, press freedom activists have been disappointed that despite repeated commitments to act strongly against impunity and violence against the media, President Benigno Aquino III has brought little change. At least eight journalists have been killed for work-related reasons in the Philippines since his election in 2010. "We weren't expecting any miracles" from Aquino "that suddenly everything would be happy and just, but we were expecting that he would at least initiate the reforms necessary to lead the way to justice," said Rowena Paraan, chair of the National Union of Journalists in the Philippines. "But he hasn't done that."

It was not always the case that officials were even ready to meet and discuss ways to address impunity in their countries.

In Russia, for example, it took three CPJ missions to get the authorities to sit down and discuss the high number of unprosecuted murders there. Promises made to a delegation in 2009 to demonstrate progress in each case submitted by CPJ have fallen short. But noteworthy movement has occurred in several cases, including convictions in three, though in none have the crimes' perpetrators been sentenced.

The Inter-American Press Association paved the way for freedom of expression groups when it began its regional impunity campaign nearly two decades ago. The campaign's director, Ricardo Trotti, recalled the early challenges in making impunity in journalists' attacks a cause for wide-

spread concern. "At the beginning of our campaign in 1995, the issue of impunity was not one of public debate and the authorities were not reacting," he said. Years of "constant preaching," in the form of reports, missions, public awareness campaigns and the use of the Inter-American Human Rights System helped put the issue on the public agenda, he said. "Thanks to that, governments felt more under pressure to respond."

"There began to be more laws on the protection of journalists, special prosecutor's offices were set up, the issue was made a federal matter in Mexico, punishment was increased in penal codes, and some offenses were declared as crimes against humanity," Trotti said. "Clearly, we did not reach perfection, or even much less, but very useful legal and judicial mechanisms were achieved."

In some countries, the battle to get governments to give recognition and attention to anti-press violence and impunity has been more frustrating. Edetaen Ojo, executive director of the Nigerian press freedom group Media Rights Agenda, observed that there is little public reference to the issue by high levels of government, let alone attempts to address it. "No policy, legislative or administrative measures have been put in place during this period to address the situation," Ojo said.

### **"Zero impunity" is the declared goal of Brazilian President**

Dilma Rousseff. In May 2014, a CPJ-led international delegation met with Rousseff and Brazil's ministers for justice, human rights and social communications in Brasília. They presented findings and recommendations from "Halftime for the Brazilian press: Will justice prevail over censorship and violence?" a CPJ special report. In the meeting, Rousseff said, "The federal government is fully committed to continue fighting against impunity in cases of killed journalists."

Brazil's fight may be a long one. Despite its standing as one of the world's largest economies, with a diverse and vibrant press, the host of the recent World Cup still ranks as the 11th deadliest country in the world for journalists. At least 27 journalists have been murdered in Brazil in direct reprisal for their work since CPJ began tracking killings in 1992. Ten of these murders took place since Rousseff came to power at the start of 2011, CPJ research shows.

Though Brazil has made impressive strides recently in achieving convictions, the country ranked 11th on CPJ's 2014 Global Impunity Index, with nine unsolved murders for the 2004-13 period covered by the survey. Government



Brazilian police watch protesters demonstrating against the murder of a journalist in 2002. The banner says, “Enough of violence, exclusion, and impunity.” **AP/DARIO LOPEZ-MILLS**

officials are the leading suspects in the majority of cases. The problem of violence and impunity is more extreme for provincial journalists than for their colleagues working in urban areas. Killers often target journalists who cover corruption, crime, or politics—like Rodrigo Neto, shot in March 2013. Investigations frequently identify the assailants, but they are prosecuted only intermittently.

In “Halftime for the Brazilian Press,” CPJ reported that justice for many Brazilian journalists targeted for their work has been “halting and incomplete.” The report cited several cases in which strong investigations led to arrests. But family members and colleagues of the victims, the report said, find that “the chains of accountability broke down once the case reached the judicial branch,” often due to corruption.

In one murder case, Edinaldo Filgueira, founder and director of the local newspaper *Jornal o Serrano* in northeastern Serra do Mel, frequently denounced city government on his blog. He was shot six times by three unidentified men outside his office on June 15, 2011. A special investigator was assigned to the case and the initial results were encouraging. In December 2013, seven men were convicted of planning and participating in the crime, including the gunman. Another man, Josivan Bibiano, mayor of Serra do Mel at the time of Filgueira’s death, was charged with being the crime’s

mastermind. He was jailed twice but later released in a decision viewed by critics as irregular. There is no indication of whether he will be tried.

International and domestic freedom of expression groups like the Brazilian Association of Investigative Journalists, or ABRAJI, have lambasted Brazil’s record of incomplete justice and failure to protect journalists, and have campaigned for a strong response from the government. Other colleagues have formed grassroots movements around the cases of Neto and Filgueira. In Filgueira’s case, a local community of bloggers established a National Bloggers’ Day in his honor to keep the case in the public eye. The press corps in Neto’s home state, Minas Gerais, founded the Rodrigo Neto Committee after the murders of Neto and Walgney Assis Carvalho, a photographer from the same newspaper, *Vale do Aço*. The committee pressed the authorities for a full prosecution in the cases.

The pressure has yielded results.

In late 2012, the administration of Rousseff, who is seeking re-election this year, formed a working group to investigate attacks on the press and prepare recommendations to the federal government. The group included several civil society organizations, presidential advisers, and the communications and justice ministries. Its report, issued in March 2014, documented 321 cases of murder, kidnapping, assault, death threats, arbitrary detention, and harassment from 2009 to 2014. It also gave extensive recommendations to the executive, legislative, and judicial branches of the federal government, some addressing impunity as well as protection.

The group advised that the Human Rights Ministry and the Ministry of Justice establish a national Observatory on Violence Against Journalists in cooperation with local field offices of UNESCO and the United Nations Information Center to chronicle press violations and create a system of investigations and resolution. It also urged Congress to provide for federal police involvement in investigations of crimes against freedom of expression—particularly in cases when there is evidence of omission, lapses, or complicity by local authorities. In addition to the working group’s proposal, a bill under consideration by Congress aims to speed cases through the judiciary.

Most significantly, Brazil has increased its convictions. In 2013, Brazil’s courts sentenced perpetrators in three cases of journalist murders, more than any other country in a single year over the last decade. In addition to the partial justice meted out last year in the case of Filgueira, a 27-year prison sentence was handed the killer of crime reporter Francisco Gomes de Medeiros, shot five times in front of his home in 2010. The mastermind behind the 2002 murder of newspaper owner, publisher, and columnist Domingos Sávio Brandão Lima Júnior was also convicted in 2013. In 2014, two men were sentenced for the 2012 murder of journalist and blogger Décio Sá.

In May’s meeting with CPJ, President Rousseff pledged to address impunity during the United Nations General Assembly in September. If Brazil can comprehensively implement

the recommendations of the working group, and continue to secure convictions, it will show that state commitments are not always hollow, setting a model for other countries to fulfill theirs.

### **Brazil is not the only country to consider federal**

action to bring justice to media killings. From Mexico to Somalia, states have responded to pressure to rein in impunity through actions such as legislation, creation of task forces, and appointments of special prosecutors and commissions. These have met with varying degrees of success. Some initiatives opened new doors on old cases; some were well conceived but poorly resourced; some were little more than a means to deflect criticism.

In few places would an effective mechanism be more welcome than in Somalia, the second-worst country in the world after Iraq when it comes to solving journalist killings. In 2012, the announcement by Somalia's President Hassan Sheikh Mohamud of a new task force to investigate all cases involving the killing of journalists offered some hope during a bleak year during which 12 journalists were murdered. This kind of push from the government to mobilize Somalia's police is badly needed, Somali independent journalist Abukar Albadri said. "The police don't normally visit the crime scene to start an investigation," he said. "They are not interested in investigating a journalist's murder."

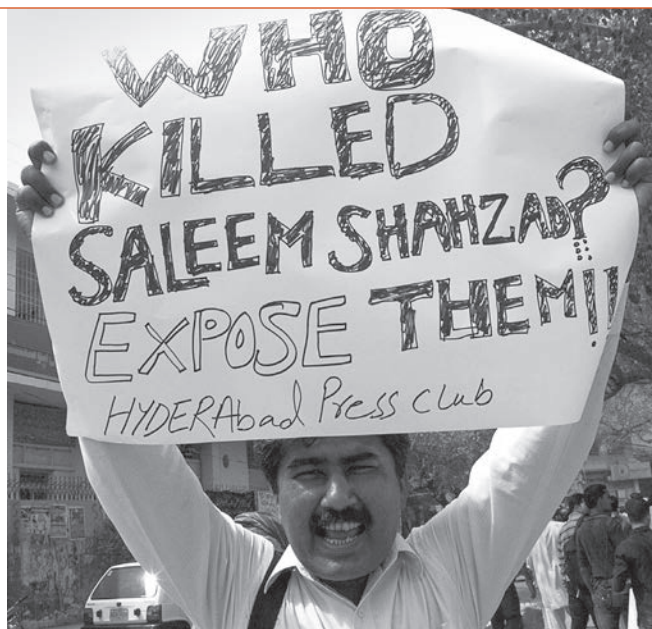
Two years later, however, there is little to show. In only one of 27 cases of journalists assassinated in Somalia since 2005 were any perpetrators convicted. Authorities executed a suspect in the 2012 murder of Hassan Yusuf Absuge, though lack of due process in the case led many to view the development with concern.

According to one government representative, the task force was formed but lacks money to operate. "The task force was set up last year and they really conducted investigations on cases; however, due to no budget and funding, it was difficult to carry out their work efficiently," said Abdurahman Omar Osman, senior media and strategic communications adviser to the Somali government. "They still exist but cannot function without resources."

Osman noted the lack of international help, despite pledges from the United Kingdom and elsewhere to increase aid for institution-building in Somalia. "There is no funding at all on this regard from international partners," he said, "and no expertise in this field."

Albadri, though, said the government could demonstrate more political will and accountability. "We never had a report from the government where either the police or the ministry for information explained any detail related to investigations," he said. "Promises don't work if the government doesn't order the police to take the matter seriously and investigate the cases and bring the alleged culprits to justice."

In the Philippines, meanwhile, the government in recent years established an array of task forces under the Philippine



A Pakistani journalist holds a sign calling for the killers of Saleem Shahzad to be brought to justice. Shahzad, who was killed in 2011, had written about alleged links between Al-Qaeda and the Pakistani Navy shortly before his death. **AP/PERVEZ MASIH**

National Police, but they were criticized as "useless" by the National Union of Journalists of the Philippines. Advocates there suggest a better approach would be rapid response teams that include civil society and government representation and that could be dispatched immediately after an attack.

Establishing an investigative body dedicated to specific cases can bring results, but not when its findings are paltry or opaque. After the Pakistani media widely protested the murder of Saleem Shahzad, the government opened a commission of inquiry. Shahzad, who had written about alleged links between Al-Qaeda and the Pakistani Navy before his disappearance in May 2011, had received threats from Pakistan's Inter-Intelligence Services. The commission's report, issued in 2012, included strong recommendations for instilling greater accountability in the conduct of Pakistan's intelligence agencies, but it failed to identify any perpetrators.

Though disappointingly inconclusive, the Shahzad commission made it one step further than the judicial inquiry formed in response to the 2006 abduction and murder of Pakistani journalist Hayatullah Khan. Despite repeated calls from domestic and international press freedom groups, that report has never been made public.

In another case of a commission yielding no results, President Masoud Barzani of Iraqi Kurdistan announced the appointment of a committee to investigate the murder of a popular student journalist, Sardasht Osman, abducted and killed in 2010. No details of the committee's makeup or its findings have since been released. CPJ urged full disclosure of the committee's activities in a special report on impunity in Kurdistan and in meetings with government officials this year.



Colombia established a special sub-unit under the Public Prosecutor's Office to conduct investigations into crimes committed against journalists, but this has not led to more effective or efficient prosecutions, CPJ has found. However, the controversial 2005 Law of Justice and Peace, which grants leniency to members of illegal armed groups in exchange for demobilization and full confessions to their crimes, has helped establish the truth in some older cases, and led to a conviction in the 2003 murder of radio commentator José Emeterio Rivas.

In situations where impunity is fed by corruption, collusion, or lack of resources by local and provincial authorities, many look to models that allow national agencies to investigate when a journalist is a victim of violence. This has been encouraged in Brazil and in Mexico. In the latter, lawmakers approved legislation in April 2013 supporting enactment of a constitutional amendment that gives federal authorities jurisdiction to prosecute crimes against journalists. Though the law is viewed as an important step toward improving press freedom in Mexico, seventh on CPJ's 2014 Impunity Index, little has come of it so far.

Under the new power, Mexico's Special Prosecutor's Office for Crimes Committed Against Freedom of Expression, known as the *fiscalía*, can claim control of investigating crimes committed for reasons having to do with practicing journalism. But journalists told CPJ that the office is slow to exercise this power.

They point to the case of Gregorio Jiménez de la Cruz, who was kidnapped on February 5, 2014, from his home in Veracruz. Jiménez had reported on sensitive topics such as abuses against migrant laborers, but the federal prosecutor's office has not intervened because it says it has not determined that journalism was a motive. Press freedom advocates say this is a step that should come later, when an effective investigation has taken place. "If you take the option of investigating to see if it is related to journalism, you're going to lose time," said Javier Garza Ramos, a journalist from Mexico who also specializes in security training and protection for the media.

Special Prosecutor Laura Borbolla told CPJ in an interview that it has been difficult to get information from authorities in Veracruz. "What I believe is that they are guarding their political image," she said. "This undoubtedly harms an investigation or coordination."

There is much riding on Mexico's ability to make this program successful, not only for its own journalists but also for media communities in other countries, desperate for evidence that it's possible to break cycles of violence and impunity. One local official working with an international organization observed, "If the *fiscalía* starts winning sentences, it will send the message that the trend is being reversed or can be reversed. This is something any state or any government will read and understand." ■

## A New Start on Old Murders in Serbia

**Slavko Curuvija was killed 15 years ago, but Veran Matić, a veteran journalist of Serbia's independent media, never forgot.**

Curuvija, an influential independent newspaper owner in what was then Yugoslavia, was shot in the back on April 11, 1999, by two men outside his apartment building. Curuvija was well known for his criticism of President Slobodan Milosevic, and there was evidence implicating Milosevic's intelligence services in the attack—but no one was ever brought to justice. Other murders of journalists in what was then Yugoslavia also went unsolved, including the 2001 fatal assault on crime reporter Milan Pantic, and the death of Radoslava Dada Vujasinovic. Vujasinovic, who investigated corruption in Milosevic's government, was found in her apartment with gunshot wounds in 1994. Her death was labeled a suicide.

"I am a contemporary of my colleagues who were brutally murdered," Matić told CPJ in an interview.

Milosevic died in 2006 in The Hague while on trial for war crimes and the Balkans political landscape has changed, with Serbia becoming an independent republic in 2006, but these cases were never solved. Threats and attacks against

Serbian journalists continued. "As every newly appointed coalition, government, newly inaugurated prime minister, and newly elected president promised at the beginning of their term of office that they will find the killers, with no results to follow, the matrix was clear: There was no intention to resolve those murders," Matić said.

When a political opportunity presented itself, Matić grabbed it. After the 2012 elections that brought to power the Serbian Progressive Party, once a partner to Milosevic's party, he approached the new deputy prime minister, Aleksandar Vučić, with the idea of forming a commission that would bring together the investigative work of both journalists and government institutions to solve these killings. Matić figured that, as the information minister at the time of Curuvija's murder, Vučić would welcome an avenue to demonstrate a departure from his political past. "I thought that, for him, also finding out the killers and those who ordered those killings was the most constructive way of facing his own flawed past," he said. Vučić, who became prime minister in April 2014, approved the idea, and the Serbian Commission for the Investigation of Murders of Journalists was soon launched.



Slavko Curuvija, a Serbian journalist seen in this undated photo, was killed near his Belgrade home in 1999. His case has been reopened.  
**AP/PEDJA MILOSAVLJEVIC**

The commission is made up of representatives from the journalism community, the ministry of internal affairs, and Serbia's national security body, the Security Information Agency (BIA). It oversees mixed investigative teams of police inspectors and representatives of security services for every murder case. The commission saw the cases of Curuvija, Pantic, and Vujasinovic reopened, with the goal, Vučić told CPJ by email, of "straightening out all the mistakes that the representatives of the commission notice." It reviewed existing evidence, and began fresh investigations into unfollowed leads. There is also a public awareness component in partnership with the Organization of Security and Cooperation in Europe (OSCE). The audacious campaign, which won an award at the 2014 Cannes Lions International Festival of Creativity, circulated to the public newspaper inserts of faux letters of threat, taken from actual wording of messages received by journalists. There is a video counterpart.

The results after nearly two years are compelling. In Curuvija's case, four suspects have been charged, with the journalist's criticism of the holders of political power and ability to influence public opinion cited as motives for the crime. Two were arrested this year. A third, the former national security chief Radomir Markovic, is already in prison for the 2000 assassination of the politician Ivan Stambolić. The fourth suspect is being sought outside the country. Their lawyers have contested the charges, and a trial date has not been set, according to Matić. Some suspects have been identified in the other two cases.

These are not small accomplishments in a global context where hundreds of unsolved cases of journalist killings around the world lay dormant.

The balance between civil and institutional involvement is a key factor behind the commission's success, according to

Matić. Vučić agreed. "The role of the media community representatives had proved to be crucial in this case," he told CPJ. The journalists involved have the will and skills to critically review and analyze the previous work of authorities and advocate new lines of investigation, while the government can give access to investigative materials and support prosecutorial action. The commission also communicates regularly with high levels of government. Full transparency in the commission's work is essential, Vučić said, for "full demystification of the mysteries, secrecy, and other ambiguities surrounding those murder cases."

At the same time, the collaboration has had challenges. "I found the most difficult cooperation was with the military intelligence agency," Matić said, "and we still have certain doubts whether we were introduced to all significant information and documents."

CPJ posed this concern to Vučić, who said, the "Serbian government and I personally have made all efforts to provide all documentations so that the prosecutor's office and working groups have all the evidence at their disposal, but also to allow the commission to be informed about the actual situation."

The commission's work is not finished, but its beginnings are encouraging. "I think it already serves as a model for other countries in this respect," said Deniz Yazici, assistant research officer of the OSCE's Office of the Representative on Freedom of the Media. Yazici pointed to a similar initiative launched in late 2013 in Montenegro and inspired by the Serbian commission. He noted one important caveat. "The ultimate responsibility remains with government institutions," he said, "and although such a commission can play a key role, it should in no way be perceived as relieving the government of this responsibility to investigate murders." ■



Former Police Gen. Aleksei Pukach, seen here in court in 2013, was convicted of involvement in the 2000 murder of Ukrainian journalist Georgy Gongadze. **REUTERS/GLEB GARANICH**

# Building Pressure, Enforcing Compliance

**The United Nations has escalated its focus on journalist killings,** declaring that unpunished attacks against journalists are a major threat not only to press freedom, but also to all major areas of the U.N.'s work. In recent years, it has adopted two resolutions addressing journalists' safety and impunity and launched a plan of action. These have come on top of existing Security Council Resolution 1738, which condemns attacks against journalists in conflict. "There must be no impunity for those who target journalists for violence," U.N. Secretary General Ban Ki-moon proclaimed in a statement in the run-up to World Press Freedom Day, May 3, 2014.

These new efforts build on an array of U.N. resolutions, special procedures, and conventions that have targeted violence against journalists over the years. They include the work of special rapporteurs, the Universal Periodic Review process, and international human rights law provisions providing for freedom of expression, right to life, and protection of civilians in armed conflict. But when it comes to stemming impunity, the United Nations' track record, as CPJ's data have shown, is minimal. States often fail to follow the recommendations of U.N. mechanisms, and a culture dominated by quiet diplomacy over naming-and-



## THE U.N. PLAN OF ACTION IN SOME PLACES HAS INVIGORATED LOCAL ACTORS AND GIVEN THRUST TO ANTI-IMPUNITY INITIATIVES.

shaming does little to enforce them.

“While these organizations and the existing international instruments are helpful, they cannot force local governments to prosecute the perpetrators,” said Michèle Montas, a journalist from Haiti and former spokeswoman for Ban Ki-moon. Montas knows directly the frustrations of being denied justice. Her husband, radio station owner Jean Léopold Dominique, was assassinated in 2000, and no one has been convicted in the crime.

The U.N.’s most direct tool for addressing impunity in media killings lies within UNESCO. But if the agency’s record is an indicator of whether member states are prepared to meet, even minimally, their commitments on impunity, there is cause for concern.

Every two years, UNESCO’s director general asks states to submit updates on the status of judicial inquiries conducted in the cases of journalists killed, along with actions taken to hold the perpetrators to account. The responses are compiled for the biannual *Report on the Safety of Journalists and the Danger of Impunity*. Intermittent updates are published online. The information from governments is provided “on a voluntary basis” as laid out in the decision on the safety of journalists and the issue of impunity adopted by delegates in 2008. States may respond to any, all, or none of the cases about which the director general has issued condemnations, and may opt to have their responses made public or not.

UNESCO included an analysis of state responses in its 2014 publication *World Trends in Freedom of Expression and Media Development*. It found that, for killings between 2007 and 2012, only 42 percent of member states had responded to the director general’s inquiries by mid-2013. For the most recent report, to be published in November 2014, the numbers reflect an even greater lack of participation. According to information available in early September 2014, only 24 of 61 countries, less than 40 percent, responded. Most simply reported that inquiries were ongoing and provided little detail. Only 14 countries published their responses.

This lackluster effort suggests that accounting for impunity in journalist killings is a low priority or too politically challenging, particularly for states where there is little to no follow-up by the authorities. Guy Berger, director of UNESCO’s Division of Freedom of Expression and Media Development, attributes the report’s outcomes to a combination of imperfect information flow within governments, the lack of capacity of some states to monitor killings of

journalists, and image concerns. “No government likes to have a reputation of presiding over a failure of the rule of law and justice, especially when this applies to the case of journalists, which is likely to generate particularly negative publicity,” said Berger. He said countries should, instead, see the process as a way to counter criticism by demonstrating that some level of investigation and prosecution is under way, even if incomplete.

CPJ has raised concerns regarding states’ low rate of response to this process and the scant information provided. Of the more than three dozen countries that did not participate, many are mired in anti-press violence and have appeared repeatedly on CPJ’s Impunity Index: Afghanistan, Bangladesh, India, Somalia, Nepal, and Nigeria. If these and other member states fail to comply transparently with this reporting process, it seems unlikely that they will meet more challenging commitments, such as implementing the U.N. Action Plan on the Safety of Journalists and the Issue of Impunity.

Nevertheless, international officials have high hopes for the Plan of Action. “It’s a potentially game-changing initiative,” Berger said two years ago in introducing the U.N. document to an international audience. The U.N. Plan and its accompanying 31-page implementation strategy are ambitious. They propose that U.N. agencies, states, freedom-of-expression groups, and the media improve coordination, raise awareness, and develop programs to protect journalists and combat impunity in cases of anti-press violence. Together, the resolution and its implementation plan offer a political mandate and a road map, a rare combination for the U.N. community.

CPJ examined how the plan, which is nearing the end of its first two years, is taking root in three of four countries identified for implementation during the first phase. They are Iraq, Pakistan, and Nepal, all places where CPJ has documented high levels of impunity in attacks against journalists. (The fourth country, South Sudan, though rife with other press-freedom violations, does not have high rates of murders of journalists, according to CPJ research. The Americas region is also a focus of early implementation.)

Although the statistics, as explored in an earlier chapter, show little direct impact, the plan in some places has invigorated local actors and given thrust to anti-impunity initiatives. These are at high risk of running out of steam, however, if U.N. agencies don’t increase their level of engagement. In one country, efforts to engage stakeholders have utterly failed.



In 2014, the ECOWAS court said that Gambia's National Intelligence Agency did not carry out a proper investigation in the 2004 murder of newspaper editor and AFP correspondent Deyda Hydara, seen here.

AFP/SEYLOU DIALLO

### **The plan has made the most inroads in Pakistan.**

After an international planning meeting in Islamabad in March 2013, civil society and journalism groups united to create the Pakistan Coalition on Media Safety. The coalition has undertaken several projects, including development of a Journalist Safety Index. Its members have agreed on the need to appoint a special public prosecutor and are compiling a draft law. Owais Aslam Ali, a steering committee member and secretary-general at the Pakistan Press Foundation, said the biggest achievement has been to create momentum and gather key players, including major media associations like the Pakistan Federal Union of Journalists, All Pakistan Newspapers Society, and the Council of Pakistan Newspaper Editors.

Senior journalist Iqbal Khattak, on the coalition's coordinating committee, said having a U.N. plan brought another key player to the table in their discussions: the government. "The U.N. Action Plan has helped legitimize the efforts to end impunity," said Khattak. Pakistan Information Minister Pervaiz Rasheed now serves as a member of the steering committee.

Despite the U.N. plan's origins, it is the United Nations agencies in Pakistan that have been slow to take ownership. "UNESCO did not take the lead in the way we expected," said Khattak. At the same time, fissures in Pakistan's media community split open this year after the shooting of Geo television's news anchor Hamid Mir, slowing the coalition's progress. After Geo aired accusations that Pakistan's intelligence services were behind the attack on Mir, the station was suspended by the government and heavily criticized by many other media outlets.

In Nepal, the primary focus of efforts around the action plan, launched in June 2013, has been establishing the proper framework to address the issue of journalists' safety and impunity. Nepal's National Human Rights Commission has agreed to oversee the evolving entity, and a charter has

been drafted in consultation with stakeholders including journalists and international organizations.

The mechanism is expected to convene, among others, representatives of the government, the police, and the Federation of Nepali Journalists, in addition to independent experts and the human rights commission, to monitor cases when journalists or human rights defenders are attacked, and to respond to threats with preventive measures.

As in Pakistan, local advocates would like to see more involvement from the U.N. community. "The cooperation of the U.N. agencies on the plan is not very visible," said Binod Bhattarai, a media and communications consultant in Nepal who is helping the Danish-based organization International Media Support manage several programs in connection with the action plan. "There has been some financial cooperation, in that the U.N. Peace Fund for Nepal is supporting the UNESCO safety project, but I don't get the sense that the rest of the U.N. is making enough efforts to configure their programs with this action plan in mind."

"U.N. agencies work closely together in Pakistan, said Timo Pakkala, U.N. Resident Coordinator in Pakistan, "but they do the most visible work under the purview of their respective mandates." The resident coordinator heads U.N. country teams and works to promote the coherence and efficiency of operational activities of different U.N. agencies, funds, and programs at the country level. According to Pakkala, the plan is regularly discussed by the heads of the U.N. Agencies, Funds and Programmes in Pakistan. "The public face does not always reflect the process that is behind the implementation," he said.

In Iraq, which has seen a flare-up in sectarian violence over the last year, low U.N. presence on the ground and divisions among stakeholders have rendered the plan a non-starter. An early stakeholder meeting to be held in Amman, Jordan, never took place. "The fact that this was canceled at the last minute was indicative of the difficulties in bringing together the stakeholders," said Axel Plathe, director of UNESCO's Iraq office, who added that UNESCO and other U.N. agencies are trying to revive the plan's implementation. Some observers have pointed out that most of UNESCO's staff focused on Iraq are based in Jordan, due to the recent deterioration in the security environment in Iraq, making it hard to wage the kind of consensus-building needed for the plan to germinate.

Journalist groups have doubts about the plan's potential given violence and lawlessness in Iraq. "The defect is not in the project but in the institutions for not upholding the laws," said Rahman Gharib, director of the Iraqi journalists rights group Metro Center to Defend Journalists. His suggestions include a focus on encouraging journalists to report all attacks to the police and training them on legal issues.

Across many regions, press freedom groups, observers, and U.N. experts familiar with the plan said it would take more U.N. intervention, more funding, and greater

## GIVEN THE VIOLENCE AND LAWLESSNESS IN IRAQ, JOURNALIST GROUPS HAVE DOUBTS ABOUT THE POTENTIAL OF THE U.N. PLAN OF ACTION.

awareness of the initiative to achieve success. (Despite the involvement of the minister of information in the Pakistani coalition, Prime Minister Nawaz Sharif did not know of it or the action plan when CPJ raised it during a meeting in March 2014.) They also advised that the U.N. take into account journalist safety and impunity issues when establishing and renewing peacekeeping operations for specific countries.

Berger said the U.N. plan will succeed in places where it is understood that attacks on the media affect more than journalism. “Safety and impunity issues are part of a wider ecology, which requires a complex set of interventions to address,” he said. This understanding helped pave the way for the 2013 U.N. General Assembly resolution on safety of journalists and impunity, Berger and others have said.

**Regional intergovernmental bodies also maintain** structures that can be used to rein in impunity and compel protection for journalists through public condemnation, the use of rapporteurs and avenues for complaint. But these fare little better than their U.N. counterparts when it comes to recalcitrant states’ abidance. “Some participating states do not live up to these commitments, and in these cases the lack of political will to do so is apparent,” said Deniz Yazici, assistant researcher at the freedom-of-media office of the Organization for Security and Cooperation in Europe.

One tool that is gaining small ground in the fight against impunity is the network of regional courts. Bodies such as the Inter-American Commission on Human Rights, the European Court of Human Rights, the Economic Community of West African States, and the African Court on Human and Peoples’ Rights have doled out strong decisions in cases of journalist killings in the Gambia, Burkina Faso, Turkey, Ukraine, Mexico, Colombia, and Brazil. With few teeth behind their jurisprudence, states feebly enact or altogether flout these judgments, which often proscribe reinvestigation or expanded prosecutions. However, the process itself is increasingly proving to be an important means for highlighting systemic impunity and preventing governments from closing the book altogether on cases they would rather not address.

A good example can be found in Africa. There, justice and press freedom advocates have used a little-known mechanism, the Court of Justice of the Economic Community of West African States (ECOWAS), to challenge the staunch impunity of the Gambia in three suits concerning violence against journalists. The first two proceedings, filed by the Media Foundation for West Africa, alleged that the Gambia

was responsible for the disappearance of reporter “Chief” Ebrimah Manneh, last seen in state custody in 2006, and that it tortured newspaper editor Musa Saidykhan, jailed for three weeks in 2006. In those cases, no government representatives from the Gambian government even attended. The court gave judgments by default, ordering Manneh’s release and compensation in 2008 and compensation for Saidykhan, who now lives in exile, in 2010. The Gambia has not complied. No information about Manneh’s whereabouts has been released by the government.

By the third suit, which challenges impunity in the 2004 murder of Deyda Hydara, founder of the independent newspaper *The Point*, the Gambia took notice. “There was a change in the attitude on the part of the Gambia,” said Rupert Skilbeck of the Open Society Institute’s Justice Initiative, which worked with regional lawyers, the International Federation of Journalists and Hydara’s children to mount the case. “The state didn’t respond altogether in the Saidykhan and Manneh cases,” said Skilbeck. “This time they sent written responses, fully engaged in the process, and sent representatives from the attorney general’s office.”

In June 2014, the justices declared that Gambia’s National Intelligence Agency did not carry out a proper investigation into the murder of Hydara, a frequent critic of the repressive policies of Gambia’s President Yahya Jammeh. They also said that the agency was “not an impartial body to conduct the investigation,” though they did not conclude that there was evidence linking the Gambian government to the murder. The court awarded US\$50,000 to Hydara’s family as compensation for the government’s failure to effectively investigate the murder, and US\$10,000 for legal costs. Still, as of September 2014, the Gambian state had neither given any statement nor taken any actions regarding the damages and costs awarded in the case, according to Dindam Killi, one of the lawyers representing the Hydara family.

The court’s decision took into account the cumulative pattern of all three cases as proof that the Gambian government was fostering a climate of impunity that itself was a violation of freedom of expression. “The court made the explicit finding that freedom of expression has been stifled because of impunity,” said Skilbeck. “It is a regional court, so it sets a precedent for all countries in West Africa. There must be a proper and effective response to attacks against journalists.”

The European Court of Human Rights has been another refuge for families seeking justice for their slain loved ones, and their experience shows that at least partial progress can





The U.N.'s most direct tool for addressing impunity in media killings lies within UNESCO. **REUTERS/CHARLES PLATIAU**

## ONE TOOL THAT IS GAINING SMALL GROUND IN THE FIGHT AGAINST IMPUNITY IS THE NETWORK OF REGIONAL COURTS.

come, albeit over many years.

When it seemed clear that Ukrainian authorities would not prosecute the killers of Georgy Gongadze on their own initiative, his widow, Myroslava Gongadze, brought a case before the European court. The court's mandate allows it to review alleged violations of human rights in member states when all domestic avenues have been exhausted. In 2005, the court found that Ukraine had violated several articles of the European Convention on Human Rights—notably in failing to protect the journalist's life or investigate his death—and ordered that it pay damages of 100,000 euros (about US\$118,000 at the time).

Despite this favorable verdict, and Ukraine's subsequent payment, Gongadze would wait another eight years to see the main suspect, Aleksei Pukach, convicted. She is still waiting for the crime's instigators to be brought to justice, but the court has been a crucial means to keep the wheels of justice moving. "I was struggling for a way to push the government to stay invested," said Gongadze. "I was able to appeal to the court and for a few years it kept the Ukrainian government alert," she said. "They had to respond to ques-

tions by the court."

The European court ruled in another high-profile case that Turkish authorities had failed to act on information that could have prevented the 2007 murder of journalist Hrant Dink. Dink, founder and former chief editor of the weekly newspaper *Agos*, was murdered in front of his Istanbul office in January 2007. An investigation netted only the junior suspects, despite evidence suggesting that police and military officials had advance knowledge of the crime, if not complicity in it. Frustrated, Dink's family brought its case to the European court. The ruling in *Dink vs. Turkey* was thorough. In addition to violating the European Convention on Human Rights' provision on right to life, Turkey was found to have failed in its obligation to protect freedom of speech and the right to an effective remedy. The results in Turkey have been limited, however, with officials implicated in the crime evading justice.

The case underscores the fact that even if regional judgments exposed injustices and demanded remedies, if states do not comply, and there is not enough diplomatic pressure to compel them to do so, the rulings' impact will be limited. ■



The 2009 death in prison of Russian lawyer Sergei Magnitsky, at right, spurred a campaign launched by his friend, William Browder, left. The resulting law, the Sergei Magnitsky Rule of Law Accountability Act, requires the U.S. government to deny visas to and freeze the assets of any individuals deemed culpable in Magnitsky's death. **LEFT: AP/ALEXANDER ZEMLIANICHENKO, RIGHT: AP/VIRGINIA MAYO**

# Raising the Cost of Impunity, In the Name of Magnitsky

**Sergei Magnitsky, 37, a Russian lawyer and tax adviser,** died in November 2009 after spending several months in Moscow's Butyrka prison, which is known for its harsh conditions. An independent report by the Moscow Public Oversight Commission, a Russian NGO that monitors human rights in detention facilities, concluded that Magnitsky had been kept in torturous conditions and denied treatment for serious medical conditions. Before his arrest in 2008 on charges of fraud, Magnitsky had exposed large-scale official corruption.

William Browder, a co-founder and the CEO of the global investment firm Hermitage Capital Management, launched an intense campaign for justice in the death of his friend and lawyer. The resulting Sergei Magnitsky Rule of Law Accountability Act of 2012 requires the U.S. government to freeze assets of, and deny visas to, individuals with culpability in Magnitsky's demise. Those who are guilty of "gross violations" against human rights practitioners and other whistleblowers are also subject to such sanctions.

The act outraged Russia, which retaliated with prohibitions on adoptions of Russian children by Americans and its own visa bans on U.S. figures allegedly guilty of human rights abuses, including two Guantánamo Bay commanders. Critics in both countries say the act amounts to a new form of black-listing, paving the way for personal interests to preside over

due process in the name of human rights. Supporters—including some of the Russian public, according to a 2012 survey—see it as a means to hold Russia's powerful to account.

More than two dozen people are now on the "Magnitsky list," including two named in connection with the 2004 assassination of *Forbes* journalist Paul Klebnikov. Currently, the Global Human Rights Accountability Act is under consideration by the U.S. Congress. If passed, the same measures of the Magnitsky Act could be applied to any country. Pressure is mounting for the adoption of similar legislation in Europe.

CPI interviewed Browder, who believes this approach can be used to help raise the cost of impunity for those who attack journalists.

**Elisabeth Witchel:** What happened when you began to ask questions and look for justice for Sergei Magnitsky's death in Russia?

**William Browder:** The Russian government circled the wagons to protect all of the people involved in the torture and death of Sergei and the crimes he had uncovered. They exonerated all of the individuals involved and promoted a number of the most complicit and even gave some of them special state honors.

**EW:** When did you conclude that you would have to go outside of Russia for any justice?

**WB:** It was sort of obvious, one or two months into it. A crucial point came about six weeks after his murder. The Moscow Public Oversight Commission concluded that Sergei had been falsely arrested and tortured in custody. They produced a detailed report and sent this to the justice minister and interior minister of Russia. As the weeks passed, there was no response. There was enough evidence to prosecute, but no intention to do anything.

**EW:** Where did you look to first?

**WB:** Human rights organizations advised me to go to the [United States] State Department and the European Union. Everyone was sympathetic, but no one was willing to take any action—at best, they were ready to make statements.

**EW:** The Magnitsky Act sanctions individuals responsible for Magnitsky's death. How did you decide on this approach? Was there any precedent?

**WB:** We looked at what process somewhat resembled justice the West actually had the capacity to do—that is, visa sanctions and asset freezes. This was pretty unprecedented. The U.S. and Europe have sanctioned unfriendly regimes like Iran and Belarus, but they never issued sanctions against countries where there were normal relations, like Russia.

**EW:** What was the response to this idea?

**WB:** When I proposed it to the [U.S.] State Department in April 2010, they practically laughed me out of their office. They were so busy on the Russian “reset” that they wanted nothing to do with some guy calling for sanctions in the murder of his lawyer.

**EW:** What changed?

**WB:** I had an opportunity to raise this through the [U.S.] legislative branch. I went to Sen. Ben Cardin of Maryland, who was invested in human rights through his work with the Helsinki Commission. He analyzed the evidence and then posted a list of 60 Russian officials on the U.S. Helsinki website that he believed should be subject to visa sanctions. This set off a chain reaction, which eventually led to the Magnitsky Act.

**EW:** Who does the act apply to?

**WB:** At first, it sanctioned anyone involved in Sergei Magnitsky's false arrest, torture, and death. This lit up the Moscow sky. After it was published, many other victims came

forward. After many of these approaches, Cardin added 65 words to the bill to include all other human rights abusers in Russia to the legislation.

**EW:** What has been the impact so far?

**WB:** Now there are 30 people on the list, and I suspect many more will be added in the future. There is federal law in place which will penalize Russian human rights violators. There is also a global Magnitsky Act working its way through Congress which would do this in other countries. I believe this will become the new technology for dealing with human rights abuses. We are living in a different world than, say, 30 years ago, when the Khmer Rouge just stayed in Cambodia. Now human rights abusers travel; bad guys enjoy keeping their money in safer countries. Taking away their ability to do this is one way to punish them. There is no reason you should be guilty of human rights crimes in your country and be able to live in a nice house next to Hyde Park [in central London].

Once this tool starts getting widely implemented, it can be used in a way that allows a state to maintain diplomatic relations with a country but punish individual human rights violators at the same time. We hope this becomes a pedestrian exercise—if governments routinely start to sanction individuals responsible for human rights abuses, the bad guys will start asking the question of whether it is worth it.

**EW:** Critics of the Magnitsky Act say it is a dangerous path—one that opens the door for abuse and can be used for personal gain. Is this the case?

**WB:** Not at all. The sanctions are not determined by people like me, but rather by documentary evidence which is reviewed by the U.S. State Department and Treasury. The U.S. government won't sanction anyone unless they believe the evidence will stand up in a court of law. In our experience, it is an extremely high bar to get someone on the Magnitsky list, specifically because the process is so rigorous and fair.

**EW:** How can human rights advocates use this against impunity in the killings of journalists? How can they, for example, add a name?

**WB:** The [U.S.] government adds the names, but civil society can help by collecting evidence and documentation against those who commit these violations and make enough noise to get the government to notice. These sanctions may not be real justice for crimes like torture and murder, but they are far better than absolute impunity, which is what is happening in most places today. ■







Protesters demonstrate against the killing of Iraqi journalist Hadi al-Mehdi, who was shot dead in 2011. No one has been held responsible.

AP/KARIM KADIM

**Today the fight against impunity has reached an** important juncture. There is awareness on domestic and global levels of the extreme peril posed to journalists and the public's right to information when violence against the press is met with official inaction. The cries for justice by freedom of expression advocates have been amplified by the U.N.'s endorsement and its designation of the first International Day to End Impunity for Crimes against Journalists.

It is also a precarious position—one in which modest gains could easily give way to complacency.

This report has looked at the immense challenges involved in transforming climates of impunity, particularly in areas consumed by conflict or widespread crime and where corruption, cronyism, and political upheaval have weakened the rule of law. CPJ's analysis of global rates of impunity in journalist killings over the past seven years shows that they have for the most part gotten worse. There are some encouraging signs in the data. The number of convictions of suspects behind these crimes appears to be slightly on the rise, but this number remains small in comparison to the tally of new victims each year.

At the heart of the problem is a persistent lack of political will to see justice through in the hundreds of cases in which journalists have been fatally shot, bombed, or beaten because of what they were reporting on. In the few instances it has been exercised, usually in response to mounting domestic and international pressure, there has been progress in

the form of partial and, more rarely, complete justice for the victims. But the norm is for the suspected perpetrators—politicians, members of the military, and other figures with power and influence in their societies—to escape justice. This pattern particularly applies to those who commission assassinations of journalists.

CPJ sees the devastating effects of impunity daily in stories of self-censorship, exile, and upheaval—but has also seen that there are ways to combat it.

Over time, in rare but important cases, courageous efforts from relatives and colleagues determined to demand results and question flawed investigations; sustained media attention and campaigning; diplomatic pressure from the international community; and litigation through domestic and regional courts have pushed justice forward or persuaded governments to take more comprehensive steps.

As the report explores, there are a range of measures that states can adopt to ensure safe and fair proceedings. They include marshalling national-level investigative and prosecutorial resources—in some countries, this takes the form of federal involvement in crimes against journalists or freedom of expression—moving trial venues, improving witness protection, reforming judiciaries to limit opportunities for abuse by powerful defendants, and creating independent bodies to scrutinize flawed investigations. Transparency and accountability to victims and the public and close consultation with the media and nongovernmental organiza-





A journalist holds up a sign that says “No more blood” during a demonstration against the murder of a Mexican journalist.

REUTERS/EDGARD GARRIDO

tions are keys to successful implementation. A good example can be found in Serbia’s Commission for the Investigation into the Murders of Journalists, in which journalists and investigative authorities have jointly examined old cases and produced new leads, prompting the arrests of suspects in at least one case.

Some of these solutions require extensive resources, legislation, or long-term development of institutional capacities alongside profound improvements in governance. But there are also immediate steps that can be taken that do not require substantial funds or a political sea change. Governments that have professed to convene special inquiries into cases can and should make those results public. The findings of the committee appointed by Kurdistan’s president to investigate the murder of Sardasht Osman and Pakistan’s judicial inquiry into the killing of Hayatullah Khan are two good places to start. Engagement from top investigative authorities on individual cases and the expansion of investigations to include the suspected masterminds should be routine; this trend can be seen in Brazil, where convictions in four cases have taken place in the past two years—including, in one, of the mastermind. In the context of commitments governments have made to address journalist safety and impunity and promote rule of law, these are not tall orders.

Meeting U.N. obligations to combat impunity must now be paramount for member states, starting with thorough and public responses to the UNESCO director-general’s requests

for judicial status in cases of killed journalists. Governments should also set high expectations for each November 2 as a time to take a stand against impunity and take honest stock of their progress in solving journalist murders. Each year should bring marked progress by states struggling with high levels of anti-press violence and impunity, and the U.N. should note this progress or its absence in clear terms. Full integration of these concerns into broader areas of the U.N.’s work, such as development goals and rule of law, is also important.

The U.N. Plan of Action for the Safety of Journalists and the Issue of Impunity has opened a new window of opportunity to advance justice by enhancing coordination among state, civil society, media, and U.N. actors. There have been some promising starts, but these are at risk of running adrift if greater efforts, financial and political, are not made to support them and a wider range of U.N. agencies don’t do more to identify their concrete contributions to the plan. At the same time, the media can play an important role by reporting on this process as it unfolds and keeping a strong spotlight on the cases of their fallen colleagues.

The fight for justice is now a global one, but its advancement will come one case at a time. For every suspect tracked down, every perpetrator jailed, and every stalled case reinvigorated, the message grows louder that journalists cannot be targeted without consequence. That message will save lives and improve the essential flow of information at the heart of our global society. ■





The family, friends, and colleagues of Philippine journalist Daniel Tiamzon march to his funeral. Tiamzon was one of the 32 journalists and media workers killed in the Maguindanao massacre in 2009. **AFP/JAY DIRECTO**

**In recognition that unpunished violence against journalists** represents one of the greatest threats to the free flow of information, CPJ makes the following recommendations:

## TO NATIONAL GOVERNMENTS AND POLITICAL LEADERS

- Condemn publicly and unequivocally all acts of violence against journalists.
- Publicly recognize the International Day to End Impunity for Crimes Against Journalists on November 2.
- Provide sufficient resources and political support to ensure that authorities conduct exhaustive and timely investigations and trials relating to crimes against journalists.
- Request progress reports on all unresolved journalist killings from investigative agencies and judicial offices. Reopen closed investigations and invigorate those that have stalled.
- See that investigations extend to the crime's masterminds in addition to immediate killers.
- As circumstances warrant, transfer cases from locations where suspects may influence proceedings to new jurisdictions. Assign special prosecutors and/or increase witness protection.
- Identify and penalize all actors who impede justice through professional misconduct, corruption, threats, or violence.
- Address necessary legislation, resourcing, and staffing, for example by:
  - Reforming laws to give national authorities broader jurisdiction to investigate and prosecute crimes where provincial authorities have failed.
  - Creating an independent panel, including media personnel, investigators, prosecutors, legal experts, and government representatives, to review unsolved cases, scrutinize investigations, and make recommendations. The makeup and conclusions of the panel should be transparent.
  - Introducing or strengthening programs and legislation to promote speedy and effective investigations and trials, such as forensic training, judicial reform, and witness protection programs.
- Respond with detailed information on the judicial status of all cases of killed journalists and steps taken to address impunity as requested by UNESCO's director-general for the bi-annual Report on the Safety of Journalists and the Danger of Impunity. Make the full responses available to the public.
- Implement recommendations to address impunity made through the Universal Periodic Review mechanism and through U.N. special procedures.
- Implement commitments made through the UNGA resolution on the safety of journalists, U.N. Human Rights Council resolution on the safety of journalists, and U.N. Security Council resolution 1738. Facilitate thorough implementation of the U.N. Plan of Action for the Safety of Journalists and the Issue of Impunity.



A woman holds a sign that says, “We want justice. We want peace” during a protest against killed journalists in Honduras.

AFP/ORLANDO SIERRA

## TO UNITED NATIONS AGENCIES

- Take concrete steps to hold member states accountable for commitments made in the UNGA resolution on the safety of journalists.
- Address gaps in coordination and participation in the U.N. Plan of Action for the Safety of Journalists and the Issue of Impunity. Clearly identify the roles and contributions of agencies, including UNDP, UNODC, UN Women, OCHA, DPKO, and others. This coordination must be reflected in field offices.
- Fully integrate measures of progress over impunity in media killings and safety of journalists into development goals and the Department of Peacekeeping Operations mandate renewal evaluation.

## TO THE OFFICE OF THE SECRETARY-GENERAL

- Take into account data on journalist attacks and the effectiveness of government remedies to impunity in your report to the General Assembly requested in Resolution 68/163 on the safety of journalists and impunity.

## TO MEMBERS OF REGIONAL INTER-GOVERNMENTAL BODIES

- Participate and comply with the procedures, guidelines, and rulings of regional courts and communications from regional groupings.
- Take concrete actions in both regional and bilateral fora to hold to account states that fail to comply with decisions by regional courts and other special procedures.

## TO LOCAL AND INTERNATIONAL JOURNALISTS

- Monitor and report on implementation of key international commitments to combat impunity, particularly the U.N. Plan of Action for the Safety of Journalists and the Issue of Impunity and the UNGA resolution on the safety of journalists.
- Investigate and report on issues of anti-press violence, including individual attacks, threats, and harassment, regardless of the victim’s media affiliation. ■



# Journalists murdered between 2004 and 2013 with complete impunity:

## At least 370 journalists have been murdered in

direct connection to their work from the beginning of 2004 through 2013, according to CPJ research. In 333 of the cases, no one has been convicted. In 28 cases, some suspects have been sentenced, or killed in the course of apprehension, but others believed to be connected to or to have ordered the crime remain free. Nine cases have reached complete justice, meaning all of the perpetrators, including the crime's mastermind, have been convicted. CPJ maintains detailed records on journalists killings from 1992 to the present. For additional information, please visit [cpj.org/killed](http://cpj.org/killed).

## Afghanistan

**Christian Struwe**, freelance, October 7, 2006  
**Karen Fischer**, freelance, October 7, 2006  
**Ajmal Naqshbandi**, freelance, April 8, 2007  
**Zakia Zaki**, *Sada-i-Sulh*, June 4, 2007  
**Abdul Samad Rohani**, BBC and Pajhwok Afghan News, June 7 or 8, 2008

## Angola

**Alberto Graves Chakussanga**, Radio Despertar, September 5, 2010

## Azerbaijan

**Elmar Huseynov**, *Monitor*, March 2, 2005  
**Rafiq Tagi**, freelance, November 23, 2011

## Bangladesh

**Kamal Hossain**, *Ajker Kagoj*, August 22, 2004  
**Sheikh Belaluddin**, *Sangram*, February 11, 2005  
**Jamal Uddin**, *Gramer Kagoj*, June 15, 2012  
**Ahmed Rajib Haider**, freelance, February 15, 2013

## Belarus

**Aleh Byabenin**, *Charter 97*, September 3, 2010

## Bolivia

**Carlos Quispe Quispe**, Radio Municipal, March 29, 2008

## Brazil

**José Carlos Araújo**, Rádio Timbaúba FM, April 24, 2004  
**Luciano Leitão Pedrosa**, TV Vitória and Radio Metropolitana FM, April 9, 2011  
**Mario Randolpho Marques Lopes**, *Vassouras na Net*, February 9, 2012  
**Valério Luiz de Oliveira**, Radio Jornal, July 5, 2012  
**Eduardo Carvalho**, *Última Hora News*, November 21, 2012  
**Mafaldo Bezerra Goes**, FM Rio Jaguaribe, February 22, 2013  
**Rodrigo Neto**, Rádio Vanguarda and *Vale do Aço*, March 8, 2013  
**Waldney Assis Carvalho**, freelance, April 14, 2013

## Cambodia

**Khem Sambo**, *Moneaseka Khmer*, July 11, 2008  
**Hang Serei Odom**, *Virakchun Khmer Daily*, September 11, 2012

## China

**Wu Xianghu**, *Taizhou Wanbao*, February 2, 2006

## Colombia

**Martín La Rotta**, La Palma Estéreo, February 7, 2004  
**Julio Hernando Palacios Sánchez**, Radio Lemas, January 11, 2005  
**Gustavo Rojas Gabalo**, Radio Panzenú, March 20, 2006  
**José Everardo Aguilar**, Radio Súper and Bolívar Estéreo, April 29, 2009  
**Clodomiro Castilla Ospino**, *El Pulso del Tiempo*, March 19, 2010  
**Édison Alberto Molina**, Puerto Berrío Stereo, September 11, 2013

## Dominican Republic

**Serge Maheshe**, Radio Okapi, June 13, 2007  
**José Agustín Silvestre de los Santos**, *La Voz de la Verdad*, Caña TV, August 2, 2011

## Ecuador

**Byron Baldeón**, freelance, July 1, 2012

## Egypt

**Al-Hosseiny Abou Deif**, *El-Fagr*, December 12, 2012





A poster demands justice for Norbert Zongo, a journalist killed in Burkina Faso in 1998. **AFP/AHMED OUOBA**

### Gambia

**Deyda Hydara**, *The Point*, December 16, 2004

### Greece

**Sokratis Giolias**, *Thema 98.9, Troktiko*, July 19, 2010

### Haiti

**Jean-Rémy Badio**, freelance, January 19, 2007

### Honduras

**Carlos Salgado**, Radio Cadena Voces, October 18, 2007  
**Joseph Hernández Ochoa**, TV Channel 51, March 1, 2010  
**David Meza Montesinos**, Radio El Patio, Radio America, Channel 45, March 11, 2010  
**Nahúm Palacios Arteaga**, TV Channel 5, March 14, 2010

### India

**Veeraboina Yadagiri**, *Andhra Prabha*, February 21, 2004  
**Prahlad Goala**, *Asomiya Khabar*, January 6, 2006  
**Mohammed Muslimuddin**, *Asomiya Pratidin*, April 1, 2008  
**Vikas Ranjan**, *Hindustan*, November 25, 2008  
**Rajesh Mishra**, *Media Raj*, March 1, 2012  
**Narendra Dabholkar**, *Sadhana*, August 20, 2013  
**Sai Reddy**, *Deshbandhu*, December 6, 2013

### Indonesia

**Herliyanto**, Radar Surabaya and Jimber News Visioner,

April 29, 2006

**Ardiansyah Matra'is**, Merauke TV, July 30, 2010

**Ridwan Salamun**, Sun TV, August 21, 2010

**Alfrets Mirulewan**, *Pelangi Weekly*, December 17, 2010

### Iraq

**Nadia Nasrat**, Iraq Media Network/Diyala TV, March 18, 2004

**Enzo Baldoni**, freelance, August 26, 2004

**Dina Mohammed Hassan**, Al-Hurriya, October 14, 2004

**Karam Hussein**, European Pressphoto Agency, October 14, 2004

**Wadallah Sarhan**, *Akhbar al-Mosul*, November 2004

**Raeda Wazzan**, Al-Iraqiya, February 25, 2005

**Hussam Sarsam**, Kurdistan TV, March 14, 2005

**Ahmed Jabbar Hashim**, *Al-Sabah*, April 1, 2005

**Ahmed al-Rubai'i**, *Al-Sabah*, mid-April 2005

**Saman Abdullah Izzedine**, Kirkuk TV, April 15, 2005

**Ahmed Adam**, *Al-Mada*, May 15, 2005

**Najem Abed Khudair**, *Al-Mada*, May 15, 2005

**Jerges Mahmood Mohamad Suleiman**, Nineveh TV, May 31, 2005

**Khaled al-Attar**, Al-Iraqiya, July 1, 2005

**Adnan al-Bayati**, TG3, July 23, 2005

**Steven Vincent**, freelance, August 3, 2005

**Rafed Mahmoud Said al-Anbagy**, Diyala TV and Radio, August 27, 2005

- Hind Ismail**, *As-Saffir*, September 17, 2005  
**Fakher Haider**, *The New York Times*, September 19, 2005  
**Firas Maadidi**, *As-Saffir* and *Al-Masar*, September 20, 2005  
**Mohammed Haroon**, *Al-Kadiya*, October 19, 2005  
**Ahmed Hussein al-Maliki**, *Talafar Al-Yawm*, November 7, 2005  
**Atwar Bahjat**, *Al-Arabiya*, February 23, 2006  
**Adnan Khairallah**, Wasan Productions and *Al-Arabiya*, February 23, 2006  
**Khaled Mahmoud al-Falahi**, Wasan Productions and *Al-Arabiya*, February 23, 2006  
**Munsuf Abdallah al-Khaldi**, Baghdad TV, March 7, 2006  
**Amjad Hameed**, *Al-Iraqiya*, March 11, 2006  
**Muhsin Khudhair**, *Alef Ba*, March 13, 2006  
**So'oud Muzahim al-Shoumari**, *Al-Baghdadia*, April 4, 2006  
**Laith al-Dulaimi**, *Al-Nahrain*, May 8, 2006  
**Ali Jaafar**, *Al-Iraqiya*, May 31, 2006  
**Ibrahim Seneid**, *Al-Bashara*, June 13, 2006  
**Adel Naji al-Mansouri**, *Al-Alam*, July 29, 2006  
**Riyad Muhammad Ali**, *Talafar al-Yawm*, July 30, 2006  
**Mohammad Abbas Mohammad**, *Al-Bayinnah al-Jadida*, August 7, 2006  
**Ismail Amin Ali**, freelance, August 7, 2006  
**Abdel Karim al-Rubai**, *Al-Sabah*, September 9, 2006  
**Safa Isma'il Enad**, freelance, September 13, 2006  
**Ahmed Riyadh al-Karbouli**, Baghdad TV, September 18, 2006  
**Hussein Ali**, *Al-Shaabiya*, October 12, 2006  
**Ahmad Sha'ban**, *Al-Shaabiya*, October 12, 2006  
**Thaker al-Shouwili**, *Al-Shaabiya*, October 12, 2006  
**Noufel al-Shimari**, *Al-Shaabiya*, October 12, 2006  
**Abdul-Rahim Nasrallah al-Shimari**, *Al-Shaabiya*, October 12, 2006  
**Saed Mahdi Shlash**, *Rayat al-Arab*, October 26, 2006  
**Naqshin Hama Rashid**, *Atyaf*, October 29, 2006  
**Muhammad al-Ban**, *Al-Sharqiya*, November 13, 2006  
**Luma al-Karkhi**, *Al-Dustour*, November 15, 2006  
**Nabil Ibrahim al-Dulaimi**, Radio Dijla, December 4, 2006  
**Aswan Ahmed Lutfallah**, APTN, December 12, 2006  
**Ahmed Hadi Naji**, Associated Press Television News, January 5, 2007  
**Falah Khalaf al-Diyali**, *Al-Sa'a*, January 15, 2007  
**Hussein al-Zubaidi**, *Al-Ahali*, January 28, 2007  
**Abdulrazak Hashim Ayal al-Khakani**, *Jumhuriyat al-Iraq*, February 5, 2007  
**Jamal al-Zubaidi**, *As-Saffir* and *Al-Dustour*, February 24, 2007  
**Mohan Hussein al-Dhahir**, *Al-Mashreq*, March 4, 2007  
**Hamid al-Duleimi**, *Nahrain*, March 17, 2007  
**Khamail Khalaf**, Radio Free Iraq, April 5, 2007  
**Thaer Ahmad Jaber**, Baghdad TV, April 5, 2007  
**Othman al-Mashhadani**, *Al-Watan*, April 6, 2007  
**Raad Mutashar**, *Al-Raad*, May 9, 2007  
**Saif Laith Yousuf**, ABC News, May 17, 2007  
**Alaa Uldeen Aziz**, ABC News, May 17, 2007
- Nazar Abdulwahid al-Radhi**, *Aswat al-Iraq* and Radio Free Iraq, May 30, 2007  
**Mohammad Hilal Karji**, Baghdad TV, June 6, 2007  
**Sahar Hussein Ali al-Haydari**, National Iraqi News Agency and *Aswat al-Iraq*, June 7, 2007  
**Filaih Wuday Mijthab**, *Al-Sabah*, June 17, 2007  
**Hamid Abed Sarhan**, freelance, June 26, 2007  
**Sarmad Hamdi Shaker**, Baghdad TV, June 27, 2007  
**Khalid W. Hassan**, *The New York Times*, July 13, 2007  
**Majeed Mohammed**, *Kirkuk al-Yawm* and *Hawal*, July 16, 2007  
**Mustafa Gaimayani**, *Kirkuk al-Yawm* and *Hawal*, July 16, 2007  
**Adnan al-Safi**, *Al-Anwar*, July 27, 2007  
**Amer Malallah al-Rashidi**, *Al-Mosuliya*, September 3, 2007  
**Muhannad Ghanem Ahmad al-Obaidi**, *Dar al-Salam*, September 20, 2007  
**Salih Saif Aldin**, *The Washington Post*, October 14, 2007  
**Shehab Mohammad al-Hiti**, *Baghdad al-Youm*, October 28, 2007  
**Shihab al-Tamimi**, Iraqi Journalists Syndicate, February 27, 2008  
**Jassim al-Batat**, *Al-Nakhil TV and Radio*, April 25, 2008  
**Sarwa Abdul-Wahab**, freelance, May 4, 2008  
**Haidar al-Hussein**, *Al-Sharq*, May 22, 2008  
**Mohieldin Al Naqeeb**, *Al-Iraqiya*, June 17, 2008  
**Soran Mama Hama**, *Livin*, July 21, 2008  
**Musab Mahmood al-Ezawi**, *Al-Sharqiya*, September 13, 2008  
**Ahmed Salim**, *Al-Sharqiya*, September 13, 2008  
**Ihab Mu'd**, *Al-Sharqiya*, September 13, 2008  
**Sardasht Osman**, freelance, May 5, 2010  
**Riad al-Saray**, *Al-Iraqiya*, September 7, 2010  
**Safa al-Din Abdel Hamid**, *Al-Mosuliya*, September 8, 2010  
**Tahrir Kadhim Jawad**, freelance, October 4, 2010  
**Hadi al-Mahdi**, freelance, September 8, 2011  
**Mohammed Ghanem**, *Al-Sharqiyah*, October 5, 2013  
**Mohammed Karim al-Badrani**, *Al-Sharqiyah*, October 5, 2013  
**Bashar al-Nuaimi**, *Al-Mosuliya TV*, October 24, 2013  
**Alaa Edward Butros**, freelance, November 24, 2013  
**Kawa Garmyane**, *Rayel*, Awene, December 5, 2013  
**Nawras al-Nuaimi**, *Al-Mosuliya TV*, December 15, 2013  
**Jamal Abdul-Nasser Sami**, *Salaheddin TV*, December 23, 2013  
**Raad Yassin Al-Baddi**, *Salaheddin TV*, December 23, 2013  
**Wassan Al-Azzawi**, *Salaheddin TV*, December 23, 2013
- Israel and the Occupied Palestinian Territory**  
**Suleiman Abdul-Rahim al-Ashi**, *Palestine*, May 13, 2007
- Ivory Coast**  
**Sylvain Gagnetau Lago**, Radio Yopougon, May 8, 2011
- Kenya**  
**Francis Nyaruri**, *Weekly Citizen*, January 2009





Protesters in Sri Lanka hold posters of journalists who were abducted and murdered. **REUTERS/DINUKA LIYANAWATTE**

### **Kyrgyzstan**

**Alisher Saipov**, *Siyosat*, October 24, 2007

### **Lebanon**

**Samir Qassir**, *Al-Nahar*, June 2, 2005

**Gebran Tueni**, *Al-Nahar*, December 12, 2005

### **Libya**

**Daif al-Gahzal al-Shuhaibi**, freelance, June 2, 2005

### **Mali**

**Claude Verlon**, Radio France Internationale, November 1, 2013

**Ghislaine Dupont**, Radio France Internationale, November 1, 2013

### **Mexico**

**Francisco Javier Ortiz Franco**, *Zeta*, June 22, 2004

**Francisco Arratia Saldierna**, freelance, August 31, 2004

**Dolores Guadalupe García Escamilla**, Stereo 91, April 16, 2005

**Roberto Marcos García**, *Testimonio and Alarma*, November 21, 2006

**Rodolfo Rincón Taracena**, *Tabasco Hoy*, January 20, 2007

**Alejandro Zenón Fonseca Estrada**, EXA FM, September 24, 2008

**Armando Rodríguez Carreón**, *El Diario de Ciudad Juárez*,

November 13, 2008

**Eliseo Barrón Hernández**, *La Opinión*, May 25, 2009

**Norberto Miranda Madrid**, Radio Visión, September 23, 2009

**Bladimir Antuna García**, *El Tiempo de Durango*, November 2, 2009

**Valentín Valdés Espinosa**, *Zócalo de Saltillo*, January 8, 2010

**Luis Carlos Santiago**, *El Diario*, September 16, 2010

**Noel López Olguín**, freelance, March 2011

**Luis Emanuel Ruiz Carrillo**, *La Prensa*, March 25, 2011

**Maria Elizabeth Macías Castro**, freelance, September 24, 2011

**Regina Martínez Pérez**, *Proceso*, April 28, 2012

### **Nepal**

**Dekendra Raj Thapa**, Radio Nepal, August 11, 2004

**Prakash Singh Thakuri**, freelance, July 2007

### **Nicaragua**

**Carlos José Guadamuz**, Canal 23, February 10, 2004

### **Nigeria**

**Bayo Ohu**, *The Guardian*, September 20, 2009

**Sunday Gyang Bwede**, *The Light Bearer*, April 24, 2010

**Nathan S. Dabak**, *The Light Bearer*, April 24, 2010

**Zakariya Isa**, Nigeria Television Authority, October 22, 2011

**Enenche Akogwu**, Channels TV, January 20, 2012



**Pakistan**

**Sajid Tanoli**, Shumal, January 29, 2004  
**Allah Noor**, Khyber TV, February 7, 2005  
**Amir Nowab**, Associated Press Television News and *Frontier Post*, February 7, 2005  
**Hayatullah Khan**, freelance, June 16, 2006  
**Zubair Ahmed Mujahid**, *Jang*, November 23, 2007  
**Chishti Mujahid**, *Akbar-e-Jehan*, February 9, 2008  
**Mohammed Ibrahim**, Express TV and *Daily Express*, May 22, 2008  
**Abdul Razzak Johra**, Royal TV, November 3, 2008  
**Musa Khankhel**, Geo TV and *The News*, February 18, 2009  
**Janullah Hashimzada**, freelance, August 24, 2009  
**Ghulam Rasool Birhamani**, *Daily Sindhu Hyderabad*, May 9 or 10, 2010  
**Misri Khan**, *Ausaf* and *Mashriq*, September 14, 2010  
**Nasrullah Khan Afridi**, Pakistan Television and *Mashriq*, May 10, 2011  
**Saleem Shahzad**, *Asia Times Online*, May 29 or 30, 2011  
**Faisal Qureshi**, *The London Post*, October 7, 2011  
**Javed Naseer Rind**, *Daily Tawar*, November 2011  
**Mukarram Khan Aatif**, freelance, January 17, 2012  
**Razzaq Gul**, Express News TV, May 19, 2012  
**Abdul Qadir Hajizai**, WASH TV, May 28, 2012  
**Abdul Haq Baloch**, ARY Television, September 29, 2012  
**Rehmatullah Abid**, Dunya News TV, *Intikhaab*, November 18, 2012  
**Ayub Khattak**, *Karak Times*, October 11, 2013

**Panama**

**Darío Fernández Jaén**, Radio Mi Favorita, November 6, 2011

**Paraguay**

**Tito Alberto Palma**, Radio Mayor Otaño and Radio Chaco Boreal, August 22, 2007

**Peru**

**Antonio de la Torre Echeandía**, Radio Órbita, February 14, 2004  
**Pedro Alfonso Flores Silva**, Channel 6, September 8, 2011

**Philippines**

**Rowell Endrinal**, DZRC, February 11, 2004  
**Elpidio Binoya**, Radyo Natin, June 17, 2004  
**Rogelio “Roger” Mariano**, Radyo Natin-Aksyon Radyo, July 31, 2004  
**Arnel Manalo**, Bulgar and DZRH Radio, August 5, 2004  
**Romeo (or Romy) Binungcal**, Remate and Bulgar, September 29, 2004  
**Eldy Sablas (aka Eldy Gabinales)**, Radio DXJR-FM, October 19, 2004  
**Herson Hinolan**, Bombo Radyo, November 13, 2004  
**Philip Agustin**, *Starline Times Recorder*, May 10, 2005  
**Rolando “Dodong” Morales**, DXMD, July 3, 2005

**Fernando Batul**, DZRH and DYPR, May 22, 2006  
**Maricel Vigo**, DXND, June 19, 2006  
**George Vigo**, *Union of Catholic Asian News*, June 19, 2006  
**Martin Roxas**, DYVR, August 7, 2008  
**Dennis Cuesta**, DXMD, August 9, 2008  
**Ernie Rollin**, DXSY Radio, February 23, 2009  
**Crispin Perez**, DWDO Radio, June 9, 2009  
**Henry Araneta**, DZRH, November 23, 2009  
**Mark Gilbert Arriola**, UNTV, November 23, 2009  
**Rubello Bataluna**, *Gold Star Daily*, November 23, 2009  
**Arturo Betia**, *Periodico Ini*, November 23, 2009  
**Romeo Jimmy Cabillo**, *Midland Review*, November 23, 2009  
**Marites Cablitas**, News Focus and DXDX, November 23, 2009  
**Hannibal Cachuela**, *Punto News*, November 23, 2009  
**Jepon Cadagdagon**, *Saksi News*, November 23, 2009  
**John Caniban**, *Periodico Ini*, November 23, 2009  
**Lea Dalmacio**, *Socsargen News*, November 23, 2009  
**Noel Decina**, *Periodico Ini*, November 23, 2009  
**Gina Dela Cruz**, *Saksi News*, November 23, 2009  
**Jhoy Duhay**, *Gold Star Daily*, November 23, 2009  
**Jolito Evardo**, UNTV, November 23, 2009  
**Santos Gatchalian**, DXGO, November 23, 2009  
**Bienvenido Legarte Jr.**, *Prontiera News*, November 23, 2009  
**Lindo Lupogan**, *Mindanao Daily Gazette*, November 23, 2009  
**Ernesto Maravilla**, Bombo Radyo, November 23, 2009  
**Rey Merisco**, *Periodico Ini*, November 23, 2009  
**Reynaldo Momay**, *Midland Review*, November 23, 2009  
**Marife “Neneng” Montaña**, *Saksi News* and DXCI, November 23, 2009  
**Rosell Morales**, *News Focus*, November 23, 2009  
**Victor Nuñez**, UNTV, November 23, 2009  
**Ronnie Perante**, *Gold Star Daily*, November 23, 2009  
**Joel Parcon**, *Prontiera News*, November 23, 2009  
**Fernando Razon**, *Periodico Ini*, November 23, 2009  
**Alejandro Reblando**, *Manila Bulletin*, November 23, 2009  
**Napoleon Salaysay**, *Mindanao Gazette*, November 23, 2009  
**Ian Subang**, *Socsargen Today*, November 23, 2009  
**Andres Teodoro**, *Central Mindanao Inquirer*, November 23, 2009  
**Desidario Camangyan**, Sunrise FM, June 14, 2010  
**Joselito Agustin**, DZJC, June 16, 2010  
**Romeo Olea**, DWEB, June 13, 2011  
**Christopher Guarin**, Radyo Mo Nationwide and *Tatak News*, January 5, 2012  
**Mario Sy**, freelance, August 1, 2013  
**Joas Dignos**, DXGT Radio, November 29, 2013

**Russia**

**Paul Klebnikov**, *Forbes Russia*, July 9, 2004  
**Pavel Makeev**, Puls, May 21, 2005  
**Magomedzagid Varisov**, *Novoye Delo*, June 28, 2005  
**Vagif Kochetkov**, *Trud* and *Tulsky Molodoi Kommunar*, January 8, 2006  
**Maksim Maksimov**, *Gorod*, November 30, 2006  
**Ivan Safronov**, *Kommersant*, March 2, 2007

**Magomed Yevloyev**, *Ingushetiya*, August 31, 2008  
**Telman (Abdulla) Alishayev**, TV-Chirkei, September 2, 2008  
**Natalya Estemirova**, *Novaya Gazeta, Kavkazsky Uzel*, July 15, 2009  
**Abdulmalik Akhmedilov**, *Hakikat and Sogratl*, August 11, 2009  
**Gadzhimurad Kamalov**, *Chernovik*, December 15, 2011  
**Kazbek Gekkiyev**, VGTRK, December 5, 2012  
**Mikhail Beketov**, *Khimkinskaya Pravda*, April 8, 2013  
**Akhmednabi Akhmednabiyev**, *Novoye Delo*, July 9, 2013

#### **Rwanda**

**Jean-Léonard Rugambage**, *Umuwugizi*, June 26, 2010

#### **Saudi Arabia**

**Simon Cumbers**, BBC, June 6, 2004

#### **Serbia**

**Bardhyl Ajeti**, *Bota Sot*, June 25, 2005

#### **Sierra Leone**

**Harry Yansaneh**, *For Di People*, July 28, 2005

#### **Somalia**

**Kate Peyton**, BBC, February 9, 2005  
**Martin Adler**, freelance, June 23, 2006  
**Mahad Ahmed Elmi**, Capital Voice, August 11, 2007  
**Ali Sharmarke**, HornAfrik, August 11, 2007  
**Bashiir Noor Gedi**, Radio Shabelle, October 19, 2007  
**Nasteh Dahir Farah**, freelance, June 7, 2008  
**Hassan Mayow Hassan**, Radio Shabelle, January 1, 2009  
**Said Tahlil Ahmed**, HornAfrik, February 2, 2009  
**Mukhtar Mohamed Hirabe**, Radio Shabelle, June 8, 2009  
**Sheikh Nur Mohamed Abkey**, Radio Mogadishu, May 4, 2010  
**Abdisalan Sheikh Hassan**, freelance, December 18, 2011  
**Hassan Osman Abdi**, Shabelle Media Network, January 28, 2012  
**Abukar Hassan Mohamoud**, Somaliweyn Radio, February 28, 2012  
**Ali Ahmed Abdi**, freelance, March 4, 2012  
**Mahad Salad Adan**, Shabelle Media Network, April 5, 2012  
**Farhan Jeemis Abdulle**, Radio Daljir and Simba Radio, May 2, 2012  
**Ahmed Addow Anshur**, Shabelle Media Network, May 24, 2012  
**Liban Ali Nur**, Somali National TV, September 20, 2012  
**Abdisatar Daher Sabriye**, Radio Mogadishu, September 20, 2012  
**Abdirahman Yasin Ali**, Radio Hamar, September 20, 2012  
**Ahmed Farah Ilyas**, Universal TV, October 23, 2012  
**Mohamed Mohamud Turyare**, Shabelle Media Network, October 28, 2012  
**Abdihared Osman Aden**, Shabelle Media Network, January 18, 2013

**Mohamed Ibrahim Raage**, Radio Mogadishu, Somali National Television, April 21, 2013  
**Liban Abdullahi Farah**, Kalsan TV, July 7, 2013  
**Mohamed Mohamud**, Universal TV, October 26, 2013

#### **Sri Lanka**

**Aiyathurai Nadesan**, *Virakesari*, May 31, 2004  
**Bala Nadarajah Iyer**, *Thinamurasu and Thinakaran*, August 16, 2004  
**Dharmeratnam Sivaram**, TamilNet and *Daily Mirror*, April 29, 2005  
**Relangi Selvarajah**, Sri Lanka Rupavahini Corp., August 12, 2005  
**Subramaniam Sugitharajah**, *Sudar Oli*, January 24, 2006  
**Subash Chandrabhas**, *Nilam*, April 16, 2007  
**Selvarajah Rajeewarnam**, *Uthayan*, April 29, 2007  
**Paranirupasingham Devakumar**, News 1st, May 28, 2008  
**Lasantha Wickramatunga**, *The Sunday Leader*, January 8, 2009

#### **Sudan**

**Mohammed Taha Mohammed Ahmed**, *Al-Wifaq*, September 6, 2006

#### **Syria**

**Ihsan al-Buni**, *Al-Thawra*, July 12, 2012  
**Ali Abbas**, SANA, August 11, 2012  
**Mosaab al-Obdaallah**, *Tishreen*, August 22, 2012  
**Abdel Karim al-Oqda**, Shaam News Network, September 19, 2012  
**Suhail Mahmoud al-Ali**, Dunya TV, January 4, 2013  
**Mohammad Saeed**, Al-Arabiya, October 29, 2013  
**Yasser Faisal al-Jumaili**, freelance, December 4, 2013

#### **Thailand**

**Athiwat Chaianurat**, *Matichon*, Channel 7, August 1, 2008  
**Jaruek Rangcharoen**, *Matichon*, September 27, 2008  
**Wisut "Ae" Tangwittayaporn**, *Inside Phuket*, January 12, 2012

#### **Turkey**

**Cihan Hayirsevener**, *Güney Marmara'da Yaşam*, December 19, 2009

#### **Turkmenistan**

**Ogulsapar Muradova**, Radio Free Europe/Radio Liberty, September 2006

#### **Uganda**

**Paul Kiggundu**, TOP Radio and TV, September 11, 2010

#### **Yemen**

**Muhammad al-Rabou'e**, Al-Qahira, February 13, 2010

**Zimbabwe**

**Edward Chikomba**, Zimbabwe Broadcasting Corporation (former), March 31, 2007

## Journalists murdered between 2004 and 2013 with partial impunity:

**Bangladesh**

**Manik Saha**, *New Age*, January 15, 2004  
**Humayun Kabir**, *Janmabhum*, June 27, 2004  
**Gautam Das**, *Samakal*, November 17, 2005

**Brazil**

**Francisco Gomes de Medeiros**, Radio Caicó, October 18, 2010  
**Edinaldo Filgueira**, *Jornal o Serrano*, June 15, 2011  
**Décio Sá**, *O Estado do Maranhão* and *Blog do Décio*, April 23, 2012

**Colombia**

**Atilano Segundo Pérez Barrios**, Radio Vigía de Todelar, August 22, 2006

**Croatia**

**Ivo Pukanic**, *Nacional*, October 23, 2008

**El Salvador**

**Alfredo Antonio Hurtado Núñez**, Canal 33, April 25, 2011

**Kazakhstan**

**Gennady Pavlyuk (Ibragim Rustambek)**, *Bely Parokhod*, December 22, 2009

**Mexico**

**Gregorio Rodríguez Hernández**, *El Debate*, November 28, 2004  
**Amado Ramírez Dillanes**, Televisa and Radiorama, April 6, 2007

**Nepal**

**Birendra Shah**, Nepal FM, *Dristi Weekly*, and Avenues TV, October 4, 2007  
**Uma Singh**, *Janakpur Today*, Radio Today, January 11, 2009

**Pakistan**

**Wali Khan Babar**, Geo TV, January 13, 2011

**Peru**

**Alberto Rivera Fernández**, *Frecuencia Oriental*, April 12, 2004

**Philippines**

**Gene Boyd Lumawag**, *MindaNews*, November 12, 2004  
**Marlene Garcia-Esperat**, *Midland News* and DXKR,

March 24, 2005

**Klein Cantoneros**, DXAA-FM, May 4, 2005

**Armando Pace**, DXDS, July 18, 2006

**Gerardo Ortega**, DWAR, January 24, 2011

**Fernando Solijon**, Dxls Love Radio, August 29, 2013

**Russia**

**Anna Politkovskaya**, *Novaya Gazeta*, October 7, 2006  
**Anastasiya Baburova**, *Novaya Gazeta*, January 19, 2009

**Serbia**

**Dusko Jovanovic**, *Dan*, May 28, 2004

**Somalia**

**Hassan Yusuf Absuge**, Radio Maanta, September 21, 2012

**Turkey**

**Hrant Dink**, *Agos*, January 19, 2007

**Venezuela**

**Orel Sambrano**, *ABC de la Semana* and Radio América, January 16, 2009

## Journalists murdered between 2004 and 2013 with full justice:

**Brazil**

**Samuel Romã**, Radio Conquista FM, April 20, 2004  
**Luiz Carlos Barbon Filho**, *Jornal do Porto*, *JC Regional*, and Rádio Porto FM, May 5, 2007

**Dominican Republic**

**Juan Emilio Andújar Matos**, Radio Azua and *Listín Diario*, September 14, 2004

**El Salvador**

**Christian Gregorio Poveda Ruiz**, freelance, September 2, 2009

**Indonesia**

**Anak Agung Prabangsa**, Radar Bali, February 11, 2009

**Nicaragua**

**María José Bravo**, *La Prensa*, November 9, 2004

**Peru**

**Miguel Pérez Julca**, Radio Éxitos, March 17, 2007

**USA**

**Chauncey Bailey**, *Oakland Post*, August 2, 2007

**Venezuela**

**Jorge Aguirre**, Cadena Capriles (El Mundo), April 5, 2006





The funeral procession of Yasser Faisal al-Jumaili, an Iraqi journalist who was murdered in Syria in 2013. **REUTERS/THAIER AL-SUDANI**

### Overview of key U.N. documents and resolutions directly relating to impunity in journalist murders:

- Resolution 1738 (2006), adopted by the Security Council in December 2006, urges the protection of journalists covering armed conflict and emphasizes the need for states to end impunity in criminal acts against journalists. It asks the U.N. secretary-general to include the issue of the safety and security of journalists, media professionals, and associated personnel when reporting on protection of civilians in armed conflict.
- The United Nations Human Rights Committee, a body of legal experts, published General comment 34 on Article 19 of the International Covenant on Civil and Political Rights, noting that all attacks against those who practice freedom of expression should be “vigorously investigated in a timely fashion, and the perpetrators prosecuted,” among other points.
- The U.N. Plan of Action on the Safety of Journalists and the Issue of Impunity, drafted by UNESCO, was adopted by the U.N. Chief Executives Board in April 2012. The plan’s measures include establishing a coordinated inter-agency mechanism to handle issues related to the safety of journalists, as well as assisting countries to develop legislation and mechanisms favorable to freedom of expression and information, and supporting their efforts to implement existing international rules and principles. Its implementation began in early 2013.
- In June 2012, U.N. special rapporteurs on extrajudicial, summary, or arbitrary executions and promotion and protection of the right to freedom of expression presented reports at the 20th session of the U.N. Human Rights Council, which highlighted impunity in targeted attacks against journalists as a major blight on human rights and called on states to implement mechanisms to protect journalists and promote justice.
- The U.N. Human Rights Council passed Resolution 21/12 on the safety of journalists at its 21st session in September 2012. The resolution expresses concern that “attacks against journalists often occur with impunity, and calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies.” The resolution also asked the Office of the High Commissioner for Human Rights to compile a report on good practices for protecting journalists and addressing impunity. The report was presented at the 24th session of the Human Rights Council in July 2013.
- The U.N. General Assembly adopted Resolution 68/163 on the Safety of Journalists and the Issue of Impunity. The resolution proclaims November 2 as the International Day to End Impunity for Crimes against Journalists. It calls on states to dedicate the resources necessary to investigate and prosecute attacks against journalists and for the U.N. Secretary-General to report on the implementation of the resolution and the U.N. Plan of Action to the General Assembly. ■



Defending Journalists Worldwide

330 7th Avenue, 11th Floor, New York, New York 10001  
+212.465.1004

[www.cpj.org](http://www.cpj.org)

Twitter: [@pressfreedom](https://twitter.com/pressfreedom)

Facebook: [www.facebook.com/committeetoprotectjournalists](https://www.facebook.com/committeetoprotectjournalists)