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EXPERT WITNESS STATEMENT OF JOEL SIMON

Executive Director of the Committee to Protect Journalists

1. My name is Joel Simon. I am the executive director of the Committee to Protect Journalists (CPJ). In this testimony, I will set out CPJ's work and findings concerning impunity for the murder of journalists. Since its founding in 1981, CPJ has campaigned for justice when journalists are killed around the world. Some of these killings made international headlines, like the 1986 assassination of Colombian editor Guillermo Cano in Bogotá and the 1992 killing of ABC News correspondent David Kaplan by sniper fire in Sarajevo, Bosnia. While there was plenty of outrage in both cases, there were no systematic global efforts to demand justice.

The need for action: vanguard journalists

2. This is despite the fact that defending the rights of individual reporters remains a crucial part of the day-to-day work toward change. Many of the journalists killed in reprisal of their work are what I call the vanguard journalists. They are journalists whose investigative skills, specialized knowledge, visibility, or courage set them apart from the pack. Vanguard journalists break stories and publish explosive information others are afraid to touch. This relatively small group of reporters has an outsize influence, not just on the way people understand events in their own communities but also on global perceptions. Many of these journalists have been subjected to repression. Often, their murders were preceded by threats. In general, they have relied on international pressure to protect them from powerful and violent forces that have grasped a terrible reality. In most cases, if a vanguard journalist is eliminated, there is no one who can step forward to take their place; thus, death equals censorship.

3. Preserving the life of one such journalist or getting one such reporter out of jail helps ensure the flow of information at the global level. The imperative is all the more acute in an age of media capture. As the less-visible means of control grow, journalists who operate outside these systems must be championed and defended.

The impunity index

4. Since 1992, CPJ has published annual case lists and descriptions of journalists killed in the line of duty. In 2004, the organization began a major project to code all the data and enter it into a comprehensive database. As the impunity campaign focused on country-level actions, a significant question emerged: How could progress, both on a national and an international level, be measured? And could an objective barometer of impunity be used as a means of goading recalcitrant governments toward action?

5. After consulting a variety of experts, including statisticians, CPJ developed a formula. We looked at a ten-year period and included only those countries with at least five unsolved murders. We defined “unsolved” generously—these were killings in which there had not been a single conviction. Recognizing that the murder of a journalist would have a different impact in a country like Mozambique, which has a tiny press corps concentrated in the capital, than in Brazil or India, where the media is both enormous and diverse, we sought to find a way to weight our findings. Since it was impossible to determine the size of the press corps in any given country, we used population figures. We divided the number of unsolved murders by the size of the population to come to an objective figure based on careful research—a number that governments couldn’t challenge. We called it the Impunity Index.

Findings on impunity

6. It seems elemental that the right to freedom of opinion and expression cannot be exercised in practice when those who express critical views are systematically murdered with impunity. Yet we find that between 1992 and 2020, 895 journalists were murdered in direct reprisal for their work. Each of these killings was more than a murder; it was an effective form of censorship that deprived whole societies of essential information and protected powerful figures from the scrutiny that would make them accountable to the people.

7. CPJ’s research also shows that the majority of journalists killed in connection to their work around the world were specifically targeted for murder. A relatively small proportion were killed in crossfire. Those murdered had not covered frontline conflict but rather human rights, corruption, business, crime, and politics. And perhaps most disturbing, in more than 85 percent of those murders, the killers got away with the crime, a percentage that fluctuated over the next decade as new murders were perpetrated in far higher numbers than convictions took place. CPJ’s latest Impunity Index shows that over the last decade, 278 journalists were murdered and

in 226 or 81 percent of those cases, there is impunity, a modest improvement from previous years. Where there were convictions, they were usually of paid assassins, not of the masterminds.

8. In many cases, investigations fail because those who carry out the crimes are connected to officialdom and are able to exert influence over the political and judicial systems. Sometimes, the masterminds are part of those systems themselves. The killers of journalists often take advantage of conflict, instability, or institutional weaknesses to wage violence against those who expose or criticize their actions. From Mexico to Somalia, the pattern is the same: where journalist killings go unpunished, violence repeats, and a cycle of deadly censorship takes hold.

9. Reports on journalist killings compiled by other international groups suggest a similar breakdown. The data, in turn, compelled governments and international bodies like the United Nations to recognize the scope of the problem.⁹ The data has also revealed recurring patterns of violence when impunity is unaddressed. Killing with impunity is concentrated in a relatively small number of states. For example, in the decade from 2007 through 2016, 80 percent of all unsolved killings of journalists around the world took place in only twelve countries. Government and military officials are considered the leading suspects in more than a quarter of the cases in this same period. CPJ has found that in some countries organized crime syndicates and extremist groups have also played a prominent role in targeting journalists as they fight for power and information flows affect their ability to control territory, resources and income flows.

10. Based on this combination of information, CPJ and other groups argue that, regardless of who might be behind these crimes, the existence of impunity points to a systemic problem that states must address. Surprisingly, many countries with high rates of impunity were democracies whose leaders cared about their country's international reputation, an opening for effective advocacy.

Cycle of impunity: the case of Pakistan

11. In the past decade, some of these dynamics played out in Pakistan, a country that has seen an explosion of independent media as well an explosion in violence against the press. From 2010 to 2020, thirty-five journalists were killed, 18 of them murdered with impunity.² One of the victims was Wali Khan Babar, a young television reporter, who was gunned down on the streets of Karachi in January 2011. Babar had been reporting on crime and corruption for the popular

television news channel GEO TV news. His work put him at odds with the Muttahida Qaumi Movement (MQM), a political party that wielded immense power in Karachi at the time. Investigations into the killing of journalists in Pakistan have rarely progressed past an initial phase. In Babar's case, at least five people connected to the investigation of the crime were murdered, including an eyewitness and two policemen.

12. Babar's case, however, proved to be an example not of how to subvert justice but of how to advance it despite seemingly insurmountable obstacles. National and international pressure mounted over Babar's case. His colleagues at GEO TV kept a steady media spotlight on the investigation and prosecution, while Pakistan's press freedom groups campaigned vigorously for justice. International freedom of expression groups echoed their message. In 2012, Pakistan was chosen as a focus country of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity.³ In 2013, CPJ published a detailed report on impunity in Pakistan that highlighting the failure of the investigation in the Babar killing.

13. The immense pressure surrounding the case led the government to relocate the trial from Karachi to another district, where the MQM had less reach. Then, on March 1, 2014, six men were convicted. Four were given life sentences, and two suspects who were at large were sentenced to death in absentia. It was the first local journalist's murder in Pakistan to see justice. The convictions in the Babar killing suggest that the cycle of impunity can be disrupted, even in one of the most hostile of media environments. It starts with detecting and documenting the pattern of killing and speaking out.

Setting global standards: the need for state action

14. In this fight against impunity, it was not altogether surprising that the NGO community and media were committed, since journalists in all regions suffered from this common problem. But what moved the ball forward was the extent to which intergovernmental bodies took up the issue. A pivotal point in the adoption of impunity into the international agenda was the adoption of the UN Plan of Action for the Safety of Journalists and the Issue of Impunity in 2012, following an initiative by the United Nations Educational, Scientific and Cultural Organization (UNESCO).

15. In 2012, the UN Human Rights Committee, a body of legal experts, issued General Comment no. 34 on Article 19 of the International Covenant on Civil and Political Rights, identifying

prosecution following attacks against journalists as a fundamental step to upholding the right to freedom of expression. All attacks against those who practice freedom of expression should be “vigorously investigated in a timely fashion, and the perpetrators prosecuted,” the comment reads. Several other key instruments and actions at the UN level followed.

16. In less than a decade, what had started out as a series of disconnected, nationally focused efforts had become an international, UN-backed campaign. Most of the UN resolutions and proclamations make a case that press freedom is a keystone to other global objectives. A free press facilitates transparency and the free flow of information for development. The expression of diverse views bolsters peace building and the exposure of human rights violations, government corruption, and crime. The consensus that combating impunity is critical to promoting the essential work of journalists has situated the issue within broader global objectives. In fact, that very element is enshrined in the inclusion of press freedom in the Sustainable Development Goals, a comprehensive agenda adopted by over 190 countries to pursue a better future by 2030.

17. Creating change on a national level has been far more complex and fraught than winning international attention. Political will to aggressively tackle impunity is generally weak. Meanwhile, the Impunity Index has served as an effective naming and shaming tool. Some of the countries that appeared on the first edition of the index in 2008 remain mired in conflict, including Iraq and Somalia. At the same time, impunity in countries that are not at war and that moreover have robust democracies has remained deeply entrenched. Examples include Mexico, India, Brazil, and of course, the Philippines. For these governments, appearing in an index alongside conflict-ravaged states is an embarrassment. On more than one occasion, the index has elicited high-level public statements claiming that CPJ has distorted its findings. As in the Philippines, the transparent and clear methodology has allowed CPJ to push against such claims.

18. Since CPJ first began publishing the index, eleven repeat offender countries—meaning countries that CPJ identified as sustaining among the highest levels of impunity worldwide over time—prosecuted one or more suspects in at least one case, an indication that international pressure has brought some change. Year on year, changes in the index are not dramatic, but over time it conveys an important narrative. The countries that have deteriorated the most are Mexico and Somalia.

19. The most extreme positive shift is Colombia, which has gone from being among the worst countries in the world for impunity to falling off the index altogether. Colombia's "progress" is representative of the issue's many complexities. While the government did successfully convict the perpetrators in a small number of cases, its overall record of addressing impunity is poor. The improvement in Colombia's standing on the index is derived from a decline in new journalist murder cases over the past ten years, attributable to the end of the decades-long conflict and the implementation of a national protection mechanism. Another, more worrying factor behind Colombia's data is self-censorship, which essentially means that because of violence, journalists are not pursuing dangerous but vital stories.

20. In some countries, governments have employed measures such as the establishment of special prosecutors, task forces, and commissions in response to pressure from media and freedom of expression groups. Where impunity is fed by corruption, collusion, or a lack of resources on the part of local and provincial authorities, bringing in teams from the capital can be effective. Brazil mobilized a federal task force whose work led to the conviction of a suspect in the murders of journalist Rodrigo Neto and photographer Walgney Assis de Carvalho. For the most part, the results of these considerable political efforts have been largely disappointing. FEADLE, as Mexico's special prosecutor's office is known, has a miserable record. Mexico remains one of the most dangerous places in the world to be a journalist, with fifty-six journalists murdered because of their work and an additional seventy-six killings in which the motive is so far unconfirmed by CPJ. Nearly all the murders were carried out with full or partial impunity.

21. There is a growing body of international documents, including a UN General Assembly consensual resolution, soft law, and court decisions. More importantly, state behavior is also showing signs of being influenced, with the establishment of mechanisms, legislation, and even a rise in convictions. Nonetheless, impunity is still an unknown or downplayed problem in too many quarters. On the ground, progress toward justice is slow and uneven.

22. There are a number of ways in which local and national authorities can ensure they deliver justice when journalists are murdered. First, they must have the necessary independence to conduct investigations, and adequate resources to do so. Political leaders should publicly support investigations and speak out about threats to press freedom. CPJ has observed that this

kind of high-level political support can dramatically improve the atmosphere for an independent investigation.

23. Where appropriate, governments should recognize and expedite the transfer of cases to regional or national authorities which may have more resources and greater independence. Witness protection is important not only for the integrity of the process but also in sending the message that the case is being investigated and prosecuted aggressively.

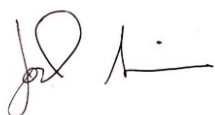
24. In order to signal their commitment to fighting impunity, governments should consider creating independent panels to review unsolved cases, scrutinize investigations, and make recommendations. The makeup and conclusions of the panel should be transparent. Governments should provide detailed reports 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.

25. On the global level, intergovernmental bodies and agencies -- from the United Nations system to the multilateral banks - should recognize the fundamental role of press freedom in our world, including the vital role that journalists played during the COVID-19 pandemic. Reducing the rate of impunity is critical to safeguarding press freedom, but progress is only possible in states with a functioning judicial system. This is why mediators should insist that the safety of journalists be included in peace talks or in discussions with extremist groups in power, such as the Taliban in Afghanistan, where the prospect of justice for the 17 journalists killed in the last 10 years has moved further out of reach.

I confirm that the facts stated in this witness statement are true.

Date and Place: October 30, 2021
 New York City

Name witness and signature:
Joel Simon



The People's Tribunal
on the Murder of Journalists.

[A Safer World For The Truth](#)

ANNEXES:

Annex 1: Committee to Protect Journalists, 2021 Global Impunity Index, <https://cpj.org/reports/2021/10/killers-of-journalists-still-get-away-with-murder/>
Simon, Joel. "Defending Vanguard Journalists." *Media Capture: How Money, Digital Platforms, and Governments Control the News*, edited by Anya Schiffrin. Columbia University Press, 2021.

Annex 2: Simon, Joel and Witchel, Elisabeth. "Globalizing the Battle Against Impunity." *Regardless of Frontiers: Global Freedom of Expression in a Troubled*, edited by Lee C. Bollinger and Agnes Callamard. Columbia University Press, 2021
Rubin, Elizabeth. *Roots of Impunity*, Committee to Protect Journalists, 2013. <https://cpj.org/reports/2013/05/pakistan-roots-impunity/>

Annex 3: *No Excuse: Mexico Must Break Cycle of Impunity in Journalists' Murders*. Committee to Protect Journalists, 2017. <https://cpj.org/reports/2017/05/no-excuse-mexico-impunity-journalist-murder/>

Annex 4: *The Road to Justice*. Committee to Protect Journalists, 2014. <https://cpj.org/reports/2014/10/the-road-to-justice-killing-journalists-impunity/>

Annex 5: *Halftime for the Brazilian Press*. Committee to Protect Journalists, 2014. <https://cpj.org/reports/2014/05/halftime-for-brazilian-press-censorship-violence/>

Annex 6: *Anatomy of Injustice: The Unsolved Killings of Journalists in Russia*. Committee to Protect Journalists, 2015. <https://cpj.org/reports/2009/09/anatomy-injustice-russian-journalist-killings/>