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STATEMENT

Combating Impunity for Those Who Attack and Kill Journalists in Belarus, Russia and Ukraine

This Joint Statement is an outcome of the international conference *Ten years on – no justice for Georgiy Gongadze: the Need to Find New Ways to Fight Impunity*, organised by ARTICLE 19 and International Media Support (IMS) on 16 September 2010 in Kyiv, Ukraine. The aim of the conference was to address the protection of journalists in Belarus, Russia and Ukraine, including the use of violence as a means of controlling the media, the lack of effective government interventions to prevent and investigate abuses, and the resultant chilling effect on the media environment. The conference redefined advocacy strategies to combat impunity in a constructive way.

The conference concluded the following:

- Over the last ten years there have been numerous attacks on journalists in Belarus, Ukraine and Russia. The deaths of certain journalists have attracted worldwide attention and condemnation, for example the killing of Georgiy Gongadze in Ukraine in 2000, of Anna Politkovskaya in Russia in 2006, and of Natalia Estemirova in 2009. Many more attacks, deaths and disappearances such as Dmitry Zavadsky in Belarus in 2000 have been recorded by local and international monitors
- Yet, in all three countries, not one of these incidents has resulted in a full and effective investigation or prosecution of the instigators of these crimes, and only a limited number of perpetrators have been tried and sentenced. Indeed, the majority of cases involving violence against journalists have been flatly ignored by the authorities or attributed to any other cause except the work they do
- The result of the grossly inadequate responses of the governments of Belarus, Russia and Ukraine in relation to attacks on journalists has been the **emergence of a climate of impunity, violations of journalists' human rights and a chilling effect on freedom of expression** in these states. Attacks on journalists not only represent attacks on the rights of individual victims and their families, but also an attack on the right to freely receive and share information and ideas
- The three governments have failed to protect journalists in the pursuit of their profession, and have failed in implementing their own respective laws in this area. The impunity for attacks, disappearances and killings of journalists places the

governments of Belarus, Russia and Ukraine in **breach of their obligations under international and European human rights law**, particularly the positive obligations in relation to the rights to freedom of opinion and expression, the right to life and the right not to be subject to torture, cruel, inhuman or degrading treatment. The International Covenant on Civil and Political Rights has been ratified by all three states and the European Convention on Human Rights has been ratified by Russia and Ukraine.

The conference adopted several recommendations. The authorities of Belarus, Russia and Ukraine should immediately adopt all necessary political, legal and administrative measures to fully protect journalists and defend the right to freedom of expression, in accordance with their international responsibilities, including to:

- Recognise publicly that journalists are especially vulnerable to violence because of the work they do, which should always be considered as a motive from the start of any investigation into an attack, death or disappearance
- Publicly condemn threats, attacks, deaths and disappearances of journalists without prejudice and withhold fully from spreading negative propaganda about the journalist in question
- Design and implement effective legislation and policy to promote and protect journalists, enabling them to work in free and safe environments
- Train public officials, especially law enforcement officials, in providing an effective and rapid response when journalists are threatened, including emergency measures to protect them from even greater harm
- Put in place appropriate and effective protection mechanisms for journalists under threat
- In the event of an attack, launch a full, prompt, effective and independent investigation in order to bring both the perpetrators and the instigators to justice, and ensure that where there is a possibility of involvement of local authorities or other government bodies with a conflict of interest, such an investigation is moved to a different authority outside their jurisdiction or sphere of influence
- Provide up-to-date, ongoing information about the development of such investigations, in the first instance to the next-to-kin and their lawyers, as well as to the general public
- Put in place specific measures to prevent the repetition of such acts
- Pay special attention to facilitating the work of civil society and media organisations regarding freedom of expression and protection of journalists
- Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and apply the principle of universal jurisdiction on their territories.

Intergovernmental organisations and the international community should also assist by prioritising the protection of journalists in their respective agendas with Russia, Belarus and Ukraine. They should be ready to assist these states to comply with their international obligations regarding human rights according to international law, including following-up on the implementation of relevant decisions and judgements of international human rights bodies, such as the European Court of Human Rights and the United Nations Human Rights Committee.

Civil society and media organisations should continue to monitor the protection of journalists and the right to freedom of expression in Belarus, Russia and Ukraine. In particular, they

should consolidate their support to the investigations into attacks and ill-treatment of journalists and raise their concerns not only at national, but also at bilateral, regional and international levels. At national and international levels, information should be provided to the general public, who should be further engaged and encouraged to partake in any actions or campaigns to combat impunity in this regard. Media organisations should be sensitised to their legal rights and provide adequate safety and self-protection guidance, security equipment, as well as training to both its permanent and freelance employees.

FOR MORE INFORMATION:

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- ARTICLE 19 is an independent human rights organisation that works globally to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech. For more information on ARTICLE 19 please visit www.article19.org
- International Media Support (IMS) is a non-profit organisation working with media in countries affected by armed conflict, human insecurity and political transition. In more than 30 countries worldwide, IMS helps to strengthen professional practices and ensure that media and media workers can operate under challenging circumstances. For more information about International Media Support please visit www.i-m-s.dk
- The conference was organised within the framework of the IMS Media and Democracy Programme for Central and Eastern Europe and the Caucasus.