

# Permanent Peoples' Tribunal



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## Session on the murder of journalists

# Judgment

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*Members of the panel of judges physically present at the opening hearing of the Tribunal on 2 November 2021. From left to right: judges Eduardo Bertoní, Marcela Turati, Marina Forti, Philippe Texier, and on behalf of the PPT, Gianni Tognoni and Simona Fraudataro.*

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# 1. Introduction

## The proceedings

In accordance with the functions expressed in its Statute (Annex 1), the Permanent Peoples' Tribunal (PPT) accepted in November 2020 a request to open a procedure to investigate the murder of journalists in relation to their work, as ultimate consequence of violent attacks and other attempts at silencing their voices (Annex 2). This request was transmitted by the press freedom organisations Free Press Unlimited, Committee to Protect Journalists and Reporters Without Borders, in cooperation with the Syrian Center for Media and Freedom of Expression and the Center for Justice and Accountability.

Due to the complexity of the issues expressed in the request and the subsequent indictment submitted to this Tribunal on September 2021 (Annex 3) and notified to the authorities on October of the same year, the session was articulated in an opening event held in The Hague on 2 November 2021 (Annex 5) and in three thematic hearings dedicated respectively to three national cases identified and selected as representative of the global scenario of human rights violations and impunity in which many journalists around the world operate: Mexico, Sri Lanka and Syria (Annex 6, 7 and 8).

Unlike the opening session, which was dedicated to reconstructing the systemic nature of the problem of impunity in multiple geographic areas, the three thematic hearings illustrated the specificities of the individual national contexts selected, on the basis of oral and written evidence that also included the circumstances in which three journalists lost their lives as a result of their work. These were, Miguel Ángel López Velasco from Mexico, Lasantha Wickrematunge from Sri Lanka and Nabil Walid Al-Sharbaji from Syria.

The events are united, according to the indictment, by a "continued impunity, without concrete perspective for justice in the country in question" (Indictment, p. 6). They are also, according to the indictment, "reflective of a wider pattern of violence against journalists in these contexts, and illustrate the ways in which these States, by act or omission, fail to honour their obligations under international human rights law" (Indictment, p. 6).

The three hearings were held, on 26-27 April 2022 in Mexico City, and for the Sri Lanka and Syria cases, on 12-13 May 2022 and 16-17 May 2022 in The Hague.

During the preparatory phase preceding the organisation of the hearings, the Tribunal acquired from the requesting organisations extensive, complete and detailed evidentiary material in support of the accusation. It also considered a substantial amount of other written material on each of the countries (Annex 4).

As required by the Statute, the General Secretariat of the PPT invited the three States to exercise their rights of defence during the public hearings. It should be noted that none of them responded either to the notification of the opening of the Tribunal or to the subsequent invitation to appear at the hearings in accordance with the scheduled time for the defence.



The panel of judges, convened by the PPT President and the PPT Secretary General, was (in alphabetical order): **Eduardo Bertoni** (Argentina), former Special Rapporteur for Freedom of Expression, Inter-American Commission on Human Rights; **Gill H. Boehringer**, (Australia) former Dean and currently Honorary Senior Research Fellow at the School of Law, Macquarie University, Sydney; **Marina Forti** (Italy), independent journalist; **Mariarosaria Guglielmi** (Italy), Magistrate, Vice President of Medel (Magistrats Européens pour la Démocratie et Libertés); **Helen Jarvis** (Australia-Cambodia), former head of the Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia (ECCC) and Vice-President of the Permanent Peoples' Tribunal; **Nello Rossi** (Italy), former judge of the Supreme Court of Cassation, Criminal Section, and Vice-President of the Permanent Peoples' Tribunal; **Kalpana Sharma** (India), independent journalist; **Philippe Texier** (France), former magistrate of the French Court of Cassation and President of the Permanent Peoples' Tribunal; and **Marcela Turati Muñoz** (Mexico), independent journalist.

The summary of the judgment of this Tribunal was delivered in The Hague on 19 September 2022 (Annex 9).



*The judges participating in this session of the PPT at the Syria case hearing. From left to right “Judges Nello Rossi, Marina Forti, Marcela Turati, Helen Jarvis, Philippe Texier, prosecutors (not part of the panel of judges) Almudena Bernabeu and Joanna Frivet, judge Kalpana Sharma, Secretary-General of the PPT Gianni Tognoni and Simona Fraudatario on behalf of the PPT, and judge Eduardo Bertoni.*



*The panel of judges at the Sri Lanka hearing, with judge Mariarosaria Guglielmi on the outer left.*



*Judge Gill Boehringer, who participated in the hearings remotely.*

## Competence of the PPT

The Permanent Peoples' Tribunal is an international opinion tribunal, established in 1979 and based in Rome. Its main functions, according to its 2018 Statute, are to be:

- a tribune of visibility, of the right to speak, of the affirmation of the rights of peoples exposed to severe and systematic violations by public and private actors, at national and international levels, who have no possibility of referring and having access to competent organs of the organised international community;
- an instrument of explication and verification of the existence, the severity, the responsibilities, and impunity of the concrete violations, as well as of the due measures of justice and reparation;
- a witness and promoter of research aimed at filling the institutional and doctrinal gaps in existing international law.<sup>1</sup>

As stated in article 12 of its Statute, “the PPT may receive requests addressed both by governments or governmental organs, as well as by groups or movements representing, at national and/or international levels, interests of communities”.<sup>2</sup> The PPT does not have the legal capacity to issue binding judgments and therefore does not have to observe internationally recognised principles applicable to criminal procedure. However, article 17 of its Statute establishes the obligation to inform “each government, authority, private group which is involved in the case shall be duly informed of the concerned accusations/indictments or investigations, and shall be given ample opportunity to take part in each stage of the procedure, through the submission of evidence and a defence”.<sup>3</sup>

## Context of the indictment

As expressed in the indictment submitted to this Tribunal, the basic reasons that led the organisations to request the intervention of the PPT lie in the “alarming number” of journalists killed because of their work, on the one hand, and in the absence of justice in almost all cases, on the other.

In support of this claim, the group of prosecutors (Appendix 10) reported that at least 1400 journalists have been killed since 1992 and that in 86% of these cases the perpetrators went unpunished.

Murders and impunity are, for the prosecutors, “the ultimate consequence of a hostile environment for press freedom, characterised by harassment, violent attacks or other attempts at silencing journalists” (Indictment, p. 4).

In particular, they considered impunity as a serious risk factor for the journalist community and for the effective functioning of democratic institutions, with repercussions on each society’s ability to benefit from freedom of information and to actively participate in the democratic life of their countries.

The emphasis placed on the phenomenon of impunity, besides being a warning sign, is in fact an element that justifies the intervention of the Tribunal itself which presents a Judgment, effectively an international opinion of note, although not legally binding. Rather, it aims to fill a legal vacuum through the voice of the victims of grave violations of human and peoples’ rights.

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1 Pemanent Peoples' Tribunal, Statute, 27 December 2018, available at: [http://permanentpeopletribunal.org/wp-content/uploads/2019/05/Statute-of-the-PPT\\_ENG\\_FINAL.pdf](http://permanentpeopletribunal.org/wp-content/uploads/2019/05/Statute-of-the-PPT_ENG_FINAL.pdf), p. 1.

2 Ibid., p. 6.

3 Ibid., p. 7.



As stated in its Statute, the function of the PPT is to be “an instrument of explication and ascertainment of the existence, gravity, responsibility and impunity of the violations committed, as well as of the measures of justice and reparation due” (PPT Statute, p. 1), in an attempt to contribute to greater public awareness on issues relevant to democracy and adequate institutional, judicial and socio-political responses to instances of human rights, peoples’ rights and environmental violations.

The attention given to impunity by this Tribunal can be traced in the entire body of jurisprudence it has produced over many years, particularly in the session on *Impunity for Crimes against Humanity in Latin America* (1989-1991).

Although related to different historical-political contexts, its considerations on the causes, mechanisms and consequences of impunity on democracy are still relevant today and for this judgment. They represent, in fact, assumptions that drive the actions of the Tribunal in its various areas of competence set out in its Statute.

It was in its 1991 judgment that the Tribunal observed that “institutionalised impunity can endanger the rights and spaces won by civil society. The more discredit is heaped on democratic governments that do not want to address the problem of impunity, the more the democratisation process stagnates, as the very ideal of democracy and social development, if not of the entire political system, of politics in general, is undermined’.

And, with regard to the families of the victims, the PPT acknowledged, at the same time, that “families are affected, not only by imposing on them a burden of suffering, but also of frustration and helplessness due to the knowledge that they have no chance of obtaining justice” (PPT, *Impunity for Crimes Against Humanity*, Judgment, Bogotá, 22-25 April 1991, p. 21).

For this session on the murder of journalists, the prosecutors asked the PPT to make an overall judgment on: “the systemic nature of and responsibilities for threats against the media, and the murder of journalists in particular; The charges of human rights violations against three States in relation to a specific case, and the wider context for journalists in which these murders took place” (Indictment, p. 5).

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## 2. General framework

### 2.1 The Tribunal's task

The Tribunal has chosen to focus its analysis on extreme cases of repression of the freedom of expression through the press and other media, carried out through a series of brutal murders of journalists in three countries, geographically distant and different from each other in economic, political and institutional terms, namely Mexico, Sri Lanka and Syria.

This task has been fulfilled with scrupulousness and rigour, by listening to testimonies, consulting experts, analyzing documents, and critically evaluating the conclusions of the prosecutor, in order to identify responsibilities, not only individual but also collective and institutional, for the murders of journalists and media workers.

The judgment therefore gives an account of the particular contexts in which the crimes against journalists were committed, of their most common methods of implementation, of the purposes of intimidation and silencing pursued, and of the interests that have oriented and armed the hand of the perpetrators.

The fundamental aspect addressed is the systematic impunity enjoyed by those who ordered and carried out the acts of killing and the climate of generalized repression and terror in which journalists and media workers are forced to work in those countries.

At the same time, the Tribunal is aware that the cases it examined are only some of the most extreme and bloodiest manifestations of a vast complex of restrictions and attacks on freedom of expression and information implemented with varying degrees by centers of power operating in many other parts of the world.

In fact, its examination - although focused on the criminal events that took place in Mexico, Sri Lanka and Syria and aiming to represent faithfully the magnitude and the extraordinary gravity of these events - will attempt to draw, from the facts established and the crimes reconstructed, more general indications of the enormous impact that the denial of an effective freedom of information has on people, populations and the institutions of governance, thus also the rule of law and democratic possibilities.

Hence the need to make explicit the basic principles shared by the panel of judges, on the importance of full freedom of expression and the value of a free press:

- in modern societies in which free, accurate, pluralistic information is an essential dimension of social, economic and political life and a precondition for the democratic participation of citizens -- states cannot limit themselves to protecting freedom of information as a freedom “from” illiberal legal restrictions;
- although such “negative” freedom still constitutes the primary and intangible core of guarantee of free information, this core is equally vulnerable by norms that establish unjustified limits on information activities, and by the acts of authorities aimed at implementing forms of preventive censorship on the dissemination of news and opinions;



- in the “information society”, the “contract” that ideally binds citizens and the state --establishing the conditions of their relationship and the terms of their mutual loyalty --includes, however, a further obligation: a positive protection of information as an essential public good and as an individual right whose effective enjoyment must be guaranteed;
- all states have the legal and political obligation to adopt policies that promote and support the development of free and plural information flows with measures tailored to different local contexts;
- even where the legal framework of information is formally characterized by principles and rules ensuring freedom and pluralism, states remain in serious default with regard to their obligation of protection if they do not adopt measures adequate to counter attacks on journalists and media workers, including threats, harassment and intimidation by various means; and violence, forced disappearance and murders of those who contribute to freedom of information;
- in extreme contexts such as those analysed by the Tribunal, in which the right to information is the object of violent and bloody repression, states are obliged to assume as a priority commitment the safety and security of those who, in different capacities and professional roles, contribute to the task of communicating information.

## **2.2 Why freedom of the press is important in our collective lives**

Freedom of the press (which in this Judgment includes all forms of media) plays a decisive role in not only enhancing the quality of people’s lives but, in many cases, even their survival. Indeed, the link between freedom of information and the survival of people is evident in many areas of collective life, such as during extreme natural events; economic activities seriously damaging to the environment and collective health; failure to adopt adequate measures to protect work; cases of unjust imprisonment of citizens; forms of criminal oppression of communities in certain areas.

If risks and dangers to the quality of life of individuals and communities are not promptly described and exposed by a free press, and if the critical attention of public opinion is not drawn to harmful situations, public authorities can remain inert and indifferent, choosing not to intervene or doing so belatedly.

## **2.3 Freedom of the press is indispensable to the existence of an effective democracy**

If freedom of the press can decide the survival and more generally the quality of life of human beings, democracy also needs a free and independent press to be effective and well-functioning.

It is evident that only citizens who can receive freely and from a plurality of sources, adequate information on society, the economy, government policies and the activities of parliamentarians, are able to participate actively in public discussion and consciously exercise the rights of democracy: the right to vote, the right of assembly, the right of association, and, more generally, all the rights of political initiative and activity that have been struggled for and formally achieved by individual citizens in different states.

We concur with the assertion that democracy is “*the regime of the circulation of opinions and convictions, with mutual respect*”<sup>4</sup>, in which words are extraordinarily important. They must be the “*precise, specific, direct, non-deceptive, non-hypnotic*”<sup>5</sup> free words that only a regime of freedom and pluralism of information sources can guarantee, offering individual citizens and entire populations an effective antidote against false information and propaganda that can be spread by holders of political power, centres of economic power or nuclei of criminal power.

Therefore, without freedom of expression and freedom of the press there cannot be a true and mature democracy, and the goal of an informed, active and committed “citizenship”, which is the premise and the backbone of democracy itself, cannot be achieved.

These principles have been solemnly reaffirmed in the international Charters and Conventions that have followed one another since 1948 (year of the Universal Declaration of Human Rights) up to the present day, in which the right to freedom of opinion and expression always includes the freedom “*to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*”<sup>6</sup>

Moreover, the protection accorded to freedom of the press cannot cover “*only information and opinions that are welcomed or considered inoffensive or indifferent, but ..... also information or opinions that shock or disturb*” because “*this is required by pluralism, tolerance and the spirit of openness without which there is no democratic society.*”<sup>7</sup>

These words echo the statement of Justice Oliver Wendell Holmes of the U.S. Supreme Court, who in 1919, argued that the free market of ideas implies “*freedom of thought, not for those who share our views, but for those who profess ideas that are hateful to us*”<sup>8</sup>. Many years later, on the occasion of the rulings of 1989 and 1990 that excluded the possibility of punishing those who, in protest, had burned the American flag, another U.S. Supreme Court Justice, William Brennan, stated: “*If there is a fundamental principle in our Constitution, it is that the government cannot prohibit the ‘expression of an idea, just because society finds it offensive.’*”<sup>9</sup>

Limits on freedom of expression and of the press can only be justified if the exercise of that freedom is detrimental to other fundamental individual rights and freedoms such as honour and reputation or vital interests of the community. But in all these cases, as well as in those cases where freedom of the press is used to incite racial or religious hatred and discrimination, a balance must be struck between conflicting rights and interests and freedom of the press.

In short, freedom of expression is the principal safeguard of critical thought; the instrument that makes possible the correction of errors in policies harmful to the community; the guarantee of all other individual freedoms and of the effective participation of citizens without power in public life.

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4 G. Zagrebelsky, lectio magistralis, 26 March 2015, Biennale Democrazia, Turin (<http://2015.biennaledemocrazia.it/2015/07/07/generazioni-la-lectio-di-gustavo-zagrebelsky-a-bd/index.html> in Italian).

5 Ibid.

6 The Universal Declaration of Human Rights of 10 December 1948, Article 19; and notably the International Covenant on Civil and Political Rights of 16 December 1966, Article 19; the European Convention on Human Rights, Article 10 and Article 17; and the American Convention of Human Rights, Article 13.

7 The European Court of Human Rights expressed this view in two judgments in 1985 and 1986 (Lingens v. Austria 8 July 1986 and Barthold v. Federal Republic of Germany 25 March 1985).

8 In his famous dissent from the US Supreme Court decision in *Abrams v. United States* (1919).

9 In the US Supreme Court majority decision in *Texas v Johnson* (1989).

## 2.4 Safety and freedom for journalists protect all citizens

International bodies view as an essential precondition of any free and civilised coexistence and as a necessary component of a democratic regime, principles that guarantee the safety and freedom of action of journalists.

A fundamental document on this issue, the *UN Plan of Action on the safety of journalists and the issue of impunity*, drafted in 2012 and updated over the years, emphasizes: “The safety of journalists and the struggle against impunity for their killers are essential to preserve the fundamental right to freedom of expression, guaranteed by Article 19 of the Universal Declaration of Human Rights. Freedom of expression is an individual right, for which no one should be killed, but it is also a collective right, which empowers populations through facilitating dialogue, participation and democracy, and thereby makes autonomous and sustainable development possible.”<sup>10</sup>

The document adds, “In a climate where journalists are safe, citizens find it easier to access quality information and many objectives become possible as a result: democratic governance and poverty reduction; conservation of the environment; gender equality and the empowerment of women; justice and a culture of human rights, to name a few. Hence, while the problem of impunity is not restricted to the failure to investigate the murders of journalists and media workers, the curtailment of their expression deprives society as a whole of their journalistic contribution and results in a wider impact on press freedom where a climate of intimidation and violence leads to self-censorship. In such a climate, societies suffer because they lack the information needed to fully realize their potential.”<sup>11</sup>

The European Union has also recently felt the need to sound an alarm about the safety of journalists. In principle, the European Commission recalled “the obligation of the EU and its Member States to respect media freedom and pluralism is .... grounded in Article 11 of the Charter of Fundamental Rights of the European Union (‘the Charter’). The right to freedom of expression, enshrined in the same Article, includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. Taken together, these principles and rights mean that citizens should be able to access a plurality of sources of information and opinions thereby permitting them to form opinions, scrutinise governments and obtain the necessary information to freely exercise their right to vote. Member States have a responsibility to provide for an enabling environment for the media and journalists through legal, administrative and practical measures.”

Asserting that “[t]he EU is widely considered to be one of the safest spaces for journalists and other media professionals”, the Commission noted that “the growing number of physical, legal and online threats to and attacks on journalists and other media professionals over the past years and documented, inter alia, in the Commission’s 2020 and 2021 Rule of Law Reports constitute a worrying trend. The number of alerts related to attacks, aggression and harassment against journalists and other media professionals in EU Member States continued to increase. The terrorist attack against weekly *Charlie Hebdo* killing 12 people in 2015 in France, the assassinations of investigative journalists Daphne Caruana Galizia in 2017 in Malta, Ján Kuciak and his fiancée Martina Kušnírová in 2018 in Slovakia, have been a stark call to improve the protection of journalists- The need to address the safety of journalists across the EU has been highlighted further by recent cases currently under investigation, such as the murders of Greek journalist Giorgios Karaivaz and Dutch journalist Peter R. de Vries in 2021.”<sup>12</sup>

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<sup>10</sup> United Nations, UN Plan of action for the safety of journalists and the issue of impunity, CI-12/CONF.202/6.

<sup>11</sup> Ibid.

<sup>12</sup> Brussels, 16.9.2021 C (2021) 6650 final Commission Recommendation of 16 September 2021, on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union.

Moreover, the Inter-American Court of Human Rights, in a recent landmark decision emphasized that freedom of expression, particularly in matters of public interest, “is a cornerstone of the very existence of a democratic society.” Without an effective guarantee of freedom of expression, the democratic system is weakened and there is a breakdown of pluralism and tolerance; the mechanisms of control and complaint that citizens have may become inoperable and, indeed, a fertile ground is created for authoritarian systems to take root. Likewise, the Court’s case law has addressed this impact on the victims of violence and on other journalists who could reasonably fear that this type of human rights violation will be repeated and, as a consequence, self-censor their work.”<sup>13</sup>

Furthermore, the ongoing war in Ukraine opens another dramatic chapter on the situation of journalists in Europe. Today, in the heart of Europe, we are witnessing a repetition of situations that have unfortunately occurred in many other war zones, where journalists, often young freelancers, have worked at their own risk without adequate protection and have fallen victim to the violence of war or atrocious reprisals.

The associations dealing with conflict journalism recall that freedom of the press is only guaranteed internationally in a relatively small number of countries and that in many states in Africa, Latin America and South-East Asia, this freedom is compromised by attacks by local powerful people or mafia bosses.

With specific reference to war and conflicts: “Journalists working in war theatres often find it impossible to carry out their work because of the laws of sovereigns and dictators who push them, with threats or intimidation, not to spread news, forcing them, therefore, to self-censorship”, remembering the many brave journalists of “every” nationality killed in the performance of their work even in wars forgotten or ignored by the Western media (ISF, Information Without Borders).

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13 Case of *Bedoya Lima et al. v Colombia* Judgment of 26 August 2021. (Merits, reparations and costs)

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### 3. The opening session

On the occasion of the UN International Day to End Impunity for Crimes against Journalists, celebrated on 2 November, this 51<sup>st</sup> Session of the Permanent Peoples' Tribunal opened with a hearing attended by the representatives of the promoting organisations, in the persons of Leon Willems, at the time Director of Policy and Programmes of Free Press Unlimited; Baroness Helena Kennedy of the Shaws QC, member of the High Level Panel of Legal Experts on Media Freedom; Christophe Deloire, Secretary General of Reporters Without Borders; Joel Simon executive director of the Committee to Protect Journalists; and Almudena Bernabeu, Lead Prosecutor for this PPT session, and by 13 oral witnesses and experts who gave testimonies on different aspects of the phenomenon under consideration. In addition to oral testimonies, the Tribunal acquired written documentation on the testimonies of Gert Kuiper and Haydee Dijkstal concerning the the cases of Jan Kuiper and Yama Siawash.

The Opening Session heard cases of threats against journalists, starting with the testimony of Nobel Peace Prize winner Maria Ressa<sup>14</sup>, President of Rappler, a Philippine online news website, who reported to this Tribunal several episodes of digital defamation that involved her personally and which she placed in the context of the authoritarianism, violence and generalised impunity that characterises the nature of the current government in the Philippines. For this Nobel laureate, digital violence is one of the many manifestations of the weakness of democracy, which “dies by a thousand cuts”, and is one of the myriad ways by which access to independent facts and information is hindered.

The breadth of this horrendous crime was illustrated by testimony from a range of completely different contexts. Pavla Holcová, investigative journalist and regional editor for Central Europe at the Organized Crime and Corruption Reporting Project, and Jeroen Akkermans, correspondent in Germany for RLT Nieuws, reconstructed the obstacles they continue to face in recognising the perpetrators of the murders of fellow colleagues Ján Kuciak and Stan Storimans, which occurred, in the first case, as a result of investigations into the corruption system in Slovakia and, in the second, in the context of Russia's invasion of Georgia in 2008. In particular, in this second case, neither the European Court of Human Rights (the Strasbourg Court) nor the International Criminal Court offered comprehensive answers nor recognised or sanctioned those responsible for a murder that took place in a context of war, setting a precedent that may have deleterious consequences for other future cases.

Along the same lines, human rights jurist Karinna Moskalenko testified about her experience in the case of the murders of Anna Politkovskaya, Dmitry Kholodov and Yuri Shcjekochikhin, who were killed under different times and circumstances for their work in exposing political and institutional corruption in Russia. The three cases, according to the expert witness, demonstrate the existence of a pattern with respect to the commission of the crime and the manner of its denial by the Russian authorities. As the Strasbourg Court has recognised in the case of Anna Politkovskaya, State investigators did not collect evidence and information according to proper procedure.

The PPT also acquired the testimony of Matthew Caruana Galizia, son of the Maltese journalist Daphne Caruana who was killed in October 2017, after the publication of information about high-level corruption in the country, exemplifying the obstacles, delays in the investigation and complicity of government officials in covering up the murder, involving the potential loss of evidence noted in so many of the other cases heard by this Tribunal.

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14 On 29 September 2022, subsequent to her testimony to this Tribunal, Maria Ressa was also named a recipient of the Clooney Foundation for Justice's inaugural Albie Awards, an honour that recognises “courageous defenders of justice” whose jobs place them at risk.



Hatice Cengiz, the widow of Washington Post columnist Jamal Khashoggi, who was killed inside the Saudi consulate in Istanbul in October 2018, testified to the many efforts made to detain those responsible, in particular the Saudi crown prince. The Turkish authorities have severely delayed proceedings, while other regional and international institutions have failed to take steps to obtain justice for this murder.

Subsequent depositions before this Tribunal, including those of Irene Khan, United Nations Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; Christophe Deloire, Secretary General of Reporters Without Borders; Joel Simon, Executive Director of the Committee to Protect Journalists; and Fatou Jagne Senghore, Regional Director for West Africa of Article 19, illustrated the global trends, causes and consequences of impunity for the murders of journalists.

In addition, Raissa Carillo, Legal Director of the Fundación para la Libertad de Prensa in Colombia; Nadim Houry, Executive Director of the Arab Reform Initiative; and Caoilfhionn Gallagher QC, lawyer at Doughty Street Chambers, delved into the legal obstacles to justice for journalists killed in retaliation for their work, with reference to some national scenarios in Asia, Africa and Latin America.

Although war zones, such as Afghanistan and Syria, remain the most dangerous for journalists, the expert witnesses agreed that other countries can also be deadly for journalists. Mexico, India and the Philippines are, according to the most recent figures presented to this Tribunal, countries where journalists are most at risk.

The World Press Freedom Index's indicator on abuses against journalists, which takes into account not only the number of attacks but also their severity, shows a 17% worsening of the situation in the world in 2020 compared to the previous year.

Regarding the impossibility of defining the exact figure for impunity, which varies from 86% to 90% depending on the sources used, witnesses reported the same reality: the criminal, civil or administrative responsibility of the perpetrators of murders against journalists is almost never questioned or sanctioned.

In addition to this, state responsibility for failure to respect and protect press freedom and journalists is hardly ever sanctioned and when judgments are delivered, they are not implemented.

The causes indicated by the witnesses were diversified and linked to the specific local and national contexts of reference. Here too, however, patterns can be identified: failed states, lack of independence of the judiciary, corruption, lack of ability and familiarity with the standards of protection and investigation of crimes against journalists, lack of unified information systems, lack of coordination between prosecutors, gaps between local and national authorities, and most frequently, lack of political will to investigate and prosecute. Collusion of the authorities with organised crime or armed groups can be also considered a widespread phenomenon.

Such a scenario helps to explain the starkly evident insufficient functioning of the mechanisms promoted at regional and international level, which have manifestly failed to wipe out the scourge that forms the subject jurisdiction of this Tribunal, and which are addressed further in its Judgment and Recommendations.



Secretary General Deloire declared in the Opening Session: “The claim for justice must change from declaration to implementation of international law in protection and safety of journalists”.

While it is true that numerous steps have been taken to ensure justice by regional and international institutions, as well as by some countries, it has also been shown that the growing body of international documents, soft law and court decisions are not effective at a practical level to overcome the main obstacle to the protection of journalists: the lack of political will to end impunity. Unfortunately, in many different national contexts, “impunity remains the rule”.

Action by the citizenry must be taken at the local level for this to change.

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## 4. The three cases subject to the tribunal's judgment

In the three countries addressed during the proceedings of the People's Permanent Tribunal - Mexico, Sri Lanka, and Syria - violence against defenceless journalists is a worrying trend and a chilling and systematic reality.

As mentioned at the outset, the three countries in question represent extreme cases of bloody repression, which must certainly be denounced more forcefully than hitherto, at the same time as being carefully analysed in terms of their causes and forms of implementation. Such denunciation and analysis, however, are not enough. The cases we have examined show that little is being done to determine individual, collective, and institutional responsibilities for this terrible phenomenon.

The Tribunal's commitment is to identify -- in the various contexts under investigation -- the forces (despotic regimes, economic potentates, criminal powers) interested in opposing and repressing freedom of information and suppressing journalists, to reconstruct the dynamics of the crimes and their constants, and to probe the causes of the impunity enjoyed by the authors of the murders and their principals.

The aim of this session of the Permanent People's Tribunal has been to observe the particularities and variables of the various situations, to grasp the constants of the violence perpetrated against journalists and media workers and to highlight the origins, manifestations and root causes of intolerance, repression, and their physical elimination.

Apart from this, there remain other important elements of the overall picture to be analysed: the legal regulation of the media; restrictions imposed directly or indirectly by governments or corporate interests; excessive and ill-considered criticism of the function of the media by holders of political power and other actors, which lead to the labelling of journalists as 'enemies'; the degree of protection afforded by law; the level of protection given to journalists by the media; as well as the degree of protection given by the state and civil society to journalists and their families.

The three cases that the Tribunal examined in detail were of the murder of Miguel Ángel López Velasco from Veracruz, Mexico on 20 June 2011, Lasantha Wickrematunge from Sri Lanka on 8 January 2009, and Nabil Walid Al-Sharbaji from Syria on 25 May 2015.

A note on methodology:

Before considering the three cases referred to the Tribunal, we wish to note that the numbers of journalists killed are recorded differently by different organisations. Some limit their count to those who are formally registered or employed as journalists full-time, others include those who work for established media houses in other capacities such as photographer or editor, while more rarely counted are those, sometimes called "citizen journalists", who are not professionally trained but take part in the communication of information through the various forms of media that exist today. Also, some organisations apply strictly the criterion that the death must be clearly established as work-related, while others, recognizing that investigations are often non-existent or inadequate, and convictions rare, apply a presumption that the killing was work-related. Taking all these factors into account, the reported figures must be regarded generally as understating the real numbers killed, possibly to a significant extent in some situations.

## 4.1 Mexico



*Miguel Angel López Velasco and Misael López Solana, father and son in the newsroom of the Newspaper Notiver in the 1990s. (Photo: Félix Márquez)*



*Miguel and Agustina López Velasco, photo shared by family members.*



*Mexican States referenced in this chapter in relation to cases of journalists murdered in reprisal for their work*



## **Mexico: Between Corruption and Impunity**

For more than 70 years, Mexico's national government was dominated by the Institutional Revolutionary Party, or PRI. Once described as "the perfect dictatorship," the president maintained strong control over the entire political system—the executive, judicial and legislative branches of government—and used the full state apparatus, with violence, coercion and vote buying to guarantee the PRI candidate's victory in every presidential race.

In the July 2000 presidential election, Vicente Fox became the first president to come from an opposition party, the National Action Party, or PAN. Felipe Calderón, also from the PAN, succeeded Fox in 2006, coming to power via a highly questioned election and facing major protests in the nation's capital. Days after his inauguration on 1 December 2006, Calderón launched his "war on drugs"—which would be co-financed by the United States—and initiated a new security strategy that involved sending the army to violent regions supposedly to fight drug cartels. This strategy plunged the country into violence and combat for territorial control.

Since that day, Mexico has lived in a state of generalised violence manifested in the hundreds of massacres, disappearances, discoveries of hidden mass graves, forced displacements of entire populations and both large and small-scale extortions. These and other crimes and human rights violations all sky-rocketed due to multiple causes, including the militarisation strategy that led to numerous and fragmented armed organisations as well as criminal governance and corruption and complicity between criminal and governmental structures. Impunity has been a constant.

The 2012 presidential election of Enrique Peña Nieto of the PRI did not significantly influence the general climate of turmoil. Instead, the spiral of violence and impunity continued. The current government of Andrés Manuel López Obrador, a president who rode the wave of a popular movement and declares himself to be a 'leftist', stopped pursuing the proclaimed direct combat against drug cartels while deepening the police functions granted to the armed forces. And the violence, in all its most varied expressions, continues increasing and, in some areas, keeps breaking records.

From 2006 to the present, far from reducing the number of criminal groups, new groups have appeared fighting for territorial control and expanding the regions in which they operate, turning portions of the country into lawless enclaves. Over this same time period, information has become public indicating that former state secretaries in charge of public security, including a former secretary of defence, as well as governors, judges, legislators and public officials, all worked for organised crime while pretending to fight against it.

In the context of this violence and generalised corruption with distinct armies struggling for territorial control, the Mexican press has been one of the main victims, as evidenced by the unceasing high number of journalist murders.



## The Mexican Press: In the Crossfire

Between 2000 and 2022, 156 journalists<sup>15</sup>, including twelve women, were murdered in Mexico “possibly in relation to their reporting.” Forty-eight of these murders happened during Calderón’s presidency, 47 during Peña Nieto’s and 36 during the first four years of the current López Obrador administration.<sup>16</sup>

Over the last decade, Mexico has led the list of most dangerous countries for journalists, in the majority of the international free press organisations’ indexes, with numbers of murdered journalists surpassing those of countries where there are declared wars taking place, such as Syria, Iraq, and Afghanistan. Until September 2022, the Mexican numbers exceed even the murders of journalists in Ukraine.

Journalists have been murdered in 25 of the 32 states that make up the Mexican nation. And while Mexico City is typically thought of as an oasis from the violence, two journalists have been murdered there in this period. But it is true that most victims tend to live outside of the large capital cities. They are mostly killed with firearms, intercepted as they carry out routine tasks, leave their homes or their offices or are en route between the two. Although all the murders do not share a single common trait, many of the victims covered police, crime, corruption, or politics beats. Many of these killings take place in a context of extreme violence in the different states, both when different armed groups dispute territorial control, or when one group exercises absolute control.

In many cases, federal or local governments react with the same pattern: declaring, even before starting the investigation, that the killings are not related to the profession of the victim.

There is a false belief that the drug cartels are responsible for the risks and threats that Mexican journalists face. The international organisation Article 19, however, has documented for several years in its annual report that half of the threats against journalists come from public officials; the most recent Internal Minister’s annual report confirmed the same information.<sup>17</sup> The Committee for the Protection of Journalists (CPJ) ranks Mexico amongst the countries with the highest rates of impunity due to the minimal, almost non-existent, efforts to pursue and punish the crimes. The country occupies the sixth place globally for impunity and it has the highest number of journalist murders in the Western Hemisphere.

“Collusion between officials and organized crime poses a grave threat to journalists’ safety and cripples the judicial system at all levels. Journalists who cover sensitive political stories or crime, especially at the local level, are warned, threatened and then often gunned down in cold blood. Others are abducted and never seen again, or they flee abroad as the only way to ensure their survival”, indicates Reporters Without Borders (RSF).

The catalogue of crimes against the press is thick. The number of murders is not the only alarming statistic: from 2003 to the present, 29 journalists, including four women, have been forcibly disappeared; 40 armed attacks against media newsrooms have been registered.

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<sup>15</sup> <https://articulo19.org/periodistasasesinados/> For the names of those journalists killed, see Annex III below.

<sup>16</sup> A report delivered to the UN forced displacement rapporteurship by five organisations dedicated to press freedom, indicates that at least 58 journalists have been murdered as of 2018, during the current government, for various reasons.

<sup>17</sup> [https://www.gob.mx/cms/uploads/attachment/file/644669/2021\\_04\\_Informe\\_estadistico.pdf](https://www.gob.mx/cms/uploads/attachment/file/644669/2021_04_Informe_estadistico.pdf)

In 2021 an average of one journalist was documented as being attacked for their work every 14 hours. Cyclical waves of journalists have been forcibly displaced from their hometowns, fleeing to other cities across Mexico to save their lives. It was estimated that between 2010<sup>18</sup> and 2017, at least 13 journalists had to leave the country to protect their lives to go into exile in United States, Canada, Europe or elsewhere in South America. During the current government at least 32 other journalists<sup>19</sup> have been displaced. Often these journalists are also forced to abandon their profession.

Legal cases against journalists have also increased. Mexico is one of the countries with the highest number of journalists (at least 25) to be targeted by different federal government agencies, with “Pegasus” spyware -developed by the Israeli company NSO group-, during the Peña Nieto administration. The spyware was supposedly intended to aid in combating criminal groups. Although the focus has been on this one brand, organisations have indicated that many more brands and suppliers are used by different governmental agencies, local and federal.

The difficulties journalists face are not limited to finding themselves in the crossfire between various criminal groups and political interests. The lack of regulation governing state advertising leads media business owners to censor their reporters in order to gain access to the public funds allocated for state advertising. This takes place in a profession where precarious employment and wages are the norm and few professionals make living wages with benefits. According to RSF, “Mexico is one of the countries with the highest media concentrations in the world, and entry to the broadcasting sector by smaller, independent media outlets is extremely difficult.”

On 26-27 April 2022, the Permanent Peoples’ Tribunal carried out hearings, following security protocols, in Mexico City. Eleven Mexican journalists who had either been threatened or whose colleagues had been murdered, four family members of murdered journalists, several academic experts, a former public prosecutor for crimes against journalists, and five representatives of freedom of expression and journalism defence organizations all gave testimony at the hearings.

During those two days in late April, we were provided with a national overview of the context of impunity as well as, from his family, the facts of the murder of the Veracruz columnist, Miguel Ángel López Velasco.

## **Milo Vela: Vulnerable and Forgotten**

Of the 154 reported to have been killed possibly in relation to their work, Veracruz is the deadliest state for the press: 31 journalists have been killed there and four disappeared.

Veracruz’s vast territory extends along the Gulf of Mexico. With 8 million inhabitants, it is the fourth most populous state in the country. Although the murders began during previous governments, they were especially pronounced during the PRI government of Javier Duarte, which began in December 2010 and ended in October 2016. During that period 18 journalists were murdered, three disappeared, and dozens more abandoned their profession, took refuge in other states, or went into exile. More than ten percent of the murders lamented across all of Mexico occurred in Veracruz in that time period.

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18 According to Reporters Without Borders (RSF), in Mexico the first records of displaced journalists were in 2010 with at least 10 cases.

19 According to Article 19.

On June 20, 2011, the *Notiver* journalist and columnist, Miguel Ángel López Velasco, his wife Agustina Solana, and his son Misael López Solana, a photographer for the same company, were all murdered at their home in the city of Veracruz. López Velasco was known in the guild as “Milo Vela,” the pseudonym with which he signed his famous column on politics, crime, corruption and other events in the state. The murder of Milo Vela and his family members is considered a turning point for the entire guild at a time of territorial dispute in Veracruz and a message of what was coming for reporters there and across the country.

Milo Vela was not just any journalist: he was famous across the state and was considered a mentor for young people who were starting out in the trade. He was “a school in and of himself”, one witness would say. He was an influential journalist in a leading media outlet in the state, with a critical, courageous, and well-informed perspective. His death meant the loss of an important voice for Veracruz society and generated terror for the entire profession. His murder came at a time when the state was disputed by drug cartels, who also had the support of police forces. Veracruz then was a state that had been governed by the PRI without interruption for 88 years (the PRI lost state elections in 2016), with a political culture of caciques, authoritarianism and clientelism and where drug trafficking finances many political campaigns.

At the beginning of Felipe Calderón’s six-year term, when he declared the so-called “war against drug traffickers” the starting signal was given for the territorial dispute. At that time the group of army deserters who worked for the Gulf cartel, called the Zetas, was a hegemonic group in collusion with the authorities. It was due to the fragmentation of the groups and of “Operation Veracruz Seguro 1” (in 2008) that the pitched violence began that manifested itself in the streets with massacres, dumped bodies, the discovery of clandestine graves, and mass disappearances of people. The government applied a policy of silence that controlled journalists through terror tactics.

“An attempt was made to silence information within the state apparatus, so that it would not be talked about, although we the population were living through [the violence],” said Veracruz media expert Celia Del Palacio, during her testimony. “Journalists were trapped covering a war as if it were the ‘the crime beat’, as before. It caught them off guard; they didn’t know how to cover it. The employers, for the most part, did not protect their workers, their journalists. When reporters were threatened, their media outlets cast them aside (...); they wanted to continue receiving benefits, but now the actors were from organised crime, who asked them to report their activities or not.”

It had been known since 2007 that Milo Vela had been the target of threats. That year a human head appeared outside *Notiver* with a threat: “We are leaving you a present here (...) Heads are going to roll. Milo Vela knows it and many others know it too.” Later in a ‘narcovideo,’ posted on Youtube, he was accused along with his colleague Yolanda Ordaz of receiving money from the Zetas. The threat’s authors called themselves the Matazetas (Zetakillers), and later became known as Cartel Jalisco Nueva Generación (Jalisco New Generation Cartel).

No police actions were taken in this case where these facts—Milo Vela’s abduction, interrogation and the threats made against him—should have been investigated. No one was called to testify. On 20 June 2011, three armed men entered his house and shot at him and his family with various weapons. At least 30 shell casings were found at the scene. The bodies also showed extreme violence

After Milo Vela's murder, all Veracruz newsrooms softened the tone of their crime beat coverage. Reporters stopped covering many crimes altogether. Most of the local media outlets were 'bought off' with government publicity in order to keep silent about the violence. It was an exemplary message for the rest of the journalists in the state. Journalists had to self-censor in order to stay alive, and forget about looking for exclusives.<sup>20</sup>

The same model of control exercised in Tamaulipas was implemented in Veracruz. Journalist Martha Olivia López Medellín received a threat in 2011 from Los Zetas for writing about the excesses of an officialist union leader. She told the Peoples' Tribunal that the threat said, "to stop covering the story, or else my daughter and I would be raped and murdered" She described how the exercise of control began with bribing journalists, or buying them off, and then moved on to the torture and beatings of those who published on prohibited topics, then warning messages and attacks on journalists and media outlets, such as the explosion of a car bomb outside a newspaper in retaliation for reporting on a massacre of migrants. As time went by, the pressure mechanisms became more sophisticated to the extent that the cartels gave direct orders through people, sometimes journalists, designated as 'press officers'" who gave their colleagues work orders or sent communiqués to the newsrooms ordering them to cover or not to cover news. The media outlets or individual journalists who disobeyed were punished. They suffered all this in silence, in the face of the indifference or even toleration of the practice by authorities and organisations in Mexico City.

The silencing operation was a policy promoted by both organised crime and the state government with the support of media owners who wanted to gain advertising contracts, and was further aided by the indifference of citizens.

It is in the interest of state governments, such as that of Tamaulipas, that the facts of violence go unnamed and that the homicide figures go down, López Medellín said "When they fail to silence the journalists, they kill them", as happened to Milo Vela and his family in the neighbouring state of Veracruz.

As then CPJ correspondent Mike O'Connor wrote in a 2012 report after making several investigative trips: "Veracruz is a beautiful, long, thin state on the Gulf coast of Mexico where many journalists are terrified not only of the rampant organized crime groups that kill and control, but also of the state government. Fear that state officials will order them murdered for what they investigate or write has forced about a dozen journalists to flee the state, claiming that fear also puts a clamp on coverage for those who remain."

## **The Impacts of the Multihomicide**

The crime against the López family not only inaugurated an era of terror, it was also an example of the lack of state protection that Milo suffered despite the fact that the threats he had received were public and the authorities knew about them. The case is also emblematic of the mechanisms of impunity in the cases of crimes against journalists during Duarte's administration, although these patterns still remain all around the country.

These mechanisms include the authorities' criminalisation of the people murdered, the lack of governmental investigations, the refusal to investigate journalistic work as the cause of the crime, the lack of hypotheses and inactivity in the investigations, and the designation of people linked to organised crime as the only ones responsible for the crime without investigating intellectual authorship.

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20 <https://thevestigeproject.com/sexenio-de-muerte/>

The murder opened an unrelenting streak: 10 days later, on 26 July 2011, the journalist and collaborator of Milo Vela, Yolanda Ordaz, was kidnapped and murdered. She, like Milo and his son Misael, worked for *Notiver*, a media outlet critical of Duarte and one of the few that did not bend to the rules of a government obsessed with controlling the media and advertising. All these murders remain in impunity.

“*Notiver* was one of the few media that managed to sustain itself, it was one of the few critical media... It was a newspaper that a lot of people bought. It was accused of not supporting Javier Duarte, which the director did not accept. Yolanda, Misael, Gabriel and Milo, the four murdered journalists were all from *Notiver*... After the murder, the ‘nota roja,’ or the blood-red news, was softened and became the ‘nota rosa,’ the pink news. *Notiver* and other media no longer covered all the murders and crimes. The media were all bought and put out exactly the same information”, the expert Celia del Palacio explained to the Tribunal.

“Milo was a beacon, not only for *Notiver* but also for journalism in Veracruz. There was no reason to kill him, unless you understand it as ‘clean-up operation’ meant to put fear into journalists,” said Noé Zavaleta, the former correspondent for *Proceso* magazine in Veracruz. Zavaleta said that after Milo’s murder journalists had to “sacrifice exclusives” and learn to “normalise violence.”

Photographer Félix Márques, an apprentice of Milo Vela, friend of Misael, and close to the López family, said that in order to stay alive he had to censor himself like the majority of journalists in Veracruz. Journalist Norma Trujillo told of the persecution she suffered from the government for demanding justice for her murdered colleagues.

Two other children of the murdered couple, Yasmin and Miguel Ángel, the latter also a reporter for *Notiver*, told the Tribunal about the impact of the terrible murder of their father, mother and brother, the lack of protection from the authorities, the support they received in the first moments from organisations for the protection of journalists and the life they had to follow alone, without government support and without justice.

Today, a decade later, Governor Duarte himself has been accused of threatening journalists. According to local reporters, campaigns of defamation, intimidation, terror, stigmatisation, threats, and persecution against critical journalists were orchestrated from the governor’s Social Communication Office. Although there were human rights recommendations that pointed this out at the time, nothing was done.

Today it is known that the government was criminal. Not only was there a conspiracy with the national PRI to maintain the presidency of the country and deliver public resources to the presidential campaigns, but it is also known that from the Department of Public Security death squads were activated to assassinate or disappear people<sup>21</sup>. They were especially ruthless against social movements in protest: students, teachers, peasants, journalists. The police worked like another cartel.

“The majority of the local bosses had criminal careers,” said one witness. Other murders mentioned in the trial were that of *Proceso* magazine correspondent Regina Martínez in 2012—Martínez was famous for her investigations into narco-politics—and that of photographer Rubén Espinosa, a contributor to the same magazine who was in hiding in Mexico City after documenting the murderous repression and torture with which police and vigilante groups punished students participating in social movements. Witnesses pointed out that these reporters’ murders were intended to silence their voices and that the same mechanisms of impunity were repeated in their cases to leave the murders unresolved.

21 <https://www.noroeste.com.mx/nacional/involucran-a-bermudez-en-al-menos-40-casos-de-desapariciones-KUNO1068983>



## **An Abundance of Institutions with Few Results**

Legislation concerning freedom of the press has been well explained by the Special Mandates for Freedom of Expression at the UN and the Organization of American States. Mexico is party both to the International Covenant on Civil and Political Rights (1981) and the American Convention on Human Rights. Both treaties guarantee freedom of expression, including the right to information, in articles 19 and 13, respectively. The Constitution of Mexico recognizes the country's international human rights obligations. Moreover, the Constitution of Mexico provides comprehensive and detailed protections for the freedom of expression. It also highlights that the State, by law, must prevent, investigate, punish, and redress human rights violations.

There are no real guarantees on the part of State authorities to protect journalists, and crimes committed against journalists almost always go unpunished. The impunity rate for crimes against journalists is considered to be more than 90% <sup>22</sup> by the Undersecretary for Human Rights of the Ministry of the Interior.

Based on the definition of impunity given by the Inter-American Court of Human Rights as, "the overall lack of investigation, prosecution, capture, trial and conviction of the perpetrators of unlawful conduct," in the context of widespread violence against journalists in Mexico, which is materialised in the commission of crimes against life, liberty and personal integrity, impunity is the result from of the State's responsibility, due to the absence of any effective judicial remedy.

From a formal point of view, the Mexican State has ratified the main international instruments for the protection of human rights, in particular the International Covenant on Civil and Political Rights (article 19) and the American Convention on Human Rights (article 13), which guarantee and protect freedom of the press for every person. Any restrictions to this right can only come from the law and must be strictly limited, proportional, and carried out to protect the rights to the reputation of others, national security or public order.

The Mexican Constitution establishes the obligation to comply with international human rights law. In instances of contradiction between the Constitution and international human rights treaties, the norm most favourable to the protection of the individual must be applied. The Constitution protects freedom of expression (articles 6 and 7) and proclaims, in its first article, that governmental authorities have the obligation to promote, respect, protect and guarantee human rights.

In 2010, the Special Prosecutor's Office for Crimes Against Free Speech, or Feadle (Fiscalía Especial Para la Atención de Delitos Cometidos contra la Libertad de Expresión), was established to conduct criminal investigations and prosecutions

In 2012, the Law for the Protection of Human Rights Defenders and Journalists was adopted, creating the Protection Mechanism (Mecanismo de Protección para Personas Defensoras de Derechos Humanos y Periodistas) at the federal level; 24 states have similar legislation and more initiatives were considered.

However, journalists, victims, civil society organisations, and the National Human Rights Commission (CNDH) expressed to the Special Rapporteurs in their on-site visit in 2018 that the Feadle lacks effective investigative plans, does not exhaust all lines of inquiry, does not identify all individuals responsible for the crimes (including masterminds and accomplices), and does not analyse the context in which the crimes took place, particularly the ways in which political and criminal power operate at the local level and other local realities.

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<sup>22</sup> <https://www.animalpolitico.com/elsabueso/amlo-dichos-falsos-agresiones-periodistas-impunidad/>

In 2012, with the strong contribution of Mexican civil society, the government adopted a Law and a Mechanism for the Protection of Human Rights Defenders and Journalists (the Mechanism), the most important public policy for protection of journalists in Mexico. “To date there have been 545 beneficiaries within the mechanism, of which 40 percent are journalists (and of these 30 percent are female journalists),” said Lucía Lagunes, of the Citizen Council of the Mechanism. Lagunes explained that beneficiaries are given measures such as bodyguards, armoured cars, vests, shelters, panic buttons or removal from their place of assistance, when the council agrees. Nevertheless, according to the figure given by the journalist defence attorney Sara Mendiola, eight journalists under the state protection mechanisms have been killed. According to testimony provided in the hearings, displaced journalists have even been murdered in their new states of refuge.

The Feadle, the Mechanism and the Executive Commission for Attention to Victims (CEAV) have been in operation for more than a decade. But they are all underfunded and understaffed. At the same time, the high numbers of physical and digital attacks, intimidation, threats, kidnappings, torture, disappearances, and murders continue.

“Since 2012, Feadle has enrolled 563 journalists and 449 human rights defenders, which may include their families, into the protection mechanism. In 2021, 30 journalists were officially admitted into the federal program, according to government data. Almost 90 percent of those who apply are granted protection, though the length and quality of those protections vary greatly and a small percentage may not receive any actual services at all. While it’s hard to measure the program’s effectiveness, at least ten journalists who were enrolled, or in the process of being enrolled, were killed”, according to the *Columbia Journalism Review*.<sup>23</sup>

The testimonies showed that there is still not adequate coordination between the mechanism and local authorities for the implementation of preventive and protective measures. Coordination between the mechanism and other federal agencies and national institutions is not satisfactory. Physical attacks by public officials and other forms of institutional violence against journalists are not seriously addressed by the mechanism. Furthermore, the mechanism does not have sufficient resources to seriously exercise its mandate. “The mechanism has failed to work, to prevent, to protect,” said Sara Mendiola. “Furthermore, the mechanism and its protection plans are useless if the prosecutors do not do their jobs and capture those responsible.”

For Griselda Triana, widow of Sinaloan investigative journalist Javier Valdez, and founder of a network of families of murdered journalists, in many cases the murdered reporters did receive threats, almost all of them published on corruption issues about public servants, and were intercepted in their homes, in their offices or on the way from the home to the office or vice versa. The families are left unattended, abandoned to their fate and are treated as beggars and despised by the government.

Both the number of attacks against journalists and the persistence of these attacks demonstrate the absence of political will to protect journalists at the federal and state levels. Many journalists are deeply distrustful of the local authorities in charge of investigations because of their collusion with organised crime organisations and think that filing complaints would be useless and could even aggravate the risks.

Balbina Flores, the Mexico correspondent for Reporters Without Borders, who has been working for more than 20 years with journalists at risk and with the victims and their families, mentioned that despite the fact that twelve years ago federal and state prosecutors’ offices, mechanisms and laws were created to protect journalists, these measures have left them more vulnerable instead of favouring them. The bureaucracy constantly clashes with them and because nobody really attends to the journalists, she said. Veracruz has not been the exception.

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23 Paroma Soni, “2022 is already the deadliest year for journalists in Mexico”, *Columbia Journalism Review* (CJR), April 29, 2022, accessible at: [https://www.cjr.org/special\\_report/journalism-mexico-margarito-martinez-lourdes-maldonado.php](https://www.cjr.org/special_report/journalism-mexico-margarito-martinez-lourdes-maldonado.php)

## A Glance at the Structural Problem of Impunity

Impunity in Mexico is a constant. According to Sara Mendiola, lawyer and director of the organization Propuesta Cívica, which provides legal assistance to journalists and human rights defenders, impunity in these murder cases reaches 98 percent if the investigation is done at the federal level and 100 percent if it is done at the local level. She pointed out that no case of forced disappearance has been solved. There is no political will to protect journalists, she said, and the prosecutors' offices are a knot.

Mendiola described the following systematic practices in the investigations of the public prosecutors' offices: crime scenes are not safeguarded, evidential material is lost, long files are opened that do not contain effective actions and only waste time, no information is given to the families, investigators do not analyse the local context or what the journalist was investigating, they do not look for the intellectual authors. She denounced the little training, lack of resources, and oversaturation of work in the public prosecutors' offices.

She also mentioned the collusion between authorities and criminals. "Most of those who order (the crimes) are authorities and those who execute them come from organised crime," she said. Mendiola was the lawyer who handled the emblematic cases of journalists Javier Valdez and Miroslava Breach, two well-known journalists murdered in 2017.

The Veracruz state prosecutor's office, like those throughout the rest of the country, follows the same pattern: deficient investigations or no investigations at all, no consideration of public officials or journalistic work, abandonment of cases and slowness.

Journalist Anabel Hernández, who has been living in exile since the publication of investigations into Felipe Calderón's Secretary of Public Security—who is now on trial in the United States for links to cartels—said the political and judicial system has been based on clientelism, cronyism and favour trafficking, where prosecutors are not independent because they are appointed by governors or to fill political quotas. She insisted that the legislative and judicial branches are not real counterweights against power.

Based on official data from the National Institute of Statistics and Geography (INEGI), she stated that 81 percent of the crimes have not been prosecuted, and of those that have, only 1 percent have resulted in convictions, a figure that reflects the level of impunity: 96 percent of murders remain unsolved.

"The impunity rate is gigantic because citizens do not press charges because they do not believe (in the authorities)," Hernández said. For this reason, she explained that journalists in Mexico, who have been interested in giving voice to citizen complaints, have suffered reprisals and are threatened or murdered by transnational criminal networks that need to control a territory to produce, traffic, sell drugs and carry out other types of businesses (from the extraction of hydrocarbons to the smuggling of women, migrants or sex trafficking). "We don't know who the killers are. But we do know that intimidation comes more often from public authorities than from the cartels," she said. "One does not know exactly when organised crime and the authorities are colluding," Martha Olivia López confirmed.

## A Glance at the Mechanism of Impunity

The Milo Vela case is emblematic of this impunity: the authorities did not immediately respond to the call announcing the crime, the surviving children of the family had to clean up the crime scene and did not receive the required attention, except from independent organisations. One of them, also a journalist and also named Miguel Ángel, left the state with the help of the authorities, but later had to flee by his own means to the United States, where he requested political asylum and stopped practising his profession.

At the time, CPJ's Mexico correspondent Mike O'Connor, who was spied on and intimidated during a fact-finding mission in Veracruz, wrote: "Basically, there are two ways Veracruz journalists try to protect themselves. One is to publish or broadcast only stories they hope won't anger organized crime groups or anyone else with power, which many believe may include state government officials. Of course, that cuts the public out of a great deal of news. The other way to stay alive is to get another kind of job. Miguel Ángel took a third route. He fled to the United States, and last week he was given political asylum (...). The attorney, Carlos Spector, of El Paso, Texas, told CPJ that he was able to show López had a well-founded fear of being murdered and that the Mexican government could not protect him."<sup>24</sup>

The same pattern of impunity reflected in the case of Milo Vela, his wife, his son, and the journalists who were victims after him and who were added to the same investigation file as if they were all the same crime, reigns nationwide.

## A Story of Unwillingness

Impunity is not new. The Tribunal heard testimonies such as that of the director of *Zeta* from Tijuana, Adela Navarro, who spoke of the four cases of colleagues of the weekly that have remained unpunished. The first in 1988 (the murder of one of the directors), the attack on the director and murder of his bodyguard in 1997, the subsequent murder of the editor in 2004 and the last in 2022, the murder of a photographer. In two of the attacks, a PRI politician and businessman was involved, and in the other two, members of the Arellano Felix cartel.

In the same terms, Jorge Carrasco, director of the weekly magazine *Proceso*, spoke about the murder of correspondent Regina Martínez and photographer Rubén Espinosa, and the obstacles to accessing justice (torture of alleged perpetrators to make them incriminate themselves, stigmatisation and dissemination of false information from the Social Communication Offices against Regina) as well as threats to those who tried to investigate. Carrasco pointed out that the authorities are not looking for the intellectual authors, important actions are not being carried out, and the journalistic work of the victim is discarded as a line of investigation. Instead, the authorities criminalise the victims and blame them for the crimes.

"Years of impunity and injustice in Mexico," noted CPJ's Hootsen, as he discussed the Mexican case and showed patterns of omission by authorities in crimes: "failure to answer emergency calls, lack of application of best practices at crime scenes, lack of coordination between institutions, lack of arrests and sentences, violations of families' basic rights, families who never have access to the truth." This is one of the reasons why journalists and media outlets stop publishing and zones of silence are created.

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24 Mike O'Connor, "Family Murdered, Veracruz journalist seeks asylum in US", Committee to Protect Journalists (CPJ), June 19, 2013, available at: <https://cpj.org/2013/06/family-murdered-veracruz-journalist-seeks-asylum-i/>

Journalist Patricia Mayorga, was exiled after the criminal group Los Salazar killed her colleague Miroslava Breach in Chihuahua, in the north of the country. Mayorga coordinated with Breach to publish about narco-politics, and was also threatened for the same information. She said that in 2016: “They began to ask us not to publish anymore, that ‘El Señor’ (head of the cartel) was angry.”

She mentioned that while the most convenient option for the government is to remove threatened journalists from the area, the emotional and everyday impacts in the lives of those who have to move or go into exile is terrible. “For the journalists who stay it is brutal with distrust because the murder breaks everything, with fear, grief, co-optation of the media (...) not only the families feel the abandonment, also the journalists.” This isolation is another way of neutralising journalists. After a murder or intimidation, the journalism profession in general is silenced: “It is not so much what is forced to be said but what is left unsaid.”

In several testimonies, especially from women journalists, they mentioned how, despite the fear and the overwhelming message sent by the silencers through the murders of their colleagues, they managed to organise themselves to create collectives, protection networks among journalists or independent media to ensure that people are not left without the information they need. Similarly, relatives of victims mentioned how they have managed to organise with other families to share their stories, demand justice together and resist the re-victimization caused by the search for answers.

## Conclusion

After two days of hearings, of listening to testimony and receiving confidential and public information, to which no representative of the government of Andrés Manuel López Obrador wanted to attend despite having been invited, this Tribunal was able to establish that for the Mexican State the protection of the press and the guarantee that journalists can continue to fulfill their mission of informing is not a priority.

The information obtained does not allow us to establish that there will be changes to this scenario that would allow us to imagine an improvement.

The situation has not improved with the coming to power of Andrés Manuel López Obrador in 2018, after having emerged from a national leftist movement, and despite his commitments to historical clarification in cases such as the 2014 disappearance of the 43 students of Ayotzinapa or the truth commission for human rights violations in the counterinsurgency struggle between 1960 and 1999. Moreover, according to documents from press freedom organizations such as RSF, “President López Obrador and other government officials have adopted a combative and stigmatizing rhetoric against the press, frequently accusing journalists of promoting the opposition’s agenda,” or of inventing “fake news” against his government. This combative stance comes during a presidential term in which murders continue, and there has been no clear and firm message of protection for the press.

López Obrador has had diverse reactions to the claims for crimes against journalists. He has asserted that they are against him to hinder his government, that they are a consequence of the inherited violence, that they do not relate to him because they occurred in past administrations, that the journalists were not in the mechanism for the protection of journalists or they rejected it, these crimes have to do with organised crime in most cases, that there are no officials of his government involved. This year he has frequently presented to the press the number of people captured related to recent crimes, but without data that allows knowing if the intellectual authors have been captured and will be investigated and sentenced.





The federal government still hasn't carried out the reforms needed to rein in this violence and impunity. The different testimonies, including those of the former head of the Feadle, who still works in the judiciary and those of the victims and representatives of organisations, agree that both the mechanism that should protect journalists and the specialised prosecutor's office have failed, and there is no improvement in terms of reducing impunity. Extreme violence in the country continues and the patterns of impunity have not been modified.

The current government, in the words of the Undersecretary for Human Rights of the Ministry of the Interior, has recognised that the protection mechanism is a failure that must be modified because it has been overwhelmed by the number of emergencies that must be dealt with and the poor institutional response in the states, and that the prosecutors' offices have yet to fulfil their work and investigate and impart justice.

Between the hearing at the end of April and the presentation of this sentence in September, three more journalists were murdered, possibly for reasons related to their journalistic practice. Their cases await justice. The year 2022, according to RSF, has become the deadliest year for the press in the country's history.

## **Journalists and Media Workers Killed (2000-2022) and Disappeared in Mexico (2003-2018)**

### **ARTICLE 19 – Oficina para México y Centroamérica**

#### **Asesinatos de periodistas**

1. **Nombre:** Luis Roberto Cruz Martínez  
**Fecha:** 1 de Febrero de 2000  
**Estado de México:** Tamaulipas  
**Medio:** Multicosas  
**Sexo:** masculino  
**Administración:** Ernesto Zedillo Ponce de León
2. **Nombre:** Pablo Pineda Gaucín  
**Fecha:** 9 de Abril de 2000  
**Estado de México:** Tamaulipas  
**Medio:** La Opinión  
**Sexo:** masculino  
**Administración:** Ernesto Zedillo Ponce de León
3. **Nombre:** Hugo Sánchez Eustaquí  
**Fecha:** 19 de Julio de 2000  
**Estado de México:** Estado de México  
**Medio:** La Verdad  
**Sexo:** masculino  
**Administración:** Ernesto Zedillo Ponce de León



4. **Nombre:** José Luis Ortega Mata  
**Fecha:** 19 de Febrero de 2001  
**Estado de México:** Chihuahua  
**Medio:** Semanario de Ojinaga  
**Sexo:** masculino  
  
**Administración:** Vicente Fox Quesada
5. **Nombre:** José Barosa Bejarano  
**Fecha:** 9 de Marzo de 2001  
**Estado de México:** Chihuahua  
**Medio:** Alarma  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
6. **Nombre:** Saúl Martínez Gutiérrez  
**Fecha:** 24 de Marzo de 2001  
**Estado de México:** Tamaulipas  
**Medio:** El Imparcial  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
7. **Nombre:** Felix Fernández García  
**Fecha:** 17 de Enero de 2002  
**Estado de México:** Tamaulipas  
**Medio:** Nueva Opción  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
8. **Nombre:** José Miranda Virgen  
**Fecha:** 19 de Octubre de 2002  
**Estado de México:** Veracruz  
**Medio:** Imagen  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
9. **Nombre:** Rafael Villafuerte Aguilar  
**Fecha:** 13 de Diciembre de 2003  
**Estado de México:** Guerrero  
**Medio:** La Razón  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
10. **Nombre:** Roberto Mora García  
**Fecha:** 19 de Marzo de 2004  
**Estado de México:** Tamaulipas  
**Medio:** El Mañana  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada



11. **Nombre:** Francisco Ortiz Franco  
**Fecha:** 22 de Junio de 2004  
**Estado de México:** Baja California  
**Medio:** Zeta  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
12. **Nombre:** Francisco Arratia  
**Fecha:** 31 de Agosto de 2004  
**Estado de México:** Tamaulipas  
**Medio:** freelance  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
13. **Nombre:** Gregorio Rodríguez  
**Fecha:** 28 de Noviembre de 2004  
**Estado de México:** Sinaloa  
**Medio:** El Debate  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
14. **Nombre:** Raúl Gibb Guerrero  
**Fecha:** 8 de Abril de 2005  
**Estado de México:** Veracruz  
**Medio:** La Opinión  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
15. **Nombre:** Dolores García Escamilla  
**Fecha:** 16 de Abril de 2005  
**Estado de México:** Tamaulipas  
**Medio:** Stereo 91  
**Sexo:** femenino  
**Administración:** Vicente Fox Quesada
16. **Nombre:** José Reyes Brambila  
**Fecha:** 17 de Septiembre de 2005  
**Estado de México:** Jalisco  
**Medio:** Vallarta Milenio  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
17. **Nombre:** José Valdés  
**Fecha:** 6 de Enero de 2006  
**Estado de México:** Coahuila  
**Medio:** no determinado  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada



18. **Nombre:** Jaime Olivera Bravo  
**Fecha:** 9 de Marzo de 2006  
**Estado de México:** Michoacán  
**Medio:** freelance  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
19. **Nombre:** Ramiro Téllez Contreras  
**Fecha:** 10 de Marzo de 2006  
**Estado de México:** Tamaulipas  
**Medio:** EXA FM  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
20. **Nombre:** Enrique Perea Quintanilla  
**Fecha:** 9 de Agosto de 2006  
**Estado de México:** Chihuahua  
**Medio:** Dos Caras  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
21. **Nombre:** Bradley Roland Will  
**Fecha:** 27 de Octubre de 2006  
**Estado de México:** Oaxaca  
**Medio:** Indymedia  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
22. **Nombre:** Misael Tamayo Hernández  
**Fecha:** 10 de Noviembre de 2006  
**Estado de México:** Guerrero  
**Medio:** El Despertar de la Costa  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
23. **Nombre:** José Manuel Nava  
**Fecha:** 15 de Noviembre de 2006  
**Estado de México:** Ciudad de México  
**Medio:** Excélsior  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
24. **Nombre:** Roberto Marcos García  
**Fecha:** 26 de Noviembre de 2006  
**Estado de México:** Veracruz  
**Medio:** Testimonio  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada



25. **Nombre:** Adolfo Sánchez Guzmán  
**Fecha:** 30 de Noviembre de 2006  
**Estado de México:** Veracruz  
**Medio:** Orizaba en Vivo  
**Sexo:** masculino  
**Administración:** Vicente Fox Quesada
26. **Nombre:** Raúl Marcial Pérez  
**Fecha:** 8 de Diciembre de 2006  
**Estado de México:** Oaxaca  
**Medio:** El Gráfico  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
27. **Nombre:** Amado Ramírez Dillanes  
**Fecha:** 6 de Abril de 2007  
**Estado de México:** Guerrero  
**Medio:** Televisa  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
28. **Nombre:** Saúl Noe Martínez  
**Fecha:** 23 de Abril de 2007  
**Estado de México:** Chihuahua  
**Medio:** Interdiario  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
29. **Nombre:** Gerardo García Pimentel  
**Fecha:** 8 de Diciembre de 2007  
**Estado de México:** Michoacán  
**Medio:** La Opinión de Michoacán  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
30. **Nombre:** Francisco Ortiz Monroy  
**Fecha:** 5 de Febrero de 2008  
**Estado de México:** Tamaulipas  
**Medio:** Diario de México  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
31. **Nombre:** Bonifacio Cruz Santiago  
**Fecha:** 8 de Febrero de 2008  
**Estado de México:** Estado de México  
**Medio:** Es Real  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa



32. **Nombre:** Alfonso Cruz Pacheco  
**Fecha:** 8 de Febrero de 2008  
**Estado de México:** Estado de México  
**Medio:** Es Real  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
33. **Nombre:** Felicitas Martínez Sánchez  
**Fecha:** 7 de Abril de 2008  
**Estado de México:** Oaxaca  
**Medio:** Radio Copala  
**Sexo:** femenino  
**Administración:** Felipe Calderón Hionosa
34. **Nombre:** Teresa Bautista Merino  
**Fecha:** 7 de Abril de 2008  
**Estado de México:** Oaxaca  
**Medio:** Radio Copala  
**Sexo:** femenino  
**Administración:** Felipe Calderón Hionosa
35. **Nombre:** Candelario Pérez Pérez  
**Fecha:** 23 de Junio de 2008  
**Estado de México:** Chihuahua  
**Medio:** Sucesos  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
36. **Nombre:** Alejandro Fonseca Estrada  
**Fecha:** 23 de Septiembre de 2008  
**Estado de México:** Tabasco  
**Medio:** EXA  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
37. **Nombre:** David García Monroy  
**Fecha:** 9 de Octubre de 2008  
**Estado de México:** Chihuahua  
**Medio:** El Diario de Chihuahua  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
38. **Nombre:** Miguel Villa Gómez Valle  
**Fecha:** 10 de Octubre de 2008  
**Estado de México:** Michoacán  
**Medio:** La Noticia de Michoacán  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa





39. **Nombre:** Armando Rodríguez Carreón  
**Fecha:** 13 de Noviembre de 2008  
**Estado de México:** Chihuahua  
**Medio:** El Diario  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
40. **Nombre:** Jean Paul Ibarra Ramírez  
**Fecha:** 13 de Febrero de 2009  
**Estado de México:** Guerrero  
**Medio:** El Correo  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
41. **Nombre:** Luis Méndez Hernández  
**Fecha:** 22 de Febrero de 2009  
**Estado de México:** Veracruz  
**Medio:** Radiorama  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
42. **Nombre:** Carlos Ortega Melo Samper  
**Fecha:** 3 de Mayo de 2009  
**Estado de México:** Durango  
**Medio:** El Tiempo de Durango  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
43. **Nombre:** Eliseo Barrón Hernández  
**Fecha:** 25 de Mayo de 2009  
**Estado de México:** Durango  
**Medio:** Milenio  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
44. **Nombre:** Juan Daniel Martínez Gil  
**Fecha:** 28 de Julio de 2009  
**Estado de México:** Guerrero  
**Medio:** Radiorama  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
45. **Nombre:** Norberto Miranda Madrid  
**Fecha:** 23 de Septiembre de 2009  
**Estado de México:** Chihuahua  
**Medio:** Radio Visión  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa



46. **Nombre:** Bladimir Antuna Vázquez  
**Fecha:** 2 de Noviembre de 2009  
**Estado de México:** Durango  
**Medio:** El Tiempo de Durango  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
47. **Nombre:** Alberto López Velázquez  
**Fecha:** 23 de Diciembre de 2009  
**Estado de México:** Quintana Roo  
**Medio:** Expresiones Tulum  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
48. **Nombre:** José Luis Romero  
**Fecha:** 31 de Diciembre de 2009  
**Estado de México:** Sinaloa  
**Medio:** Línea Directa  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
49. **Nombre:** Valentín Valdés Espinosa  
**Fecha:** 8 de Enero de 2010  
**Estado de México:** Coahuila  
**Medio:** Zócalo  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
50. **Nombre:** Jorge Ochoa Martínez  
**Fecha:** 29 de Enero de 2010  
**Estado de México:** Guerrero  
**Medio:** El Sol de La Costa  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
51. **Nombre:** Jorge Rábago Valdez  
**Fecha:** 3 de Marzo de 2010  
**Estado de México:** Tamaulipas  
**Medio:** La Prensa  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
52. **Nombre:** Evaristo Pacheco Solis  
**Fecha:** 12 de Marzo de 2010  
**Estado de México:** Guerrero  
**Medio:** Visión Informativa  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa



53. **Nombre:** Francisco Rodríguez Ríos  
**Fecha:** 28 de Junio de 2010  
**Estado de México:** Guerrero  
**Medio:** El Sol de Acapulco  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
54. **Nombre:** Hugo Olivera Cartas  
**Fecha:** 6 de Julio de 2010  
**Estado de México:** Michoacán  
**Medio:** La Voz de Michoacán  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
55. **Nombre:** Guillermo Alcaraz Trejo  
**Fecha:** 10 de Julio de 2010  
**Estado de México:** Chihuahua  
**Medio:** Omina  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
56. **Nombre:** Marco Martínez Tijerina  
**Fecha:** 10 de Julio de 2010  
**Estado de México:** Nuevo León  
**Medio:** La Tremenda  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
57. **Nombre:** Carlos Santiago Orozco  
**Fecha:** 16 de Septiembre de 2010  
**Estado de México:** Chihuahua  
**Medio:** El Diario  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
58. **Nombre:** Alberto Guajardo Romero  
**Fecha:** 5 de Noviembre de 2010  
**Estado de México:** Tamaulipas  
**Medio:** Expreso  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
59. **Nombre:** Luis Emmanuel Ruiz Carrillo  
**Fecha:** 25 de Marzo de 2011  
**Estado de México:** Nuevo León  
**Medio:** La Prensa de Maclova  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa



60. **Nombre:** Noel López Olguín  
**Fecha:** 1 de Junio de 2011  
**Estado de México:** Veracruz  
**Medio:** Noticias de Acayucan  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
61. **Nombre:** Pablo Aurelio Ruelas  
**Fecha:** 13 de Junio de 2011  
**Estado de México:** Sonora  
**Medio:** El Regional  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
62. **Nombre:** Miguel Angel López Velasco  
**Fecha:** 20 de Junio de 2011  
**Estado de México:** Veracruz  
**Medio:** Notiver  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
63. **Nombre:** Misael López Solana  
**Fecha:** 20 de Junio de 2011  
**Estado de México:** Veracruz  
**Medio:** Notiver  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
64. **Nombre:** Yolanda Ordaz de la Cruz  
**Fecha:** 27 de Julio de 2011  
**Estado de México:** Veracruz  
**Medio:** Notiver  
**Sexo:** femenino  
**Administración:** Felipe Calderón Hionosa
65. **Nombre:** Humberto Millán Salazar  
**Fecha:** 25 de Agosto de 2011  
**Estado de México:** Sinaloa  
**Medio:** A Discusión  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
66. **Nombre:** Elizabeth Macías Castro  
**Fecha:** 24 de Septiembre de 2011  
**Estado de México:** Tamaulipas  
**Medio:** Primera Hora  
**Sexo:** femenino  
**Administración:** Felipe Calderón Hionosa



67. **Nombre:** Regina Martínez  
**Fecha:** 28 de Abril de 2012  
**Estado de México:** Veracruz  
**Medio:** Proceso  
**Sexo:** femenino  
**Administración:** Felipe Calderón Hionosa
68. **Nombre:** Guillermo Luna  
**Fecha:** 3 de Mayo de 2012  
**Estado de México:** Veracruz  
**Medio:** Veracruz News  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
69. **Nombre:** Esteban Rodríguez  
**Fecha:** 3 de Mayo de 2012  
**Estado de México:** Veracruz  
**Medio:** Veracruz News  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
70. **Nombre:** Gabriel Hüge  
**Fecha:** 3 de Mayo de 2012  
**Estado de México:** Veracruz  
**Medio:** Veracruz News  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
71. **Nombre:** Marcos Ávila  
**Fecha:** 18 de Mayo de 2012  
**Estado de México:** Sonora  
**Medio:** El Regional de Sonora  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
72. **Nombre:** Victor Manuel Baez  
**Fecha:** 14 de Junio de 2012  
**Estado de México:** Veracruz  
**Medio:** Milenio  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa
73. **Nombre:** Adrián Silva Moreno  
**Fecha:** 14 de Noviembre de 2012  
**Estado de México:** Puebla  
**Medio:** freelance  
**Sexo:** masculino  
**Administración:** Felipe Calderón Hionosa



74. **Nombre:** Jaime Gonzáles  
**Fecha:** 3 de Marzo de 2013  
**Estado de México:** Chihuahua  
**Medio:** Ojinaga News  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
75. **Nombre:** Daniel Martínez Bazaldúa  
**Fecha:** 24 de Abril de 2013  
**Estado de México:** Coahuila  
**Medio:** Vanguardia  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
76. **Nombre:** Alberto López Bello  
**Fecha:** 17 de Julio de 2013  
**Estado de México:** Oaxaca  
**Medio:** El Imparcial  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
77. **Nombre:** Mario Ricardo Chávez  
**Fecha:** 24 de Junio de 2013  
**Estado de México:** Tamaulipas  
**Medio:** El Ciudadano  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
78. **Nombre:** Gregorio Jiménez  
**Fecha:** 11 de Febrero de 2014  
**Estado de México:** Veracruz  
**Medio:** Notisur  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
79. **Nombre:** Nolberto Herrera  
**Fecha:** 29 de Julio de 2014  
**Estado de México:** Zacatecas  
**Medio:** Canal 9  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
80. **Nombre:** Octavio Rojas  
**Fecha:** 11 de Agosto de 2014  
**Estado de México:** Oaxaca  
**Medio:** El Buen Tono  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto





81. **Nombre:** Atilano Román  
**Fecha:** 11 de Octubre de 2014  
**Estado de México:** Sinaloa  
**Medio:** Locutor - Así es mi Tierra  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
82. **Nombre:** Antonio Gamboa  
**Fecha:** 22 de Octubre de 2014  
**Estado de México:** Sinaloa  
**Medio:** Nueva Prensa  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
83. **Nombre:** Moisés Sánchez Cerezo  
**Fecha:** 2 de Enero de 2015  
**Estado de México:** Veracruz  
**Medio:** La Unión  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
84. **Nombre:** Abel Bautista Raymundo  
**Fecha:** 14 de Abril de 2015  
**Estado de México:** Oaxaca  
**Medio:** Transmitiendo Sentimientos  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
85. **Nombre:** Armando Saldaña  
**Fecha:** 4 de Mayo de 2015  
**Estado de México:** Veracruz  
**Medio:** EXA FM  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
86. **Nombre:** Gerardo Nieto  
**Fecha:** 26 de Junio de 2015  
**Estado de México:** Guanajuato  
**Medio:** Nuevo Siglo  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
87. **Nombre:** Juan Mendoza Delgado  
**Fecha:** 30 de Junio de 2015  
**Estado de México:** Veracruz  
**Medio:** Escribiendo la Verdad  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto



88. **Nombre:** Filadelfo Sánchez  
**Fecha:** 2 de Julio de 2015  
**Estado de México:** Oaxaca  
**Medio:** La Favorita 103.3 FM  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
89. **Nombre:** Rubén Espinosa  
**Fecha:** 31 de Julio de 2015  
**Estado de México:** Ciudad de México  
**Medio:** Proceso y Cuartoscuro  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
90. **Nombre:** Marcos Hernández Bautista  
**Fecha:** 21 de Enero de 2016  
**Estado de México:** Oaxaca  
**Medio:** Noticias en la Costa  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
91. **Nombre:** Anabel Flores  
**Fecha:** 8 de Febrero de 2016  
**Estado de México:** Veracruz  
**Medio:** Sol de Orizaba  
**Sexo:** femenino  
**Administración:** Enrique Peña Nieto
92. **Nombre:** Moisés Lutzow  
**Fecha:** 20 de Febrero de 2016  
**Estado de México:** Tabasco  
**Medio:** Radio XEVX  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
93. **Nombre:** Francisco Pacheco  
**Fecha:** 25 de Abril de 2016  
**Estado de México:** Guerrero  
**Medio:** El Sol de Acapulco  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
94. **Nombre:** Manuel Torres González  
**Fecha:** 15 de Mayo de 2016  
**Estado de México:** Veracruz  
**Medio:** Noticias MT  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto



95. **Nombre:** Elidio Ramos  
**Fecha:** 19 de Junio de 2016  
**Estado de México:** Oaxaca  
**Medio:** El Sur  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
96. **Nombre:** Salvador Olmos García  
**Fecha:** 26 de Junio de 2016  
**Estado de México:** Oaxaca  
**Medio:** Radio Tu'un Nuu Savi  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
97. **Nombre:** Pedro Tamayo  
**Fecha:** 20 de Julio de 2016  
**Estado de México:** Veracruz  
**Medio:** Al Calor Político y El Piñero de la Cuenca  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
98. **Nombre:** Agustín Pavia Pavia  
**Fecha:** 13 de Septiembre de 2016  
**Estado de México:** Oaxaca  
**Medio:** Radio Tu'un Nuu Savi  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
99. **Nombre:** Aurelio Cabrera Campos  
**Fecha:** 15 de Septiembre de 2016  
**Estado de México:** Puebla  
**Medio:** El Gráfico de Huauchinango  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
100. **Nombre:** Adrián Rodríguez  
**Fecha:** 10 de Diciembre de 2016  
**Estado de México:** Chihuahua  
**Medio:** Antena Radio 7960 AM  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
101. **Nombre:** Cecilio Pineda  
**Fecha:** 2 de Marzo de 2017  
**Estado de México:** Guerrero  
**Medio:** La Voz de Tierra Caliente  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto



102. **Nombre:** Ricardo Monlui Cabrera  
**Fecha:** 19 de Marzo de 2017  
**Estado de México:** Veracruz  
**Medio:** El Político y El Sol de Córdoba  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
103. **Nombre:** Miroslava Breach  
**Fecha:** 23 de Marzo de 2017  
**Estado de México:** Chihuahua  
**Medio:** La Jornada  
**Sexo:** femenino  
**Administración:** Enrique Peña Nieto
104. **Nombre:** Maximino Rodríguez Palacios  
**Fecha:** 15 de Abril de 2017  
**Estado de México:** Baja California Sur  
**Medio:** Colectivo Pericú  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
105. **Nombre:** Javier Valdéz Cárdenas  
**Fecha:** 15 de Mayo de 2017  
**Estado de México:** Sinaloa  
**Medio:** Río Doce y La Jornada  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
106. **Nombre:** Jonathan Rodríguez  
**Fecha:** 15 de Mayo de 2017  
**Estado de México:** Jalisco  
**Medio:** El Costeño  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
107. **Nombre:** Salvador Adame  
**Fecha:** 14 de Junio de 2017  
**Estado de México:** Michoacán  
**Medio:** Canal 6TV  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
108. **Nombre:** 9 de Julio de 2017  
**Fecha:** Edwin Rivera Paz  
**Estado de México:** Veracruz  
**Medio:** freelance  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto



109. **Nombre:** Luciano Rivera  
**Fecha:** 31 de Julio de 2017  
**Estado de México:** Baja California  
**Medio:** Dictamen BC y Canal CNR  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
110. **Nombre:** Cándido Ríos  
**Fecha:** 22 de Agosto de 2017  
**Estado de México:** Veracruz  
**Medio:** La Voz de Hueyapan y Diario de Acayucan  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
111. **Nombre:** Edgar Daniel Esqueda  
**Fecha:** 6 de Octubre de 2017  
**Estado de México:** San Luis Potosí  
**Medio:** Metrópoli San Luis y Vox Populi SLP  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
112. **Nombre:** Gumaro Pérez  
**Fecha:** 19 de Diciembre de 2017  
**Estado de México:** Veracruz  
**Medio:** La Voz del Sur  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
113. **Nombre:** Carlos Domínguez  
**Fecha:** 13 de Enero de 2018  
**Estado de México:** Tamaulipas  
**Medio:** El Horizonte de Matamoros  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
114. **Nombre:** Pamela Montenegro  
**Fecha:** 5 de Febrero de 2018  
**Estado de México:** Guerrero  
**Medio:** Denuncias Acapulco Sin Censura  
**Sexo:** femenino  
**Administración:** Enrique Peña Nieto
115. **Nombre:** Leobardo Vázquez Atzin  
**Fecha:** 21 de Marzo de 2018  
**Estado de México:** Veracruz  
**Medio:** Enlace Informativo Regional  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto



116. **Nombre:** Juan Carlos Huerta  
**Fecha:** 15 de Mayo de 2018  
**Estado de México:** Tabasco  
**Medio:** 620AM Sin Reservas  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
117. **Nombre:** José Guadalupe Chan Dzib  
**Fecha:** 29 de Junio de 2018  
**Estado de México:** Quintana Roo  
**Medio:** Semanario Playa News  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
118. **Nombre:** Rubén Pat Cahuich  
**Fecha:** 24 de Julio de 2018  
**Estado de México:** Quintana Roo  
**Medio:** Semanario Playa News  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
119. **Nombre:** Mario Leonel Gómez  
**Fecha:** 21 de Septiembre de 2018  
**Estado de México:** Chiapas  
**Medio:** El Heraldo de Chiapas  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
120. **Nombre:** Gabriel Soriano Kuri  
**Fecha:** 24 de Octubre de 2018  
**Estado de México:** Guerrero  
**Medio:** Radio y Televisión de Guerrero  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
121. **Nombre:** Jesús Alejandro Márquez Jiménez  
**Fecha:** 1 de Diciembre de 2018  
**Estado de México:** Nayarit  
**Medio:** Orión Informativo  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
122. **Nombre:** Rafael Murúa Manriquez  
**Fecha:** 20 de Enero de 2019  
**Estado de México:** Baja California Sur  
**Medio:** Radiokashana  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador





123. **Nombre:** Samir Flores Soberanes  
**Fecha:** 20 de Febrero de 2019  
**Estado de México:** Morelos  
**Medio:** Radio Amiltzinko 100.7 FM  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
124. **Nombre:** Santiago Barroso  
**Fecha:** 15 de Marzo de 2019  
**Estado de México:** Sonora  
**Medio:** Noticias Red 653 y 91.1 FM Río Digital  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
125. **Nombre:** Telésforo Santiago Enriquez  
**Fecha:** 2 de Mayo de 2019  
**Estado de México:** Oaxaca  
**Medio:** Estéreo El Cafetal 98.7 FM  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
126. **Nombre:** Francisco Romero  
**Fecha:** 16 de Mayo de 2019  
**Estado de México:** Quintana Roo  
**Medio:** Ocurrió Aquí  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
127. **Nombre:** Norma Sarabia  
**Fecha:** 11 de Junio de 2019  
**Estado de México:** Tabasco  
**Medio:** Semanario Chontalpa  
**Sexo:** femenino  
**Administración:** Andrés Manuel López Obrador
128. **Nombre:** Rogelio Barragán  
**Fecha:** 30 de Julio de 2019  
**Estado de México:** Morelos  
**Medio:** Guerrero Al Instante  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
129. **Nombre:** Edgar Alberto Nava López  
**Fecha:** 2 de Agosto de 2019  
**Estado de México:** Guerrero  
**Medio:** La Verdad Zihuatenejo  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador



130. **Nombre:** Jorge Celestino Ruíz Vázquez  
**Fecha:** 2 de Agosto de 2019  
**Estado de México:** Veracruz  
**Medio:** El Gráfico de Xalapa  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
131. **Nombre:** Nevith Condés Jaramillo  
**Fecha:** 24 de Agosto de 2019  
**Estado de México:** Estado de México  
**Medio:** El Observatorio del Sur  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
132. **Nombre:** María Elena Ferral  
**Fecha:** 30 de Marzo de 2020  
**Estado de México:** Veracruz  
**Medio:** Diario de Xalapa y Quinto Poder  
**Sexo:** femenino  
**Administración:** Andrés Manuel López Obrador
133. **Nombre:** Jorge Miguel Armenta Ramos  
**Fecha:** 16 de Mayo de 2020  
**Estado de México:** Sonora  
**Medio:** Medios Obson  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
134. **Nombre:** Pablo Morrugares Parraguirre  
**Fecha:** 2 de Agosto de 2020  
**Estado de México:** Guerrero  
**Medio:** PM Noticias  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
135. **Nombre:** Juan Nelcio Espinoza  
**Fecha:** 21 de Agosto de 2020  
**Estado de México:** Coahuila  
**Medio:** Valedor TV  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
136. **Nombre:** Julio Valdivia  
**Fecha:** 9 de Septiembre de 2020  
**Estado de México:** Veracruz  
**Medio:** El Mundo de Córdoba  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador



137. **Nombre:** Israel Vázquez Rangel  
**Fecha:** 9 de Noviembre de 2020  
**Estado de México:** Guanajuato  
**Medio:** El Salmantino  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
138. **Nombre:** Jaime Daniel Castaño Zacarías  
**Fecha:** 9 de Diciembre de 2020  
**Estado de México:** Zacatecas  
**Medio:** Portal prensalibremx.com  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
139. **Nombre:** Benjamín Morales Hernández  
**Fecha:** 3 de Mayo de 2021  
**Estado de México:** Sonora  
**Medio:** Noticias Xonoidag  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
140. **Nombre:** Gustavo Sánchez Cabrera  
**Fecha:** 17 de Junio de 2021  
**Estado de México:** Oaxaca  
**Medio:** Noticias Minuto a Minuto  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
141. **Nombre:** Saúl Tijerina Rentería  
**Fecha:** 22 de Junio de 2021  
**Estado de México:** Coahuila  
**Medio:** Noticias en la Web  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
142. **Nombre:** Ricardo López Domínguez  
**Fecha:** 22 de Julio de 2021  
**Estado de México:** Sonora  
**Medio:** Infoguaymas  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
143. **Nombre:** Jacinto Romero Flores  
**Fecha:** 19 de Agosto de 2021  
**Estado de México:** Veracruz  
**Medio:** Ori Stereo  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador



144. **Nombre:** Fredy López Arévalo  
**Fecha:** 28 de Octubre de 2021  
**Estado de México:** Chiapas  
**Medio:** Revista Jovel  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
145. **Nombre:** Alfredo Cardoso Echeverría  
**Fecha:** 31 de Octubre de 2021  
**Estado de México:** Guerrero  
**Medio:** Las Dos Costas  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
146. **Nombre:** José Luis Arenas Gamboa  
**Fecha:** 10 de Enero de 2022  
**Estado de México:** Veracruz  
**Medio:** Inforegio Network  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
147. **Nombre:** Margarito Martínez  
**Fecha:** 17 de Enero de 2022  
**Estado de México:** Baja California  
**Medio:** freelance  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
148. **Nombre:** Lourdes Maldonado López  
**Fecha:** 23 de Enero de 2022  
**Estado de México:** Baja California  
**Medio:** Sintoniza Sin Censura  
**Sexo:** femenino  
**Administración:** Andrés Manuel López Obrador
149. **Nombre:** Roberto Toledo  
**Fecha:** 31 de Enero de 2022  
**Estado de México:** Michoacán  
**Medio:** Monitor Michoacán  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
150. **Nombre:** Heber López Vázquez  
**Fecha:** 10 de Febrero de 2022  
**Estado de México:** Oaxaca  
**Medio:** Noticias web  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador



151. **Nombre:** Juan Carlos Muñiz  
**Fecha:** 4 de Marzo de 2022  
**Estado de México:** Zacatecas  
**Medio:** Testigo Minero  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
152. **Nombre:** Jorge Luis Camero Zazueta  
**Fecha:** 24 de Febrero de 2022  
**Estado de México:** Sonora  
**Medio:** El Informativo  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
153. **Nombre:** Armando Linares López  
**Fecha:** 15 de Marzo de 2022  
**Estado de México:** Michoacán  
**Medio:** Monitor Michoacán  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
154. **Nombre:** Antonio de la Cruz  
**Fecha:** 29 de Junio de 2022  
**Estado de México:** Tamaulipas  
**Medio:** El Expreso  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
155. **Nombre:** Alan González  
**Fecha:** 11 de Agosto de 2022  
**Estado de México:** Chihuahua  
**Medio:** Radio Switch 105.9 FM  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador
156. **Nombre:** Juan Arjón López  
**Fecha:** 16 de Agosto de 2022  
**Estado de México:** Sonora  
**Medio:** A qué le temes  
**Sexo:** masculino  
**Administración:** Andrés Manuel López Obrador



## Desapariciones de periodistas

1. **Nombre:** Jesús Mejía Lechuga  
**Fecha:** 10 de Julio de 2003  
**Estado de México:** Veracruz  
**Medio:** Radio MS-Noticias  
**Sexo:** masculino  
**Administración:** Vicente Fox
2. **Nombre:** Leodegario Aguilera  
**Fecha:** 22 de Mayo de 2004  
**Estado de México:** Guerrero  
**Medio:** Mundo político  
**Sexo:** masculino  
**Administración:** Vicente Fox
3. **Nombre:** Alfredo Jiménez Mota  
**Fecha:** 2 de Abril de 2005  
**Estado de México:** Sonora  
**Medio:** El Imparcial  
**Sexo:** masculino  
**Administración:** Vicente Fox
4. **Nombre:** Rafael Ortíz Martínez  
**Fecha:** 8 de Julio de 2006  
**Estado de México:** Coahuila  
**Medio:** Zócalo  
**Sexo:** masculino  
**Administración:** Vicente Fox
5. **Nombre:** José Antonio García Apac  
**Fecha:** 20 de Noviembre de 2006  
**Estado de México:** Michoacán  
**Medio:** Ecos de la Cuenca de Tepaltepec  
**Sexo:** masculino  
**Administración:** Vicente Fox
6. **Nombre:** Rodolfo Rincón Taracena  
**Fecha:** 21 de Enero de 2007  
**Estado de México:** Tabasco  
**Medio:** Tabasco Hoy  
**Sexo:** masculino  
**Administración:** Felipe Calderón
7. **Nombre:** Gamaliel López  
**Fecha:** 10 de Mayo de 2007  
**Estado de México:** Nuevo León  
**Medio:** Tv Azteca  
**Sexo:** masculino  
**Administración:** Felipe Calderón





8. **Nombre:** Gerardo Paredes  
**Fecha:** 10 de Mayo de 2007  
**Estado de México:** Nuevo León  
**Medio:** Tv Azteca  
**Sexo:** masculino  
**Administración:** Felipe Calderón
9. **Nombre:** Mauricio Estrada Zamora  
**Fecha:** 12 de Febrero de 2008  
**Estado de México:** Michoacán  
**Medio:** La Opinión de Apatzingán  
**Sexo:** masculino  
**Administración:** Felipe Calderón
10. **Nombre:** María Esther Aguilar  
**Fecha:** 11 de Noviembre de 2009  
**Estado de México:** Michoacán  
**Medio:** Cambio de Michoacán  
**Sexo:** femenino  
**Administración:** Felipe Calderón
11. **Nombre:** Pedro Arguello  
**Fecha:** 1 de Marzo de 2010  
**Estado de México:** Tamaulipas  
**Medio:** El Mañana  
**Sexo:** masculino  
**Administración:** Felipe Calderón
12. **Nombre:** Miguel Ángel Domínguez Zamora  
**Fecha:** 1 de Marzo de 2010  
**Estado de México:** Tamaulipas  
**Medio:** El Mañana  
**Sexo:** masculino  
**Administración:** Felipe Calderón
13. **Nombre:** Guillermo Martínez Alvarado  
**Fecha:** 1 de Marzo de 2010  
**Estado de México:** Tamaulipas  
**Medio:** Tamaulipas  
**Sexo:** masculino  
**Administración:** Felipe Calderón
14. **Nombre:** Amancio Cantú  
**Fecha:** 1 de Marzo de 2010  
**Estado de México:** Tamaulipas  
**Medio:** La Prensa  
**Sexo:** masculino  
**Administración:** Felipe Calderón

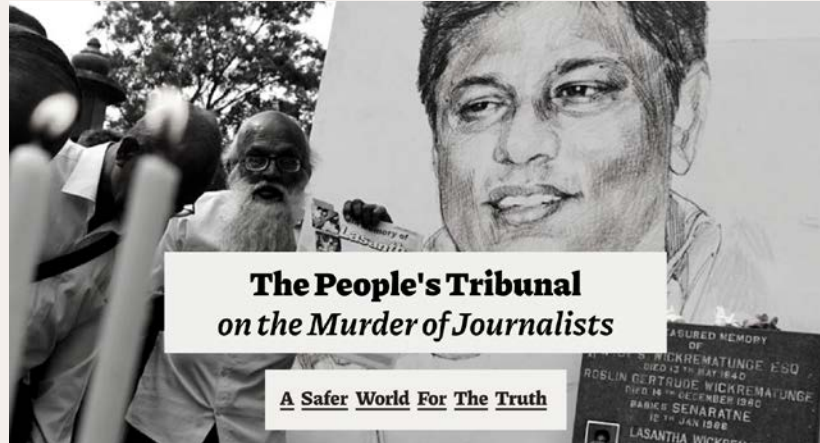


15. **Nombre:** Guadalupe Cantú  
**Fecha:** 1 de Marzo de 2010  
**Estado de México:** Tamaulipas  
**Medio:** La Prensa  
**Sexo:** masculino  
**Administración:** Felipe Calderón
16. **Nombre:** Ramón Ángeles Zalpa  
**Fecha:** 6 de Abril de 2010  
**Estado de México:** Michoacán  
**Medio:** Cambio de Michoacán  
**Sexo:** masculino  
**Administración:** Felipe Calderón
17. **Nombre:** Marco Antonio López  
**Fecha:** 7 de Junio de 2011  
**Estado de México:** Guerrero  
**Medio:** Novedades de Acapulco  
**Sexo:** masculino  
**Administración:** Felipe Calderón
18. **Nombre:** Gabriel Fonseca  
**Fecha:** 19 de Septiembre de 2011  
**Estado de México:** Veracruz  
**Medio:** El Mañanero  
**Sexo:** masculino  
**Administración:** Felipe Calderón
19. **Nombre:** Miguel Morales  
**Fecha:** 24 de Julio de 2012  
**Estado de México:** Veracruz  
**Medio:** Diario de Poza Rica  
**Sexo:** masculino  
**Administración:** Felipe Calderón
20. **Nombre:** Adela Alcaráz López  
**Fecha:** 26 de Octubre de 2012  
**Estado de México:** San Luis Potosí  
**Medio:** Canal 12 de Río Verde  
**Sexo:** femenino  
**Administración:** Felipe Calderón
21. **Nombre:** Sergio Landa  
**Fecha:** 22 de Enero de 2013  
**Estado de México:** Veracruz  
**Medio:** Diario Cardel  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto

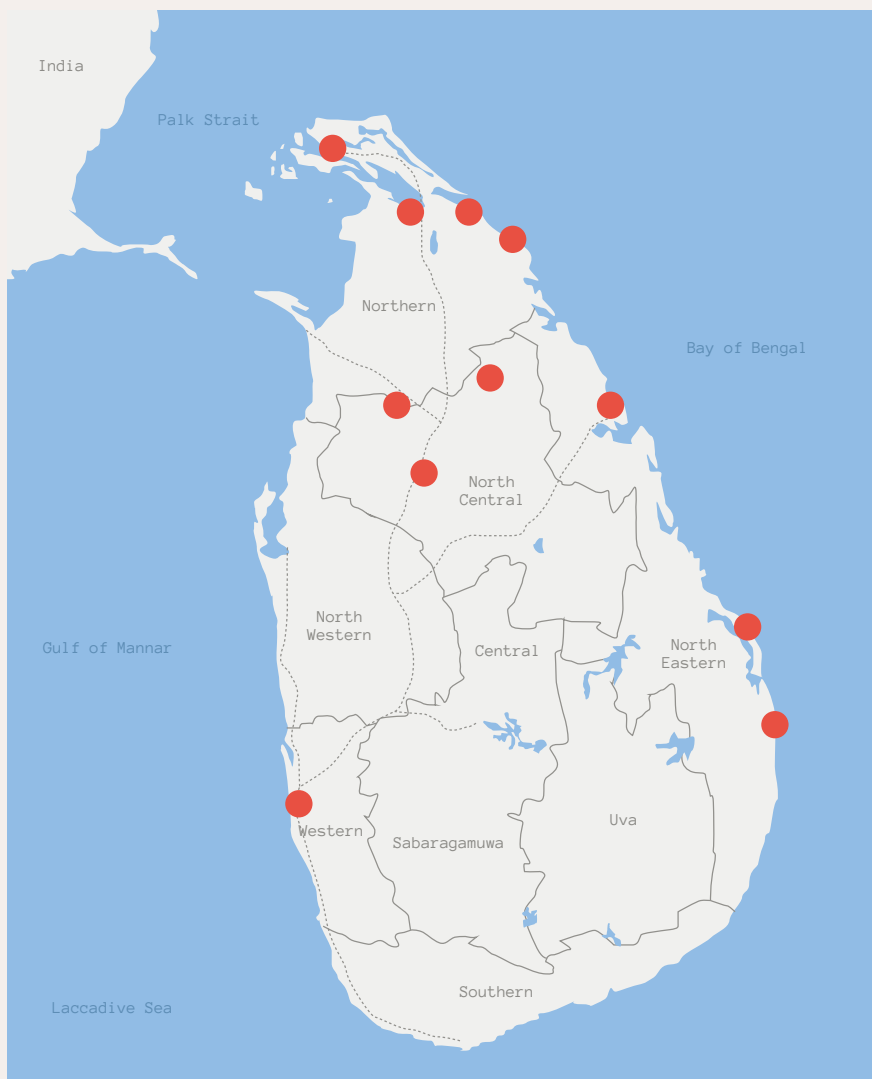


22. **Nombre:** María del Rosario Fuentes  
**Fecha:** 15 de Octubre de 2014  
**Estado de México:** Tamaulipas  
**Medio:** Valor X Tamaulipas  
**Sexo:** femenino  
**Administración:** Enrique Peña Nieto
23. **Nombre:** Alberto Crespo  
**Fecha:** 3 de Diciembre de 2014  
**Estado de México:** Sinaloa  
**Medio:** Uno TV  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto
24. **Nombre:** Agustín Silva  
**Fecha:** 22 de Enero de 2018  
**Estado de México:** Oaxaca  
**Medio:** El Sol del Istmo  
**Sexo:** masculino  
**Administración:** Enrique Peña Nieto

## 4.2 Sri Lanka



*Sri Lankan journalist Lasantha Wickrematunge*



*Sri Lanka map II'met  
"Locations in Sri Lanka  
referenced in this chapter  
in relation to cases of  
journalists murdered in  
reprisal for their work."*

## Background

The Tribunal's session on attacks on journalists in Sri Lanka was held on 12 and 13 May 2022, a moment when the world's media was focused on the explosion of popular resistance to the Sri Lankan government's incompetence, corruption and economic policies that had led to huge foreign debts and caused a severe financial crisis. In response to the crisis, disciplined and well-organised non-violent protesters forced the resignation in May 2022 of Prime Minister Mahinda Rajapaksa, a former President. President Gotabaya Rajapaksa then appointed the leader of the Opposition, Ranil Wickremesinghe, as Prime Minister.

In July, Gotabaya himself fled the country, resigned the Presidency, and was succeeded by Wickremesinghe as Acting President. What followed was not the general election demanded by the protesters, but a contentious election by Parliament, which Wickremesinghe won with the support of MPs from Rajapaksa's party who dominate the Parliament. The new President then appointed the losing candidate, Dinesh Gunawardene, a Rajapaksa ally, as Prime Minister.

Questions about the future continue to be raised, especially by members of the Aragalaya (people's struggle in Sinhala) who had demanded the resignations of both Gotabaya and Ranil.

In considering the murder of Sri Lankan journalists, the overwhelming majority of whom were Tamils, as discussed further below, discrimination and repression of the Tamils must be an important lens for our analysis. This was a striking feature of British colonialism, which in then Ceylon gave priority to the majority Sinhalese. As in its other colonies, the British exerted control by dividing the local population and turning them against each other, in order to defuse any possible threat to the government of the colony.

J.E Tennent, the British Colonial Secretary (1845-1850), consciously manipulated interpretation of historical facts in order to create a 'native/invasion' divide, characterising the Sinhalese as aspiring to 'exalt and to civilise' and 'beautify or enrich', while the Tamil 'marauders and invaders' only 'impoverished and defaced' the island."<sup>25</sup>

Crimes, large or small, have complex origins. To understand the decades-long civil war in Sri Lanka and the crimes committed, historical antecedents must be examined. This longer-scale perspective on the history of conflicts and authoritarian practices of the Sri Lankan state suggests that the way forward towards a peaceful, just, rule-of-law democracy with freedom of expression, will be more difficult than some are suggesting could come with the advent of a new President.

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<sup>25</sup> People's Tribunal on Sri Lanka (2). Judgment, Bremen, 7-10 December 2013. Bremen : Permanent People's Tribunal, & the International Human Rights Association (IMRV), 2014, p15, n6

The historic determination of the Sinhalese elite to hold onto power, seemingly by whatever means necessary is, in part, based on an ideology of exclusion. It also presents an opportunity for economic power that they are not likely to pass up quickly or easily.

The Tribunal heard testimony and considered documentation regarding the extra-judicial killing of 27 journalists and 17 media workers in the years 2004-2010, at least 35 of whom were Tamils. These killings have not been comprehensively investigated nor have any perpetrators been convicted. Impunity is a cruel weapon of the authoritarian state.

Evidence suggests and the generally accepted view indicates that the killings were mostly by state forces, including state-backed para-militaries, although it is believed that at least 6, comprising Tamils, Sinhalese and a Muslim, were killed by non-state forces including the Liberation Tigers of Tamil Eelam (LTTE), the Eelam People's Democratic Party (EPDP), and a group close to the right-wing, Sinhala extremist Buddhist party, Jathika Hela Urumaya (JHU).

The attacks on media workers, a number of whom were newspaper distributors in Tamil territory, is a mark of the government's determination that news about the war should not be accessible to the public.

While most journalists are believed to have been killed for their criticism of the government's war or their support for the Tamils, others were killed because they revealed the corruption and incompetence of the government, especially the Sinhalese journalists.

History provides examples that Sri Lankan governments do not treat challenges to their authority lightly, no matter from whom they come. The Sri Lanka military developed its fighting ability in part to crush the revolt of the young, rural poor Sinhalese, the Janatha Vimukthi Peramuna (JVP) movement in 1971, and again against a more threatening JVP in 1987-89, when an estimated 60,000 people were killed.

In the recent protests, fuelled by food insecurity, state forces were involved in a number of attacks on protesters, leaving nearly a dozen dead, apparently mainly Sinhalese. These and other challenges to the state over the years by Sinhalese and Tamils have been met with bloody responses and, as the Tribunal learned, censorship of the press.

Censorship is not unfamiliar to the Sri Lankan state, as outlined succinctly by witness Steve Butler from the Committee to Protect Journalists (CPJ). In 1958 in response to communal rioting, the first Sinhalese to serve as Governor General, Oliver Goonetilleke, instructed the media: "No news of any incidents or about any aspect of the present situation. No editorials, no comment, no columns, no photographs, or cartoons of any kind on the emergency without reference to me". Also threatening them with: "I advise you to read up the emergency Regulations. Detention without trial, no writs of habeas corpus (and) no bail".

Then Defence Secretary Gotabaya Rajapaksa, showed exactly the same approach in 2008 when he stated, towards the end of the civil war, often referred to as "Gota's war", "I think there is no need to report anything on the military. People do not want to know how many and what kind of arms we acquired. That is not media freedom. I tell without fear that if I have the power I will not allow any of these things to be written. I told the President to bring press censorship at the beginning".<sup>26</sup>

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<sup>26</sup> Journalists for Democracy in Sri Lanka, International Truth and Justice Project, Gotabaya Rajapaksa: the Sri Lankan President's Role in 1989 Mass Atrocities. (May 2022) 83p ([https://itjpsl.com/assets/ITJP\\_1989\\_mass\\_grave\\_report\\_v6\\_WEB.pdf](https://itjpsl.com/assets/ITJP_1989_mass_grave_report_v6_WEB.pdf))



## Two parties, one system

Historically, the two dominant Sinhalese political parties, the Sri Lanka Freedom Party (SLFP) now renamed as the Sri Lanka Podujana Peramuna (SLPP) and the United National Party (UNP), agree on one thing above all, the importance of maintaining Sinhalese domination through a unitary state. Both have adhered, explicitly or implicitly, to a “Sinhala Only” policy, symbolised by the 1956 Official Language Act, which made Sinhala the only official language, replacing English. Tamils were forced to learn Sinhala if they sought work, promotion and longevity in their civil service job or in other careers. At least 150 Tamils were killed in protests against its enactment.

All Tamil proposals of any form of power sharing with the Sinhalese, including even the limited autonomy that a federal state would offer, were refused. Instead, in the 1960s the government introduced an internal colonial policy, enabling an estimated 15,000 Sinhalese to settle in the Tamil homeland in the north, on lands appropriated for the scheme by the government. The strength and duration of Sinhalese domination is revealed starkly in national politics. Of 15 Presidents since the establishment of an executive presidency in 1978, and 26 Prime Ministers since 1948, all were Sinhalese. They were also members of the UNP or the SLFP/SLPP, or a coalition/alliance led by those parties. In 2015, a coalition of the two major parties gained victory against the Rajapaksas, who had lost control of the SLFP. But in 2019, the Rajapaksas renamed the party as the SLPP, and won the election, installing Gotabaya as President, brother Mahinda as Prime Minister, brother Basil as the Finance Minister, and other brothers and nephews given senior positions.

President Wickremesinghe has been Prime Minister on six occasions, serving under only one UNP President. He is known to have close relations with the Rajapaksas and the SLFP/SLPP, and his election to the Presidency by the Parliament has been rejected by the protesters.

In responding to the protests, the new President emphasised the need for unity, wasting no time in showing that his government was not going to be intimidated by the protesters and would not refrain from using military force to silence his critics, as governments of the past had done brutally. Declaring a state of emergency and calling upon the military to use “any means necessary” to restore law and order, he ominously claimed that the protesters were “a fascist threat”.<sup>27</sup>

The two Rajapaksas played a central role in the period 2004-2010, the focus of the Tribunal session on the killing of 44 Sri Lankan journalists and media workers. During this period Gotabaya served as Minister of Defence under President Mahinda Rajapaksa. The assassination of Lasantha Wickrematunge appears to have been directly related to his reporting on corruption in government over the years, in particular a defence contract for fighter jets that involved the misappropriation of public funds for personal gain.

The Tribunal heard testimony and considered substantial documentation demonstrating that freedom of expression was essentially destroyed as the decades-long civil war between the government and the LTTE, in particular, ground through its final stages. In the years 2004-2010, government forces mounted a savage attack on the media, killing journalists and media workers, while others were disappeared. Most of those remaining, who would not cower and give up their independence, fled overseas in large numbers estimated to be over one hundred.

Media organisations were also pressured not to publish material critical of the government’s crimes against the Tamils, or the corruption of members of the government, including the Rajapaksas. For most of the media corporations the choice was made to go quiet.

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<sup>27</sup> “Acting Lanka President Wickremesinghe says fascists trying to take over government”, The Times of India, 13 July 2022. <https://timesofindia.indiatimes.com/world/south-asia/acting-lanka-president-wickremesinghe-says-fascists-trying-to-take-over-government/articleshow/92852240.cms>

Other institutions of the state were likewise impacted. The judiciary completely lost its independence, as did much of the legal profession. With a few notable exceptions, as graphically portrayed to the Tribunal, police were complicit in covering up crimes against the journalists.

According to Steve Butler, even before the recent regime change, “the infrastructure for achieving justice for past human rights violations has collapsed.... Prospects for an end to impunity for crimes against journalists under the current leadership are extremely dim”.

While the media generally welcomed the installation of the new government headed by President Ranil Wickremesinghe, optimism was not the only reaction. According to one recent analysis, “This simplistic notion of pragmatic unity in international coverage is one that many Tamils view with scepticism. The very display of the Sri Lankan flag throughout the demonstrations was deeply discomforting for those who see it as a symbol of Sinhala supremacy.”<sup>28</sup>

### **Attacks on Sri Lankan journalists**

Lasantha Wickrematunge, editor of the *Sunday Leader*, which he co-founded in 1994, drove to work on 8 January 2009, as he did every day. He noticed men on motorcycles following him and called a colleague to mention this. He also noted the numbers of two of the license plates in his notebook. At a traffic intersection his car was intercepted by men on motorcycles, who bludgeoned him with a sharp instrument, leaving a deep wound in his skull. Witnesses of the attack drove Lasantha to a nearby hospital, where he died despite emergency surgery.

This audacious attack on one of Sri Lanka’s best-known and most outspoken journalists is emblematic of a larger problem that independent-minded journalists in Sri Lanka faced in that period and continue to do so even today. The Tribunal was approached to look specifically at the case of Lasantha within the larger framework of the intimidation faced by independent media and the impunity that allowed those who assaulted and killed journalists like Lasantha to escape any punishment.

In the course of the two-day hearing in The Hague into the murder of Lasantha specifically, and the deaths, disappearances and assaults on other journalists and media workers in Sri Lanka, the Tribunal was presented with a number of testimonies. Amongst them were signed confidential statements by two former policemen who had investigated the case.

Trained as a lawyer, Lasantha took to journalism with a conviction that the media’s role was to speak truth to power. As his former colleague, Dilrukshi Handunetti testified, the *Sunday Leader* was a “celebration of dissent”. It was established during a period in Sri Lanka’s history when any form of dissent, or criticism of the government’s actions, was viewed as being anti-national. The Sri Lankan government and army fought a two-decade long war in the country’s northern and eastern provinces against Tamil separatists led by the Tamil Tigers (LTTE). The period 2004-09 was particularly intense, leading up to May 2009 when the Sri Lankan government declared victory over the Tamil Tigers.

The media over this period was largely compliant, echoing the official narrative of the government on the war in the north and the east. The Sinhalese journalists who were critical, or exposed the government’s shortcomings and corruption, were singled out, publicly called “traitors” and “terrorists” and were at the receiving end of death threats, surveillance and in some instances physical assault and even murder. Tamil journalists were killed because they were, in the main, seen as supporters of the Tamil national self-determination movement in the north and east of the country, or as working with one of the Tamil military groups, including the LTTE.

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28 Bharathy Singaravel, “A chauvinist flag and war crimes: Tamil perspectives of Sri Lanka protests”, *The News Minute*, 24 July 2022 (<https://www.thenewsminute.com/article/chauvinist-flag-and-war-crimes-tamil-perspectives-sri-lanka...>)

The Tribunal was also reminded that even as we looked at the murder of an individual, we had to understand that it was foregrounded by the war against the Tamil Tigers and the violation of the rights of Tamils living in the region of conflict.

We refer here to the Judgment of the Permanent People's Tribunals on Sri Lanka (1 & 2) concerning the overall context of crimes against humanity and genocide in Sri Lanka:

"Extra-judicial executions (for example, the killing of 5 students in Trincomalee and 17 aid workers of Action Contre la Faim in Muttur) and selective assassinations (including prominent journalists, parliamentarians, priests, civil society leaders killed between 2004 and 2006) were carried out with absolute impunity even before the largescale military offensives of the state armed forces started in the east. The mass graves discovered in Natpiddymunai in the east (September 1990) as well as in Chemmani, Jaffna (July 1998), and Mirusuvil in the north (December 2000) where hundreds of bodies were buried stand out as stark examples. The detailed evidence and witness statements submitted to the Dublin Tribunal in January 2010 confirmed the widespread and systematic nature of the atrocities, and that they escalated in the last phase of the war starting in 2006." <sup>29</sup>

Bashana Abeywardene, who heads Journalists for Democracy in Sri Lanka, like so many of our witnesses is a journalist now living in self-exile due to the continuing situation of repression in his home country. He outlined the extent and duration of repression against the Tamil population, including the murder of many journalists, stating that it was only with Lasantha's killing that this situation was brought into public consciousness in the South of the country. He concluded his testimony by reading into the record the names of 44 journalists and media workers who had been killed between 2004 and 2010, noting that 38 had been killed by agencies of the state, and that 35 of these 38 were Tamil. <sup>30</sup>

To quote Bashana: "We cannot discuss crimes against journalists without looking [more widely] at crimes against Tamils and now Muslims. These are State crimes, not just government crimes... Despite a change of regime which was short-lived between 2015 and 2019 under the new coalition of National Unity Government, the policy of total impunity was shamelessly upheld by abandoning even the few investigations initiated under their watch". Bashana also commented that, ironically, Sri Lanka, one of the oldest democracies in Asia, now takes second place in the world for the number of disappearances. He said that a "policy of total impunity is the elephant in the room. If you don't deal with past crimes, you are sending a message to perpetrators of crimes."

This period also coincided with the rise of the Rajapaksa family in Sri Lankan politics. In 2004, Mahinda Rajapaksa was appointed the Prime Minister under the Presidentship of Chandrika Bandaranaike. In 2005, he won the Presidential elections and appointed his brother, Gotabaya Rajapaksa as the Defence Secretary.

In the period leading up to Lasantha's murder in 2009, as the Tribunal was informed by a variety of witnesses, attacks, disappearances and murders were wrought on many other journalists with one common feature: all of them had written critically about the government led by Mahinda Rajapaksa and in several instances, specifically about Gotabaya Rajapaksa.

The *Sunday Leader*, and its investigation team of which Dilrukshi was a member, produced several stories on corruption involving the government. Dilrukshi spoke of a story she had investigated that revealed corruption in the distribution of relief after the 2004 tsunami in southern Sri Lanka. The paper had also investigated a defence deal between Ukraine and Sri Lanka to purchase fighter jets that exposed the irregular channels through which payments were made. In response to this story,

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<sup>29</sup> People's Tribunal on Sri Lanka (2). Judgment, Bremen, 7-10 December 2013. Bremen : Permanent People's Tribunal, & the International Human Rights Association (IMRV), 2014, p16)

<sup>30</sup> For the names of those killed, see Annex III.

Gotabaya had filed a defamation case against Lasantha and the paper in 2008.

Steve Butler, who heads the Asia desk of the Committee to Protect Journalists (CPJ) spoke of 10 journalists “murdered for their work” between 2000 to 2009.<sup>31</sup> It should be noted that CPJ uses a very narrow definition of “journalist”, and its figures do not include media workers, or people connected to the media, others of whom had also been killed, and he said that CPJ uses the term “murder” only to “indicate that these journalists were killed specifically in retaliation for their journalism”. Butler also stated that there had not been a single conviction in any case involving murder, disappearance, torture or assault of a journalist.

Butler made specific mention of a number of attacks on and intimidation of journalists. Iqbal Athas, the defence correspondent of the *Sunday Times* and currently its political editor, faced abuse and threats following articles he wrote on defence deals. At one point an armed air force officer entered his home and threatened his family. He was also threatened that he would be charged under the Official Secrets Act. Athas chose to go into self-exile several times, including in early 2009, at the time when Lasantha was murdered.

Namal Perera, a freelance journalist who headed the Sri Lanka Press Institute, escaped an abduction attempt in 2008. He survived because the attack took place at a crowded location. Later he was able to identify his attackers. Yet, even then there has been no conviction.

Another example from Butler was Keith Noyar, deputy editor of the *Nation* newspaper, following an article he wrote critical of the army.<sup>32</sup> Noyar’s car was intercepted, he was beaten up and taken to an undisclosed location where he was tortured. He was released only when someone on his behalf reached out to high officials in the government, including the defence ministry then headed by Gotabaya Rajapaksa. Other written documentation also upholds this recounting of what happened to Noyar, who now lives outside Sri Lanka. He returned to identify his abductors. Despite that, and even the arrest of several military personnel he had identified, there has been no conviction. The men who were initially arrested are all out on bail, and some have even been reinstated.

The fourth journalist mentioned by Butler was Tamil journalist J. S. Tissanayagam, also known as Tissa, a columnist with the *Sunday Times* and editor of *OutreachSL*.<sup>33</sup> He was arrested after he wrote two articles in 2007/8 about people displaced in the north and the east and was charged under the Prevention of Terrorism Act. The court upheld the charges and he was given a 20-year prison sentence. He was freed only after an international campaign that led to a presidential pardon. He now lives in exile outside Sri Lanka.

The Tribunal was also presented with the case of Prageeth Eknaligoda, journalist and cartoonist who wrote for *Lankaenews*. He has not been seen since he left his office at 9 pm on January 24, 2010.<sup>34</sup> This was by no means the first attack on Prageeth. He had been abducted earlier, in 2009 by men in a white van, but then suddenly and inexplicably released. He lodged a complaint and presented evidence including a blindfold with which he had been tied. The blindfold subsequently vanished, along with the record of his complaint.

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31 <https://cpj.org/2009/02/attacks-on-the-press-in-2008-sri-lanka/>

32 <https://cpj.org/2008/05/sri-lankan-columnist-badly-beaten-during-abduction/>

33 <https://pen.org/advocacy-case/j-s-tissainayagam/>

34 <https://rsf.org/en/political-reporter-and-cartoonist-missing-colombo-eve-election>

His wife Sandhya Eknaligoda testified before the Tribunal. The police refused to accept her complaint when she went to them a day after his disappearance, and investigations did not begin until two weeks after she finally managed to have the complaint registered. Sandhya has pursued the case at various levels. Despite the initial rebuff, she managed to have her case noted by the Sri Lanka Human Rights Commission, and filed a habeas corpus case in February 2010. Although investigations were eventually instituted and several military personnel who were suspects were detained, over time all of them were released. In November 2016, Sandhya went to Geneva to seek international intervention in the case. In 2019, although the Attorney General indicted nine suspects in the abduction of Eknaligoda, all of them were released on bail. The case is still in court.

In a moving personal testimony, Sandhya described herself as “a woman who became a human rights activist”. She spoke of the continuing abuse against her and her children, and how she has chosen to shave off her hair and dress in black until she is able to establish what happened to her husband and to hold those responsible for his disappearance to account.

The years leading up to Lasantha’s murder marked the peak of the conflict between the Sri Lankan Army and the Tamil Tigers in the north and the east. According to one account, “On a small stretch of sand in north-eastern Sri Lanka in 2009, the military launched a genocidal offensive against the island’s Tamils. The government told the world that it was rescuing civilians from the grip of the Liberation Tigers of Tamil Eelam. It was a lie...Deperate to wipe out the movement, the Sri Lankan armed forces indiscriminately bombed the entire population. Tens of thousands were killed in an act of premeditated extermination.”<sup>35</sup>. As mentioned earlier, a state of emergency had been declared for some time which included directions issued to the press on their coverage of the conflict. Irrespective of that, mainstream media generally did not question the government’s narrative of the war over this period. The few journalists who did, and who also wrote stories on human rights violations and corruption, were targeted by the state. They are on the list of the journalists who have been assaulted, disappeared or murdered.

## **The murder of Lasantha Wickrematunge**

It is against this background that we have to look at the murder of Lasantha and the role of the state in it. Four days before he was murdered, he wrote in an editorial titled “The Last Hurrah” on 4 January 2009 in the *Sunday Leader*: “Even if the Rajapakses, swollen as they are with the pride of bloodthirsty euphoria, are unable to think beyond the destruction of the LTTE and its leadership, it behoves us to think of the day after tomorrow now. Should we fail meaningfully to address the aspirations of the Tamil people that survive this holocaust, we can be sure as night follows day that history will repeat itself, even though it may take a generation from now. All the bloodshed and all the sacrifice made to bring the war to a conclusion will have been in vain.”

Such views being expressed shortly before the victory that the Sri Lankan government declared over the LTTE in May 2009 were clearly not going to be tolerated. Then Defence Secretary Gotabaya Rajapaksa sued Lasantha for defamation, while then President Mahinda Rajapaksa went so far as to label him a “terrorist”. Four days later, he was murdered.

In an editorial that Lasantha wrote before his death, but which was printed posthumously, he said: “People often ask me why I take such risks and tell me it is a matter of time before I am bumped off. Of course I know that: it is inevitable. But if we do not speak out now, there will be no one left to speak for those who cannot, whether they be ethnic minorities, the disadvantaged or the persecuted.”<sup>36</sup>

<sup>35</sup> Ben Hillier, *Losing Santhia: Life and Loss in the Struggle for Tamil Eelam*, Melbourne: Interventions, 2019, p.5.

<sup>36</sup> <https://en.unesco.org/courier/april-2009/and-then-they-came-me-last-words-lasantha-wickrematunge>



Among the testimonies presented to the Tribunal, two confidential testimonies stand out as highly significant and rare, given their sources within the state's security apparatus. One was by an officer of the Sri Lankan police who was part of the Criminal Investigation Department (CID) tasked to look into Lasantha's murder. Amongst other details, he testified that although the Mount Lavinia police station, where the crime was registered, had noted that there were three eye-witnesses to the murder, one of whom said he could identify the attackers, these leads were not followed up. This was only one of several instances when clues to the identities of the killers were not pursued.

He also testified that, on his own initiative, "I reopened the cases concerning senior journalist and Deputy Editor of the *Nation* newspaper, Keith Noyah, who was abducted and assaulted in May 2008 and the Editor of the *Rivira* newspaper, Upali Tennakoon, who was assaulted in January 2009, two weeks after Lasantha's killing. I wanted to determine if there was a connection between these cases.... My investigations revealed that a Sri Lanka Military Intelligence unit called the Tripoli Platoon/ Tripoli Team was behind several acts of violence against journalists".

His detailed written statement, running into 29 pages, analyses Lasantha's killing and these other assaults, enforced disappearance and subsequent cover ups. He concludes, "I was now convinced that there was a link to the Tripoli team in several acts of violence against journalists. These included Lasantha Wickrematunge's killing, abduction and assault of Keith Noyah, assault on Upali Tennekoon, attempted abduction of Namal Perera and the first abduction of Prageeth Eknaligoda."

He also concluded that the cover up of these crimes was at the behest of people high up in government and specifically mentioned Gotabaya Rajapaksa as the person with a clear motive to kill Lasantha.

This witness chose to relocate with his family as he apprehended that his investigation made him vulnerable. He therefore testified online from an undisclosed location, in addition to providing a written statement to the Tribunal.

Another confidential testimony was given by a policeman who was the officer in charge at the Mount Lavinia police station when Lasantha's murder was registered there. He went to the scene of the crime and also collected evidence. He reported how his superior specifically asked him to hand over his notes on the orders of Defence Secretary Gotabaya to the Inspector General of Police. When he refused, he was threatened, and eventually surrendered the notes as well as Lasantha's notebook on which he had noted down the numbers of license plates of two of the motorcycles that had followed his car. In 2018, this witness was arrested by the CID and eventually was compelled to surrender all the documents relating to the case, which he had hidden. He concluded his 8-page written testimony saying he did so because he feared for his life and the safety of his family. All his surrendered documents, the original autopsy report and other items of evidence subsequently vanished.

These two witnesses give us a vivid picture of deliberate interference with the course of investigations that could have resulted in convictions in relation to Lasantha's murder and other attacks on journalists. The two police officials clearly stated that the orders to remove any evidence came from the very top and that they were in no position to disobey.

The assumption of state involvement in the crime itself as well as in its deliberate coverup was shown conclusively in relation to Lasantha's murder, through subsequent examination of vehicle and mobile telephone records showing that Lasantha was under continuous surveillance in the days leading up to his death, as testified before the Tribunal by Robert Knight, a cell-tower expert from Footprint Investigations.

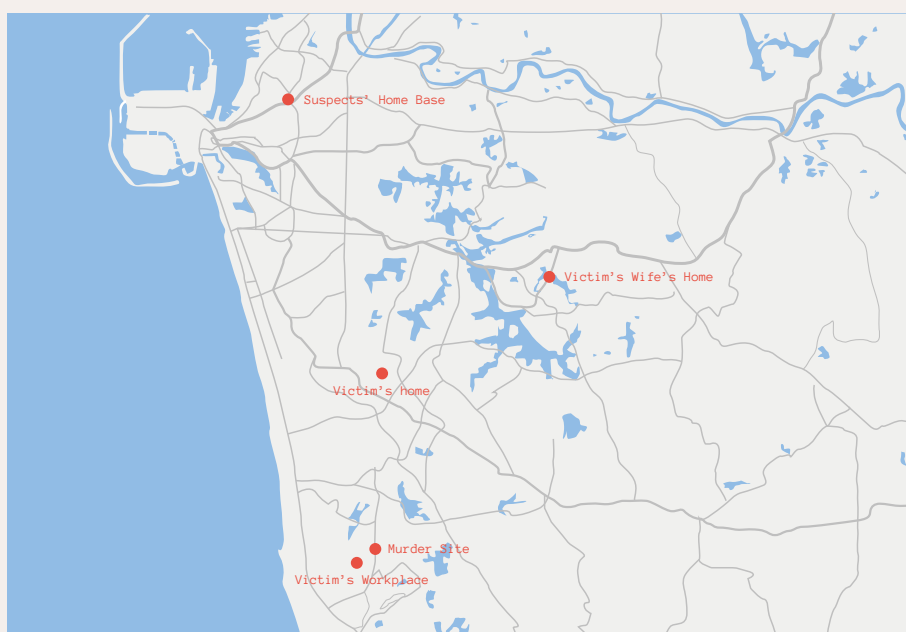
It is not surprising therefore that no progress has been made on any of these cases over the years even if at certain points arrests were made. When Gotabaya Rajapaksa was elected president in 2019, he gave a presidential pardon to all those in the army who were implicated. Many of them, including officials within the Tripoli Platoon, have been reinstated to positions within the government.

A 13-year fight to end impunity in Lasantha's case is being waged by his family, particularly his daughter Ahimsa, who was represented at the Tribunal by Nushin Sakarati, Senior Attorney at the Center for Justice and Accountability in the US. In 2019 she served a warrant on behalf of a case filed by Ahimsa Wickrematunge under a civil suit on Gotabaya Rajapaksa (who at that time held US citizenship and was then out of government). However, this case has faced a number of difficulties. It was initially rejected by the U.S. District Court for the Central District of California on the grounds that it lacked jurisdiction for the suit, because the allegations pertained to Rajapaksa's actions as a state official. Ahimsa's appeal was subsequently dismissed without prejudice when Rajapaksa renounced his US citizenship during his successful campaign to be elected President of Sri Lanka and then claiming head of state immunity.

Faced with so many seemingly insurmountable judicial barricades in Sri Lanka and internationally, Nushin stated in her testimony to the Tribunal that the PPT session was the closest that Ahimsa had ever come to justice, helping her and the family to dare to hope that Lasantha's vision is within reach.

Now that Gotabaya Rajapaksa has been forced to step down following the people's uprising, possibilities for pursuing civil or criminal prosecution against him are again being studied in a number of places, including those that recognise universal jurisdiction in cases of war crimes, crimes against humanity and genocide.<sup>37</sup>

The Tribunal's conclusions on the situation of human rights in Sri Lanka align with the view expressed in the United Nations High Commissioner for Human Rights 6 September 2022 report: "Impunity remains a central obstacle to the rule of law, reconciliation and Sri Lanka's sustainable peace and development, and remains the core risk factor for recurrence of further violations."<sup>38</sup>



*Locations referenced in this chapter regarding the murder of Lasantha Wickrematunge.*

<sup>37</sup> [https://www.theguardian.com/world/2022/jul/30/fall-of-sri-lankan-president-gotabaya-rajapaksa-raises-victims-hopes?CMP=share\\_btn\\_tw](https://www.theguardian.com/world/2022/jul/30/fall-of-sri-lankan-president-gotabaya-rajapaksa-raises-victims-hopes?CMP=share_btn_tw)  
<sup>38</sup> <https://www.ohchr.org/en/press-releases/2022/09/sri-lanka-critical-juncture-un-report-urges-progress-accountability>





## Journalists and Media Workers Killed in Sri Lanka (2004 - 2010)



Submission to the Peoples' Tribunal Hearing on Murder of Journalists in Sri Lanka.

The United People's Freedom Alliance (UPFA), a political coalition that ruled Sri Lanka for 11 years, swept into power in April 2004. Barely a month later, on the 31st of May, the veteran Tamil journalist Aiyathurai Nadesan was gunned down in the eastern coastal city of Batticaloa by the government backed paramilitaries.

His death triggered a new war of annihilation. A war fought with a renewed vigor and an unprecedented brutality.  
A war against media and freedom of expression.

Within the next 6 years, at least 43 journalists and media workers were either killed or disappeared. This is in addition to continuous harassment, abduction, torture and imprisonment, many other journalists were subjected to. No investigation was conducted and no perpetrator brought to justice. Out of the 44, the UPFA government outperformed all its predecessors by single-handedly wiping out at least 38 journalists and media workers of which 35 remain ethnic Tamils.

Despite a change of regime which short lived between 2015 & 2019 under the new coalition of National Unity Government, the policy of total impunity was shamelessly upheld by abandoning even the few investigations initiated under their watch.

*Journalists for Democracy in Sri Lanka | The Hague, 12 May 2022*

### 2004

1. **Name:** Aiyathurai Nadesan  
**Designation:** Journalist  
**Assassinated on:** 31 May 2004 in Batticaloa.  
**Additional remarks:** He was the Vice-President of the Sri Lanka Tamil Media Alliance and worked as a columnist for "Veerakesari" Newspaper. The Human Rights Watch blamed the Karuna group - a state backed para-military - for the assassination, in their 2005 World Report.
2. **Name:** Kandasamy Aiyer Balanadarajah  
**Designation:** Journalist/Political activist  
**Assassinated on:** 16 August 2004 in Colombo.  
**Additional remarks:** Worked as the Media Secretary of the paramilitary group Eelam People's Democratic Party (EPDP), apart from working for the group's official newspaper "Thinamurasu". Gunned down by men believed to be members of the Liberation Tigers of Tamil Eelam. (LTTE) backed para-military - for the assassination, in their 2005 World Report.
3. **Name:** Lanka Jayasundera  
**Designation:** Journalist  
**Assassinated on:** 11 December 2004 in Colombo.  
**Additional remarks:** Worked as a photo journalist attached to Vijaya Newspapers. He was killed when a hand-held bomb detonated at a musical concert in Colombo's former Race Course open air stadium. The attack was widely suspected to be the handiwork of the Sinhala extremist elements close to rightwing political outfit Jathika Hela Urumaya (JHU).



## 2005

4. **Name:** Dharmaratnam Sivaram (Taraki)  
**Designation:** Journalist  
**Assassinated on:** 29 April 2005 in Colombo.  
**Additional remarks:** The Senior Editor of the “Tamil Net” website and wrote weekly columns to “Daily Mirror” and “Veerakesari” newspapers. Abducted by armed men in Colombo and his body was found next day near the Sri Lankan parliament. Killed purportedly by para-military operatives working with the Sri Lankan Military Intelligence.
5. **Name:** Kannamuttu Arsakumar  
**Designation:** Media Worker  
**Assassinated on:** 29 June 2005 in Matupola (Kalmunai- Akkaraipattu road)  
**Additional remarks:** Worked as a newspaper delivery agent in the eastern province. Prior to his murder, had been warned by the state backed paramilitary operatives not to distribute the Batticaloa Edition of “Eelanatham” newspaper.
6. **Name:** Relangi Selvarajah  
**Designation:** Journalist  
**Assassinated on:** 12 August 2005 in Colombo.  
**Additional remarks:** A Radio and Television presenter worked for the state run media institutions and was killed along with her husband. She produced a radio program for the state owned SLBC called “Ithaya Veenai,” allegedly funded by the paramilitary group EPDP. The program is known for being highly critical of the Tamil rebels. The Police blamed the LTTE for the attack.
7. **Name:** David Selvaratnam  
**Designation:** Media Worker  
**Assassinated on:** 29 August 2005 in Colombo  
**Additional remarks:** A security officer attached to the Tamil daily “Sudar Oli”, a pro-Tamil nationalist newspaper. He was killed when two grenades were thrown into the newspaper office by unknown attackers.
8. **Name:** Yogakumar Krishnapillai  
**Designation:** Media worker  
**Assassinated on:** 30 September 2005 in Batticaloa  
**Additional remarks:** Worked as a distributor of the Batticaloa edition of “Eelanatham” newspaper, despite repeated threats. Two weeks prior to his murder, the police Special Task Force blocked the sales of the Eelanatham paper in government controlled areas in the East
9. **Name:** L. M. Faleel (Netpittimunai Faleel)  
**Designation:** Writer  
**Assassinated on:** 02 December 2005 in Batticaloa  
**Additional remarks:** Worked as the Divisional Secretary in Kattankudy, Batticaloa. Shot by unknown assailants inside his office.
10. **Name:** K. Navaratnam  
**Designation:** Media Worker  
**Assassinated on:** 22 December 2005 in Jaffna.  
**Additional remarks:** Worked part time as a newspaper distributor in Jaffna. He was shot by an unknown gunman while on his way to collect Tamil newspaper “Thinakural - Jaffna edition” for delivery.



## 2006

- 11. Name:** Subramaniam Sugirtharajan  
**Designation:** Journalist  
**Assassinated on:** 24 January 2006 in Trincomalee  
**Additional remarks:** Worked as the Trincomalee correspondent for “Sudar Oli” newspaper. He was instrumental in exposing the involvement of Sri Lanka military in the execution style killing of five students in Trincomalee on the 02 of January 2006
- 12. Name:** S. T. Gananathan  
**Designation:** Patron - Tamil News and Information Centre  
**Assassinated on:** 01 February 2006 in Jaffna  
**Additional remarks:** He was shot dead in close proximity to a Sri Lankan Military camp at Mampalam Junction in Ariyalai, Jaffna.
- 13. Name:** Bastian George Sagayathas (Suresh)  
**Designation:** Media Worker  
**Assassinated on:** 02 May 2006 in Jaffna  
**Additional remarks:** Worked as the Circulation Manager at Jaffna daily “Uthayan”. Five armed men, suspected of belonging to the paramilitary EPDP, stormed the newspaper office and fired at random, killing him along with another employee.
- 14. Name:** Rajaratnam Ranjith Kumar  
**Designation:** Media Worker  
**Assassinated on:** 02 May 2006 in Jaffna  
**Additional remarks:** Worked as the Circulation Supervisor at Jaffna daily “Uthayan”. Five armed men, suspected of belonging to the paramilitary EPDP, stormed the newspaper office and fired at random, killing him along with another employee.
- 15. Name:** Sampath Lakmal de Silva  
**Designation:** Journalist  
**Assassinated on:** 02 July 2006 in Colombo  
**Additional remarks:** Worked as a freelance defence correspondent for several Sinhala language newspapers including ‘Trudina’ - ‘Lakbima’ and ‘Sathdina’. He was called out of his home and shot at point-blank range by a gunman suspected to be a member of Sri Lanka’s Military Intelligence.
- 16. Name:** Mariadasan Manojanraj  
**Designation:** Media Worker  
**Assassinated on:** 27 July 2006 in Jaffna  
**Additional remarks:** A distributor of Tamil newspapers ‘Yarl Thinakural’ and ‘Veerakesari’ in Jaffna. Killed in a claymore explosion while he was on his way to collect the newspapers.
- 17. Name:** Sathasivam Baskaran  
**Designation:** Media Worker  
**Assassinated on:** 15 August 2006 in Jaffna  
**Additional remarks:** Newspaper agent and a delivery driver attached to ‘Uthayan’ newspaper. Sri Lankan Army soldiers fired at the van and killed him at Puthur junction near Atchchuveli, Jaffna.



18. **Name:** Sinnathamby Sivamaharajah  
**Designation:** Media Owner  
**Assassinated on:** 20 August 2006 in Jaffna  
**Additional remarks:** Managing Director of Jaffna Tamil daily 'Namathu Eelanadu'. Shot dead inside his residence located in the Sri Lanka Army designated High Security Zone in Tellippalai, Jaffna.

## 2007

19. **Name:** S. Raveendran  
**Designation:** Media Worker  
**Assassinated on:** 12 February 2007 in Jaffna  
**Additional remarks:** Worked as a printing machine operator at Jaffna Tamil daily 'Namathu Eezhanadu'. Killed by unidentified gunmen who broke into his house located in Kopay, Jaffna.
20. **Name:** Subramaniam Ramachandran  
**Designation:** Journalist  
**Assassinated on:** 15 February 2007 in Jaffna  
**Additional remarks:** Vadamaradchi region correspondent for two Tamil dailies, 'Yarl Thinakkural' and 'Valampuri'. He was abducted by an armed group in heavily militarized Karaveddy in Vadamaradchi.
21. **Name:** Chandrabose Suthakar  
**Designation:** Journalist  
**Assassinated on:** 16 April 2007 in Vavunia  
**Additional remarks:** A regular contributor to many Tamil publications including Eelanatham, Veliccham, Eezhanadu, Nilam, Kalachuvadu and Veerakesari. Edited a handwritten magazine named 'Nilam' (The Ground). Killed by four unidentified gunmen who entered his house located in Thirunavatkulam, Vavunia.
22. **Name:** Selvarasah Rajeevarman  
**Designation:** Journalist  
**Assassinated on:** 29 April 2007 in Jaffna  
**Additional remarks:** Worked as a trainee staff reporter for Jaffna Tamil daily 'Uthayan' and was formerly attached to 'Thinakkural' and 'Namathu Eezhanadu'. He was shot to death by assassins riding in a motorbike at Naavalar Road, Jaffna.
23. **Name:** Sahadevan Nilakshan  
**Designation:** Journalist  
**Assassinated on:** 01 August 2007 in Jaffna  
**Additional remarks:** A part time journalist and a media student at Jaffna University Media Research and Training Center. Worked as one of the editors of a popular student magazine published by Jaffna District Student Federation. Armed men riding a motorcycle opened fire killing him in front of his house.
24. **Name:** Anthonypillai Sherin Siththiranjana  
**Designation:** Media Worker  
**Assassinated on:** 05 November 2007 in Jaffna  
**Additional remarks:** A newspaper delivery agent attached to Jaffna Tamil daily 'Yarl Thinakkural'. He went missing while on his way to distribute the newspapers.



25. **Name:** Vadivelu Nirmalaraj  
**Designation:** Media Worker  
**Assassinated on:** 17 November 2007 in Jaffna  
**Additional remarks:** Worked as a proofreader for Jaffna Tamil daily 'Uthayan'. Went missing while on his way home after finishing his night shift at the newspaper office.
26. **Name:** Isaivizhi Chempian (Subhajini)  
**Designation:** Journalist  
**Assassinated on:** 27 November 2007 in Kilinochchi  
**Additional remarks:** Worked as a radio presenter attached to Tamil rebel radio station 'Voice of Tigers'. Killed when the radio station came under a deadly attack by Sri Lankan Air Force, which was condemned by the UNESCO and the Reporters Without Borders.
27. **Name:** Suresh Limbiyo  
**Designation:** Media Worker  
**Assassinated on:** 27 November 2007 in Kilinochchi  
**Additional remarks:** A technical desk officer at Tamil rebel radio station 'Voice of Tigers'. Killed when the radio station came under a deadly attack by Sri Lankan Air Force, which was condemned by the UNESCO and the Reporters Without Borders.
28. **Name:** TTharmalingam  
**Designation:** Media Worker  
**Assassinated on:** 27 November 2007 in Kilinochchi  
**Additional remarks:** Worked attached to Tamil rebel radio station 'Voice of Tigers'. Killed when the radio station came under a deadly attack by Sri Lankan Air Force, which was condemned by the UNESCO and the Reporters Without Borders.
29. **Name:** W.Gunasinghe  
**Designation:** Journalist  
**Assassinated on:** 05 December 2007 in Kebithigollewa  
**Additional remarks:** Worked as a provincial correspondent for Sinhala daily 'Divaina'. Killed by a roadside bomb attack on a passenger bus in Kebithigollewa, in the north-central province. The bombing was believed to have been the work of the Liberation Tigers of Tamil Eelam.

## 2008

30. **Name:** Paranirupesingham Devakumar  
**Designation:** Journalist  
**Assassinated on:** 28 May 2008 in Jaffna  
**Additional remarks:** Jaffna correspondent of Sakthi TV and the head of its provincial station. Hacked to death after being abducted by an armed group, while on his way home from work.
31. **Name:** Mohamad Rasmi Maharooof  
**Designation:** Journalist  
**Assassinated on:** 06 October 2008 in Anuradhapura  
**Additional remarks:** A provincial correspondent for Sirasa TV. He was killed while covering an opposition party gathering when a suicide bomber, believed to be a member of the LTTE, detonated an explosive device.



- 32. Name:** Rasiya Jeynthiran  
**Designation:** Journalist  
**Assassinated on:** October 2008 (date unverifiable).  
**Additional remarks:** Formerly worked as a sub editor at Tamil daily 'Eelanatham'. Waylaid and killed by the Sri Lankan troops in Mannar. Further details remain unknown.

## 2009

- 33. Name:** Lasantha Wickramatunge  
**Designation:** Journalist  
**Assassinated on:** 09 January 2009 in Colombo  
**Additional remarks:** Founding Chief Editor of the English weekly 'The Sunday Leader'. He was repeatedly shot in broad daylight by eight assailants arrived on four motorcycles who blocked his path in a busy Colombo street. The assassination occurred in a high security zone in the capital, in close proximity to a military Airport and an Air force Base.
- 34. Name:** Punniyamurthy Sathyamurthy  
**Designation:** Journalist  
**Assassinated on:** 12 February 2009 in Thevipuram, Mullaithivu  
**Additional remarks:** Regularly contributed to various Tamil publications including Eelanatham, Vellynatham, Eelamurasu, Velichcham and several radio stations. Sustained fatal injuries as a result of Sri Lankan military bombardment while living inside the government designated safe zone and later succumbed to his injuries.
- 35. Name:** Sasi Mathan  
**Designation:** Media Worker  
**Assassinated on:** 05 March 2009 in Mullaithivu  
**Additional remarks:** Worked as a distributor for Tamil daily 'Eelanatham' in Mullaithivu area. Killed in a mortar shell attack by Sri Lankan military, while distributing the newspaper in Iranaipalai.
- 36. Name:** Nalliyah Maheswaran  
**Designation:** Media worker/Journalist  
**Assassinated on:** 06 March 2009 in Mullaithivu  
**Additional remarks:** Coordinated the distribution of 'Eelanatham' in Mullaithivu District, while working as a reporter to the same paper. Killed in a mortar shell attack by Sri Lankan military in Pokkanai.
- 37. Name:** Mariyanayagam Anton Benedict  
**Designation:** Media Worker  
**Assassinated on:** March 2009 in Mullaithivu (date unverifiable).  
**Additional remarks:** A distributor attached to 'Eelanatham' newspaper. A mortar shell fired by the advancing Sri Lankan troops killed him while distributing the newspaper in Iranaipalai. Reportedly his entire family has been killed during the final days of the war.
- 38. Name:** Rajkumar Mary Densey  
**Designation:** Media Worker  
**Assassinated on:** 09 April 2009 in Mullaithivu  
**Additional remarks:** A computer graphic designer attached to the Tamil daily 'Eelanatham'. Killed along with her husband in Pokkanai area, by Sri Lankan military shellfire.



39. **Name:** Jeyaraja Susithara (Suganthan)  
**Designation:** Media Worker  
**Assassinated on:** 25 April 2009 in Mullaithivu  
**Additional remarks:** Worked as a printing machine operator at 'Eelanatham' newspaper. Killed by a Sri Lankan Army sharp shooter (Sniper) in Valaignarmadam.
40. **Name:** Mari Arulappan Antonykumar (Antony Cruise)  
**Designation:** Media worker / Journalist  
**Assassinated on:** 14 May 2009 in Mullaithivu  
**Additional remarks:** Apart from working as a newspaper distributor and a store keeper, he served as a news reporter for Tamil daily 'Eelanatham'. After surviving until the final days of the war, killed by Army RPG fire while trying to come out of a "bunker" shelter in Mullivaikkal.
41. **Name:** Thuraisingham Tharshan  
**Designation:** Media Worker  
**Assassinated on:** 14th May 2009 in Mullaithivu  
**Additional remarks:** Worked as a computer graphic designer attached to 'Eelanatham' newspaper. After surviving until the final days of the war, killed along with another media worker by Army RPG fire while trying to come out of a "bunker" shelter in Mullivaikkal.
42. **Name:** Isai Priya aka Shobana Dharmaraja  
**Designation:** Journalist  
**Assassinated on:** 18 May 2009 in Mullaithivu  
**Additional remarks:** A TV presenter worked for the Tamil rebel television station. Reportedly surrendered to the Sri Lankan military during the final days of the war. Photographic evidence surfaced later, leading many to believe that she was sexually assaulted before being killed.
43. **Name:** Thirukulasingham Thavabalan  
**Designation:** Journalist/Political activist  
**Assassinated on:** May 2009 (date unverifiable) in Mullaithivu  
  
**Additional remarks:** He served as the head of Tamil rebel radio station and is best known for his outstanding skill as a photographer. Believed to have been summarily executed after surrendering to the Sri Lankan troops at the end of war. Final moments of his life remain unknown and unverified.

## 2010

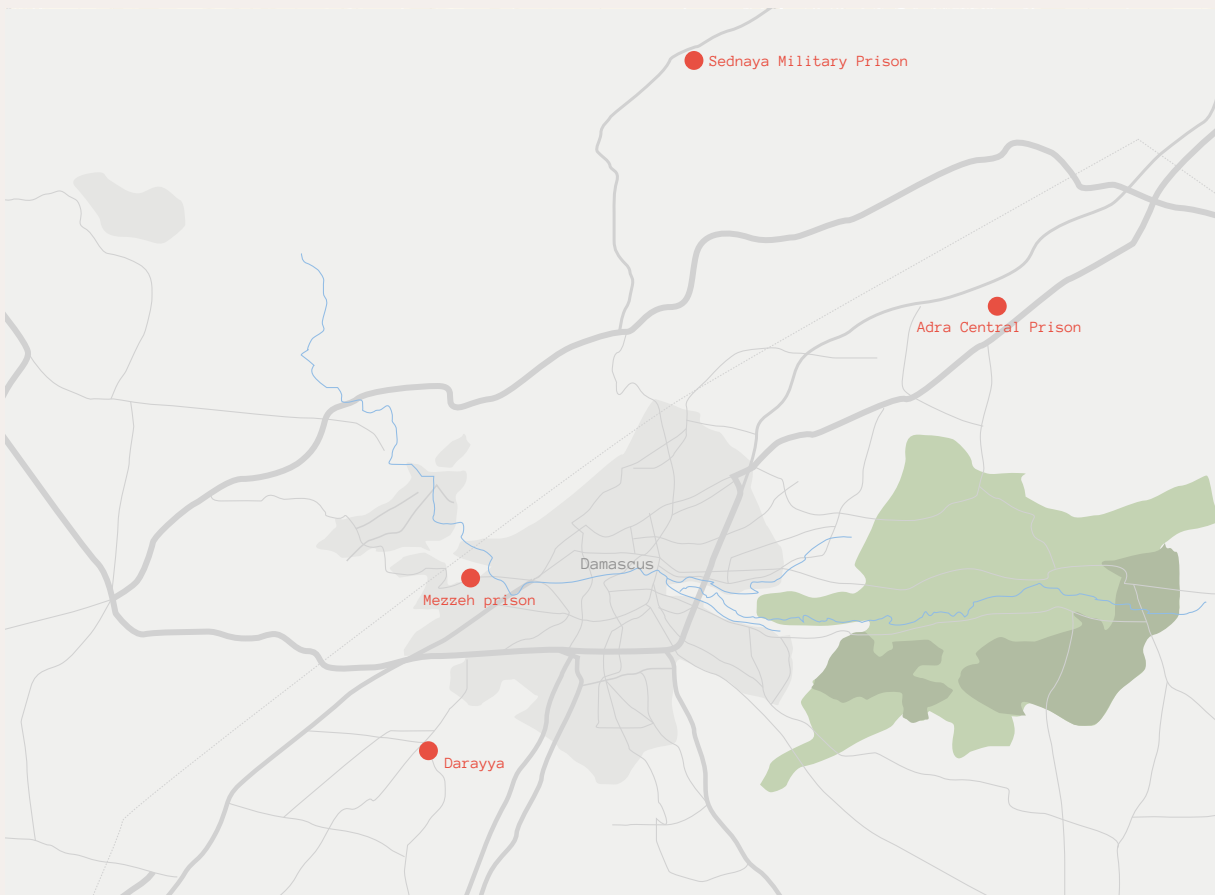
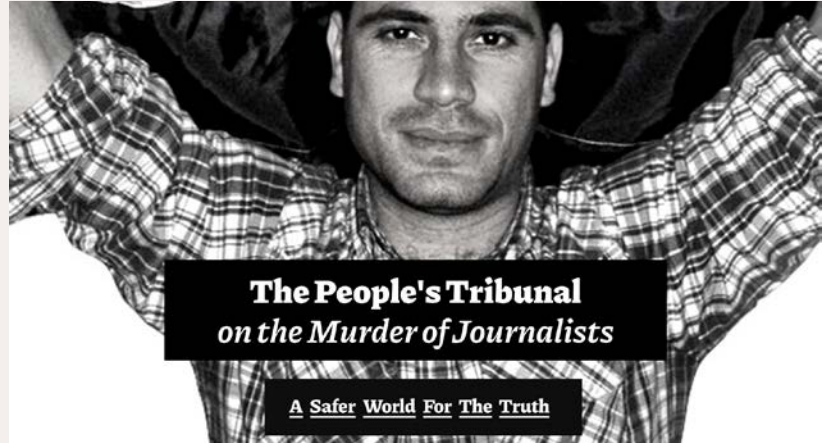
44. **Name:** Prageeth Ekneligoda  
**Designation:** Journalist  
**Assassinated on:** 24 January 2010 in Colombo  
**Additional remarks:** A journalist, cartoonist and a political analyst attached to Lankaenews website. He reportedly went missing on his way home after work.



## 4.3 Syria



*Syrian journalist Nabil Al-Sharbaji*



*Locations in Syria referenced in this chapter in relation to the murder of Nabil Al-Sharbaji and other cases of journalists murdered in reprisal for their work.*

During a session held on 16 and 17 May, 2022, this Tribunal heard the case of Nabil Walid Al-Sharbaji, a journalist and political activist in Syria.

The dramatic circumstances of his arrest and eventual death in custody bring to our attention the events of 2011 and the following years, when a popular uprising in Syria morphed into a full-fledged war. Yet it is important to put these events in the wider context.

It would be beyond the scope of this Tribunal to trace the full history of the rise and consolidation of the Assad power in Syria: how the idea of a progressive, pan-Arab nationalism embodied by the Baath Party in the 1960s, accompanied by land reform and redistributive policies, gave way to a brutal regime.

Many witnesses to this Tribunal recalled the 1970 “intra-party” coup d’état by then Minister of Defence Hafez al Assad, formerly the head of the Syrian Air Force, with control over a powerful intelligence agency. This was seen to be a turning point in the development of an authoritarian regime with an increasingly powerful repressive apparatus.<sup>39</sup> The new, military-dominated version of the Baath regime repressed all dissent, whether nationalist, leftist, liberal or Islamist. It also brought a concentration of the economic and political power in the hands of the Assad extended family and a small circle of close allies.

As part of a strategy of control, limited concessions were given to different social groups to maintain social order, provided it did not give way to expressions of dissent. While Syria has a large majority of Sunni Muslims, the Assads were Alawites and members of that religious minority dominated the government positions, although other minorities were also represented in the government along with a small number of Sunnis. Some business people, religious leaders and army officers of the Sunni élites also benefited from cooperation with the new regime. Thus, early on, a degree of consensus was built. Nevertheless, this Alawite domination had the potential for sectarian divisions, which subsequently played a part in the resistance and the increasing and violent repression.

Meanwhile the regime started gradually reversing the progressive reforms and privatising the economy. Control and repression of dissent thus accompanied a growing concentration of wealth and power, as well as corruption.

Some witnesses to the Tribunal recalled that the death of President Hafez al-Assad in 2000, and the coming to power of his son Bashar, a medical doctor who had studied abroad, was widely anticipated as a return to a more democratic system of governance. “Bashar arrived with a young, secular face” a witness recalled.

At first there was indeed some relaxation of repression; some political prisoners were released; discussion forums in the communities developed, calls for the end of martial law emerged, and a few independent magazines appeared. In those years the internet was introduced in Syria, although the access was controlled; satellite channels were allowed: “Suddenly we had the luxury of watching foreign TVs”, the witness commented. Yet, soon new waves of repression began.

Meanwhile neoliberal economic policies deepened; foreign investments and private banks were encouraged. Education and health care were gradually privatised, as well as state farms, with the main beneficiaries being a class of entrepreneurs and investors close to the regime. Poverty and unemployment continued to grow. Between 2006 and 2010 a record drought devastated the main agricultural regions of the once “fertile crescent”, forcing farmers to migrate in large numbers to cities, where unemployment surged and the competition for scarce urban services exacerbated many socio-economic problems.

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<sup>39</sup> We have followed the terminology given to us by the witnesses of differentiating state from regime, the state being used to denote the government departments and institutions for education, transportation, health, etc, while the regime denotes the collection of government repressive agencies above the rule of law, directed by the President and his subalterns.

This, as well as the absence of any freedom of expression, as well as growing inequalities, corruption and the enrichment of the Assad family and a small élite close to it, are the elements that set the stage for the events brought to the attention of the Tribunal Judges.

### **“When the Arab spring began, we thought it was our moment”**

During the hearing, the Judges were told how in the early 2000s a group of young people began to gather in a mosque, in the Syrian town of Daraya, to discuss ideas. The Anas bin Malik Mosque was known to be liberal, while others adhered to a *salafi* approach; it was looked upon with suspicion by the state. When meeting at the mosque became impossible, the group met at the local library. The group included young women as well as men, which in a conservative society was unusual, as some witnesses recalled. They had four main points on their agenda, explained one witness: “To stop bribes; counter the American assault on Syria and Iraq; clean up our neighbourhood; and to set up a computer and internet centre in the library”. In 2003 part of the group was arrested; they regrouped a few years later.

Then came 2011. “We heard of the events in Tunisia, then Egypt and elsewhere, and we started to dream”, a witness said. “Among us we had openly discussed about the change we wanted. Now, when the Arab Spring began, we thought it was our moment”, said another. Daraya, in the outskirts of the Syrian capital Damascus, became the hot spot of what many witnesses referred to as “the Revolution”.

“Most of us did not have any experience of activism”, recalled a witness, remembering the first mass demonstrations held then: “But when we saw that military check points had effectively isolated Daraya, we thought we should let the outside world know what was happening. We started to upload pictures and news on the social media. Then we decided to print a newspaper”. So started the *Enab Baladi* newspaper.

Nabil Al- Sharbaji was a key figure in this group. He became interested in activism and journalism at a young age (“he had a gift for writing”, recalled one of his friends). He took a formal degree in journalism at Damascus University in 2004. When the uprising started in Daraya, “Nabil would teach us how to take pictures and how to write a story”, a witness recalled: “We started to go out in the streets, take videos, interview the people. We could also check news from other places, through many contacts”. The newspaper was printed and smuggled into Damascus, or distributed in shops and public places. “Was it dangerous? It was. Being caught with a camera or even a smartphone was enough to be arrested”, a witness said.

The story of Nabil Al- Sharbaji and the young people who published *Enab Baladi* is in fact the story of a generation who sought democracy and freedoms in Syria, spurred on by developments in other countries of the Arab Spring. In their testimonies, his fellow activists described Nabil as a person committed to a strategy of non-violence, influenced by study of the ideas of Gandhi, Nelson Mandela, Sheik Dawat Said, and some Quranic verses, and he had also gone to Turkey for training in non-violent activism.

This group developed a sophisticated methodology of coordinating rallies and demonstrations while hiding their identities and disguising communications amongst their group. With the guidance of Nabil, they exposed the violent repression through magazines they produced. Their videos had a major impact on international understanding of the regime’s brutality against peaceful protesters.

Nabil Al-Sharbaji was arrested briefly on 16 March 2011, with other young activists, and was released a month later. A witness recalled that in prison he continued to spread the message of non-violence even as the regime increased its violent repression. But armed resistance was developing. Daraya was under great pressure from the regime, and there some resistance had turned violent.

According to a witness Nabil, who was then hiding in Damascus, discussed with close associates his determination to return to Daraya to try to convince the groups there that “Syrians killing Syrians” should stop and a return to non-violent methods would be the better path to follow. His fellow activists warned him that it would be extremely dangerous for him to return to Daraya. Nevertheless, he was determined to carry the message of non-violence to his home community, and to continue the work of exposing the regime’s brutality.

It was on this mission to Daraya that he was detained again, on 26 February 2012, by the Air Force Intelligence, and taken to the Mezzeh Military Airport. After confiscating the laptop he carried with him, the security agents realised he was a journalist. “They knew that after taking him and confiscating his laptop, they had caught our entire communication group”, recalled one witness. Nabil Al-Sharbaji was imprisoned although without any formal charges. He was transferred from one prison to another: the Mezzeh Military Airport, the Fourth Division Prison, then in February 2013 the Adra Central prison. During his detention Nabil had no access to any lawyer and only once was allowed a visit by his family. At some point he was brought before the Military Field Court in Qaboun; the family was not allowed to attend, and no information on the hearing was made public.

“Sometimes we received letters from him smuggled out of the prison”, one of his close friends recalled; “So we knew he was under huge stress, tortured and humiliated”. The last such message was in 2014, the witness said. By then Nabil Al Shabaji had been transferred to the infamous Sednaya Military Prison, where he passed away. His family was informed of his death on 25 May 2015. No information was provided on the circumstances of his death, nor was his body given to the family for funeral rites.

### **The regime’s obsession to control the flow of information**

Syria had never experienced a real free press; but when the uprising started in 2011, to control the flow of information became a real obsession for the regime. “When the protests started, all was organised underground and for the international media it was very difficult to gather reliable news, as the regime denied visas to foreign journalists”, one witness pointed out. That made the work of so many activists, uploading pictures and videos on Facebook and other social media, all the more important. They re-invented the profession in a country with no tradition of independent journalism.

The Tribunal was told that for the foreign media, these activist-journalists have been a valuable source of news on the events unfolding. Most of them were not professional journalists; however, “some foreign media organisations started to help them with technical support; some were later invited to attend formal training on writing or video-making”, one witness explained. Most of them are now out of Syria, where some news outlets continued to be published even until today, mostly online, including *Enab Baladi*.

Reportedly, “No three consecutive days have ever passed without a violation against the media or media professionals”,<sup>40</sup> an extreme example of which was the well documented deliberate rocket attack on the Media Centre in 2012, just one episode in the Assad regime’s siege and eventual annihilation of the opposition stronghold and proclaimed liberated capital of Homs. The Media Centre, an apartment with internet connection, was deliberately targeted by government forces, as it was where Syrian activists and foreign reporters gathered to upload their reports. In that attack the US journalist Marie Colvin lost her life. An account of those dramatic events was given to the Tribunal by French journalist and documentary filmmaker Edith Bouvier and British war reporter Paul Conroy, both of whom survived that day despite being seriously wounded in the artillery barrage.

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40 Syrian Center for Media and Freedom of Expression, Syria: The Black Hole for Media Work: 10 Years of Violations, May 2021.

The dream of freedom in a democratic Syria did not materialise. Many witnesses told the Tribunal how their “Revolution” was crushed. When the first protests started in Daraya in March 2011, the government opened fire on the demonstrators. As protests spread to other towns, so did the violent response from the security forces. Organized armed groups emerged among the demonstrators in June 2011.<sup>41</sup> The peaceful uprising soon became a war with many layers. Armed resistance spread across the country, mostly with the help of outside powers (Saudi Arabia, Qatar, Turkiye; for several years the United States covertly trained and armed rebel fighters, while France and the United Kingdom have provided logistical and military support); it became known as the Free Syrian Army although it never became a unified force. Groups holding an Islamic fundamentalist ideology soon gained domination among the rebels, including jihadist groups close to Al-Qaeda and its offspring, and later the Islamic State (Daesh, or Is). The sudden rise of Daesh in 2014 took many by surprise; by June 2014 it had taken control of large parts on North-Eastern Syria and Northern Iraq and proclaimed its “Caliphate”. This prompted the US, Russia and Iran to enter into an indirect alliance to combat the Islamic State, even as Iran and Russia had entered the arena in support of the Assad regime.

Syria thus became the battleground of many competing internal, regional and global powers sponsoring, arming and even at times becoming directly involved with this or that rebel force on the ground and/or indeed on the side of the Assad regime.<sup>42</sup> But it was the civilian population that borne most of the suffering inflicted by the warring parties; hundreds of thousands of Syrian have been killed, and million became refugees or internally displaced persons; at the highest of the conflict half of the country’s population had fled their homes.

Again, it would be beyond the role of this Tribunal to analyse how we came to the present situation. As the rebellion spread so too the violent repression increased, and more and more activists, including the citizen journalists, were detained, imprisoned and subject to brutal torture, murdered or disappeared. While Assad’s repression of the journalists, media workers and activists became increasingly violent and brutal<sup>43</sup>, it was also the case that repression also emerged in territories under the control of other forces. The Tribunal was told that journalists, media workers and activists, in a broader sense, suffered violations ranging from constant surveillance, mistreatment, arbitrary detention, torture and disappearance to murder in areas under the control of Turkiye and the Russian intervention forces, as well as in the Autonomous Administration of the North-East (AANES), as reported by the Syrian Center for Media and Freedom of Expression.<sup>44</sup>

A point of main concern of this Tribunal is to analyse the reasons for the almost absolute impunity for these crimes against journalists and others.

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41 See the Report of the Independent International Commission of Inquiry on the Syrian Arab Republic\* submitted to the Human Rights Council, UN General Assembly, 5 February 2015.

42 The Syrian government presently controls most of the territory, while a large North-Eastern region is administered by the Autonomous Administration of the North-East (AANES) under the control of the self-defined Syrian Democratic Forces (SDF), an alliance composed primarily of Kurdish, Arab and Assyrian/Syriac forces; and the Northern strip bordering Turkey is held by the Syrian National Army (formerly Free Syrian Army), a rebel force funded, armed and trained by Turkiye.

43 While the precise numbers of journalists killed cannot be ascertained for a number of reasons, we had information from different sources that ranged from 300 journalists killed to more than 700.

44 While the Indictment does not charge the authorities in those areas, we must honour the journalists there who also fought for freedom of expression. In the North East (AANES) we learned of 106 “violations” which includes some murders. In the Northern strip bordering Turkey, we were informed there were 197 “violations”, also including murders.



The Tribunal focused in particular on the case of Nabil Al-Sharbaji to illustrate the failure of the Syrian state to protect journalists, as well as activists and their defenders. The information provided by experts and witnesses demonstrated that this is a structural failure rooted in the structure of power of the regime. In particular, the security apparatus has different layers. The Intelligence (known as Mukhabarat) has different arms, sometimes competing and controlling each other: Military Intelligence; Air Force Intelligence; and Political Security. To this corresponds a system of military prisons (including Sednaya where Nabil Al- Sharbaji died); civilian prisons; and secret prisons, mostly unofficial places run by militias or paramilitary forces beyond any accountability<sup>45</sup>.

This is the system that has assured decades of absolute power to the Assad regime, and was responsible for the repression during the uprising in 2011 and the following years.

To this security apparatus the regime offered impunity, both *de jure* (as since the early 1970s the security agencies cannot be pursued by the civil law), and most importantly *de facto*: as one witness put it, “Every Syrian knows it is better not to mess with the Intelligence... the mere idea of holding a security official accountable would be laughable”.

### **The collapse of the rule of law and the legal profession in Assad's Syria**

The Tribunal was told that the Assad regime not only attacked journalists but other professions, including legal professionals, doctors and teachers. The latter because there was a single narrative to be taught in the schools and no deviation would be allowed. Children were being brainwashed, even to the extent of being required to chant each day school slogans praising the regime. Doctors because they were suspected of providing medical assistance for political activists and others who were badly injured (shot, beaten) while protesting the regime's austerity measures, human rights abuses corruption and the lack of freedoms generally.

The Tribunal was told that the judicial system had collapsed. Judges were not independent, lawyers were being attacked, killed<sup>46</sup> and forced to flee, with thousands reported to have gone abroad. The rule of law was not alive in Syria: it had been replaced by the rule by law. The President could make laws himself. Laws were arbitrarily followed or not followed. State institutions such as the prisons, and state agencies such as the police, operated arbitrarily. None had transparency nor were they accountable.

Thus, the comprehensive reality of impunity. There was, and still today is, no effective domestic legal mechanism to investigate human rights abuses, nor to arrest, charge and convict perpetrators. International mechanisms have not been invoked either because major powers do not have the political will, or because they hold the power of veto at the UN Security Council and because Syria is not a party to the Rome Statute.

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<sup>45</sup> See in particular the testimony on the structure of the security apparatus in Syria, 1970-2020 by professor Uğur Ümit Üngör, author of The Syrian Gulag.

<sup>46</sup> <https://defendlawyers.wordpress.com/tag/syria/>

## Conclusion

The witness evidence and documentation we have considered demonstrates above all question that the charges brought in the Indictment<sup>47</sup> against the Syrian state are well founded.

The regime of President Bashar al-Assad is violent and brutal, and has intentionally taken comprehensive measures to eliminate freedom of expression and the possibility of independent journalism. It is responsible for the killing of Nabil Al-Sharbaji and many other of those who practised journalism in order to expose the crimes of the regime.

The regime has dispensed with the rule of law almost entirely. State institutions operate arbitrarily, but almost always in defence of the regime and against the interests of the people. It has used cruel tortures against activist journalists detained in poor conditions in prisons without trial. Many have been murdered. In such cases, and others, impunity has been absolute.

We also learned that in the regions of Syria not controlled by the Assad government, other authorities were guilty of violating the people's human rights and journalists were also being murdered for criticising the regimes and exposing their misdeeds.

We have learned that international law and institutions have been ineffective in producing accountability for all of these crimes. In the face of this, and the current seeming acceptance of the Assad regime by the international community, there is a belief among some Syrians that major powers, in their own interests, are securing the rehabilitation of the regime, thus 'normalising' the destruction of civil society and the inhumane methods of achieving that end.

While the Assad extended family has been the focus of attention for its barbarous policies and practices, we also learned that they have many allies in the business world who support the regime and benefit greatly from their Faustian bargain.

What was most riveting in our two-day hearing was the narrative of the young, non-violent activists who became journalists overnight in March 2011. Their principled and courageous resistance against tyranny, and in support of a democracy they could only dream of but have never experienced, symbolises the magnetic attachment to the freedom of expression so fundamental to the reality of a democratic society. As one said hopefully "The future will be different."

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<sup>47</sup> The Prosecutor of the People's Tribunal on the Murder of Journalists holds the Syrian Arab Republic responsible for grave violations of the international human rights of journalist Nabil Walid Al-Sharbaji, specifically the right to freedom from torture, the right to life, the right to freedom of expression and the right to an effective remedy.



## Journalists and Media Workers Killed in Syria (2011 – 2020)

No.	Name	Type of violation	Perpetrator	Date of violation	Death announced
1	Rami Ismail Iqbal	killed under torture	government forces	2011/12/21	unknown
2	ferzat jeryan	killed under torture	government forces	2011/11/19	2011/11/20
3	Nizar Adnan Humsa	killed under torture	government forces		2011/11/26
4	Firas Bershan Burghul	Killed	government forces	2011/11/07	
5	Bilal Gebes	Killed	government forces	2011/12/16	
6	Basil Al-Sayed	Injury resulting in	government forces	2011/12/22	
7	Mutasem Al-Saleh	Killed	government forces	2011/12/27	
8	Muawiya Ibrahim Ayoub	Killed	government forces	2011/11/28	
9	Ahmed Suleiman Al-Dhaik	Killed	government forces	2011/12/29	
10	Shaker Rateb Abu Burghul	Killed	unknown armed	2012/01/02	
11	Osama Idris Burhan	killed	government forces	2012/01/27	
12	Salah Sami Morgan	killed	government forces	2012/02/05	
13	Ramy Al-Sayed	killed	government forces	2012/02/21	
14	Anas Tarsha	killed	government forces	2012/02/24	
15	Abdullah Khaled Al-Awad	killed	government forces	2012/02/24	
16	Omar kake	killed	government forces	2012/03/09	
17	Jwan Mohamed Qatna	killed	unknown	2012/03/26	
18	Ahmad Muhammad Jibril Al-Rahmun	killed	government forces	2012/03/29	
19	Anas Al Halawani	killed	government forces	2012/04/06	
20	Samir Shalab Al-Sham	killed	government forces	2012/04/14	
21	Abdul Ghani Khaki	killed	government forces	2012/05/04	
22	Lawrence Al-Nuaimi	killed	government forces	2012/05/27	
23	Ahmed Adnan Al-Ashlaq	killed	government forces	2012/05/27	
24	Ammar Muhammad Sohailzadeh	killed	government forces	2012/05/27	
25	Basil Shehadeh	killed	government forces	2012/05/28	
26	Ahmed Al-Asam	killed	government forces	2012/05/28	
27	Abdul Hamid Idris Matar	killed	government forces	2012/05/31	
28	Khaled Al-Bakr	killed	government forces	2012/06/10	
29	Mohammed Amer Barakat Al-Zo	killed under torture	government forces	2012/07/03	2016/07/22
30	Bassim Barakat Darwish	killed	government forces	2012/06/15	
31	Ahmed Hamada	killed	government forces	2012/06/16	
32	Hamza Mahmoud Othman	killed	government forces	2012/06/21	



33	Ghayath Khaled Al-Hammouriya	killed	government forces	2012/06/25	
34	Wael Omar Bard	killed	killed by a gunshot	2012/06/26	
35	Mahmoud Hamdo Hallaq	killed	government forces	2012/07/02	
36	Ali Jabbour Al-Kaabi	killed	armed opposition	2012/07/14	
37	Falah Taha	killed	armed opposition	2012/07/14	
38	Mohammed Al-Hosni	killed	government forces	2012/07/19	
39	Haitham Hamsho	killed	government forces	2012/08/09	
40	Ghiath Abdullah	killed	government forces	2012/08/18	
41	Mika Yamamoto	killed	government forces	2012/08/20	
42	Musab Muhammad Al-Awdah Allah	killed	government forces	2012/08/22	
43	Muhammad Badi Al-Qasim	killed	government forces	2012/09/04	
44	Anas Al-Abdullah	killed	government forces	2012/09/06	
45	Tahsin Al-tom	killed	government forces	2012/09/06	
46	Youssef Ahmed Deeb	killed	government forces	2012/09/16	
47	Abdel Rahman Merei Al-mashhur	killed	government forces	2012/09/17	
48	Abdul Karim Al-Oqdah	killed	government forces	2012/09/19	
49	Mamoun Ahmed Al-Ghandour	killed	government forces	2012/09/25	
50	Abdul Aziz Ragheb Sheikh	killed	government forces	2012/09/26	
51	Maya Nasser	killed	sniper	2012/09/26	
52	Youssef Al-Aqra'	killed	government forces	2012/09/27	
53	Muhammad Fayyad Al-Askar	killed	government forces	2012/09/28	
54	Mona Bakour	killed	Explosion	2012/10/03	
55	Muhammad Al-Ashram	killed	armed opposition	2012/10/10	
56	Omar Abdul Razzaq Al-Latouf	killed	government forces	2012/10/21	
57	Muhammed Jumaa Abdul Karim Al-L	killed	government forces	2012/10/21	
58	Muhammad Sukkar	killed under torture	government forces	2012/07/03	2016/08/12
59	Mohammed Al-Khaled	killed	armed opposition	2012/11/18	
60	Muhammad Al-Zaher	killed	government forces	2012/11/19	
61	Abed Khalil	killed	armed opposition	2012/11/19	
62	Hozan Abdel Halim Mahmoud	killed	Kurdish units	2012/11/19	
63	Basil Tawfik Youssef	killed	armed group	2012/11/22	
64	Mohamed Koraytem	killed	government forces	2012/11/29	
65	Naji Asaad	killed	government forces	2012/12/04	
66	Muhammad Khair Sheikh Qwaider	killed	Clashes between government forces and armed opposition	2012/12/06	



67	Mohammed Al-Saeed	killed	al-Nusra Front	2012/07/20	
68	Said Khaled Al-Abrash	killed under torture	government forces	2012/02/08	2018/06/03
69	Mohammed Al-Khal	killed	government forces	2012/11/26	
70	Sohaib Deeb	killed	government forces	2012/04/07	
71	Ali Abbas	killed	government forces	2012/08/11	
72	Abdullah Hassan kake	killed under torture	government forces	2012/11/17	
73	Marie Colvin	killed	government forces	2012/02/22	
74	Remy Ochlik	killed	government forces	2012/02/22	
75	Mozher Tayara	killed	government forces	2012/02/04	
76	Ali Shaban	killed	unknown	2012/04/09	
77	Ali Mahmoud Othman	killed under torture	government forces	2012/03/28	2019/12/30
78	Walid belidi	killed	government forces	2012/03/26	
79	Nasim Teriri	killed	government forces	2012/03/26	
80	Haider Al-smoudi	killed	armed group	2012/12/21	
81	Jill jackyih	killed	government forces	2012/01/11	
82	Mohamed Abdel Mawla Hariri	He was killed by the Military Field Court	government forces	16 /04/2012	
83	Moaz Mohieddin Al-Khaled	killed under torture	government forces	2012/09/04	
84	Hassan Ahmed Azhari	killed under torture	government forces	2012/05/17	
85	Hisham Moussalli	killed	government forces	2012/08/15	
86	Ahmed Abdullah Al-Abdullah	killed			
87	Khaled Qubeisho	Arrest / killed	government forces	2012/04/17	
88	Alaa Hassan Al-Douri	Arrest / killed	government forces	2012/04/16	
89	Ayham Youssef Hariri	killed	government forces	2012/06/13	
90	Sami Abu Amin	killed	armed group	2012/06/27	
91	Zaid Al Kahil	killed	armed group	2012/06/27	
92	Mohamed Shamma	killed	armed group	2012/06/27	
93	Yasser Muwaffak Nadem	killed	Kurdish units	2013/01/02	
94	Khaled Mohammed Al-Khatib	killed	government forces	2013/01/04	
95	Moataz Khalil Mansour	killed	government forces	2013/01/04	
96	Suhail Mahmoud Al-Ali	killed	armed group	2013/01/04	
97	Ahmed Koussa	killed	government forces	2013/01/07	
98	Basem Fawaz Al-Zoubi	killed	government forces	2013/01/13	
99	Ahmed Asaad Al-Shehab	Field execution	government forces	2013/01/15	
100	Eve Depay	killed	government forces	2013/01/17	
101	Mohammed Al-Masalma	killed	government forces	2013/01/18	
102	Amjad Sioufi	killed	government forces	2013/01/18	



103	Mounir Al-Namous	killed	government forces	2013/01/18	
104	Mohamed Abdelrahman	Field execution	unknown	2013/01/26	
105	Issam Obeid	killed	government forces	2013/01/31	
106	Abdul Latif Khalil Khader	killed	government forces	2013/02/03	
107	Mohammed Al-kurdi	killed	government forces	2013/02/06	
108	Zaid Abu Obeida	killed	government forces	2013/02/11	
109	Youssef Adel Bakri	killed	government forces	2013/02/15	
110	Ayham Ghazul	killed under torture	government forces	2012/11/05	2013/02/06
111	Muhammad Saeed Al-Hamwi	killed	government forces	2013/02/17	
112	Adnan Abu Abdo	killed	government forces	2013/02/19	
113	Olivieh Vwazan	killed	government forces	2013/02/24	
114	Wael Abdel Aziz Hammoud	killed	government forces	2013/02/25	
115	Walid Jamil Amira	killed	government forces	2013/03/03	
116	Muhammad Bashir Shakhchiro	killed	government forces	2013/03/08	
117	Bilal Abdul Kafi Al-Mohammed	killed under torture	government forces	2013/08/28	February 2019
118	Saqr Abu Nabout	killed	government forces	2013/03/10	
119	Ghiath Abdel Gawad	killed	government forces	2013/03/10	
120	Amer Badr El-Din Junaid	killed	government forces	2013/03/10	
121	Osama Abdel Baset Al-Taleb	killed	government forces	2013/03/11	
122	Ahmed Khaled Shehadeh	killed	government forces	2013/03/12	
123	Anas Albatsh	killed	government forces	2013/03/13	
124	Hamed Abu Yasser	killed	government forces	2013/03/27	
125	Mohammed Ibrahim Al-Asmy	killed	government forces	2013/03/28	
126	Amer Diab	killed	government forces	2013/03/30	
127	Walid Al-Jalakh	killed	government forces	2013/03/31	
128	Mahmoud Murad Al-Azzo	killed	government forces	2013/04/02	
129	Abdul Rahman Al-Khadra	killed	government forces	2013/04/02	
130	Abdul Rahim Kaur Hassan	killed	government forces	2013/04/02	
131	Khalil Ibrahim Al-Haj Ali Al-Abed	killed	government forces	2013/04/15	
132	Mohammed Fares Shehadeh	killed	government forces	2013/01/17	
133	Youssef Younes	killed	government forces	2013/04/24	
134	Ahmed Taha al-Sayed Taha	execution	government forces	2013/04/28	
135	Mohammed Abdul Ghani Khalaf	killed	government forces	2013/05/02	
136	Muhammad Osama Khasawneh	killed	government forces	2013/05/20	
137	Omar Haitham Qetaifan	killed	government forces	2013/05/21	
138	Yara Abbas	killed	armed group	2013/05/27	



139	Muhammed Zinedine	killed	government forces	2013/06/06	
140	Raad Rostom	killed under torture	government forces	2013/06/18	
141	Najib Darwish	Injury resulting in death	government forces	2013/06/21	
142	Kinan Ziyad Mahamid	Injury resulting in death	government forces	2013/06/29	
143	Saif Al-Ansari	killed	government forces	2013/07/02	
144	Ammar El Sayed Hassan	killed	government forces	2013/07/20	
145	Younis Ali Al-Mutair	killed	government forces	2013/07/22	
146	Mohamed Moaz	Injury resulting in death	government forces	2013/07/05	
147	Mohamed Tariq Jadoua	killed	government forces	2013/07/09	
148	Majd Al-tawil	killed	government forces	2013/07/27	
149	Muhammad Nazir Hassan Trabelsi	killed	government forces	2013/07/30	
150	Ali Ismail Al-Sayasneh	Injury resulting in death	government forces	2013/08/18	
151	Mohammed Hassan Safi Almesalme	Injury resulting in death	government forces	2013/08/20	
152	Hassan Muhanna	killed	armed group	2013/08/22	
153	Ziad Arafa	killed under torture	government forces	2013/08/24	
154	Abdullah Dawara	killed	government forces	2013/08/07	
155	Ahmed Nadim Al-Hajj	killed under torture	government forces	2013/08/21	
156	Muhammad Nour Al-Matar	Missing	ISIS	2013/08/16	
157	Hadi Baghbani	killed	armed group	2013/08/20	
158	Abdul Aziz Mahmoud Hassoun	killed	government forces	2013/09/05	
159	Kinan Hassan Al-Balkhi	killed	government forces	2013/09/02	
160	Muhammad Khair Darwish	killed	government forces	2013/09/03	
161	Abdul Karim Bakr	killed	government forces	2013/09/05	
162	Fadi Abu Agag	Injury resulting in death	government forces	2013/09/08	
163	Mohammed Bitar	killed	government forces	2013/09/08	
164	Ahmed Majed Bitar	killed	government forces	2013/09/08	
165	Mohamed Hamed Al-Mansour	killed	government forces	2013/09/09	
166	Mohammed alkhatab	killed	government forces	2013/09/12	
167	Yaman Moqbel Khattab	killed	government forces	2013/09/12	
168	Muhammad Ahmad Al-Hulu Khasha	killed	government forces	2013/09/13	
169	Muhammad Abdul Rahman Al-Nashi	killed	government forces	2013/09/15	
170	Omar Diab Hajouli	killed	armed group	2013/09/18	



171	Abdul Hadi Al-Fawal	killed	government forces	2013/09/25	
172	Murhaf Al-mudhi	killed	government forces	2013/09/28	
173	Mohamed Diri	killed	government forces	2013/10/06	
174	Moaz Al Shami	killed	government forces	2013/10/07	
175	Abdul Hadi Kashit	killed under torture	government forces	2013/10/07	
176	Ayham Al-Dimashqi	killed	government forces	2013/10/08	
177	Ahmed Saleh Al-Mohammed	killed	government forces	2013/10/11	
178	Muhannad Haj Obaid	execution	unknown	2013/10/01	
179	Youssef Hussein Ali Al-Sayer	killed	government forces	2013/10/15	
180	Mohammed Saeed	killed	unknown	2013/10/29	
181	Abdullah Barghout	killed	government forces	2013/10/26	
182	Hassan Abdullah Osman	killed	government forces	2013/10/28	
183	Hassan Ali Qassem	killed under torture	government forces	2013/10/30	
184	Qasim Misbah Al-Hazouri	killed	government forces	2013/11/05	
185	Hassan Hajj Omar	killed	government forces	2013/11/12	
186	Mudar Abdullah Hindawi Al-mesalm	killed	government forces	2013/11/18	
187	Abdullah Al-akhras	killed	government forces	2013/11/21	
188	Abdul Rahman Shulah	killed	government forces	2013/11/23	
189	Muhammad Shaher Al-Najjar	killed	government forces	2013/11/23	
190	Akram Al-Silik	killed	government forces	2013/11/23	
191	Yassin Haroun	killed	government forces	2013/11/23	
192	Hassan Haroun	killed	government forces	2013/11/23	
193	Yamen Nadaf	killed	government forces	2013/11/24	
194	Ahmed Salah Al-Shayeb	killed	government forces	2013/11/23	
195	Muhammad Khalil Al-Barnawi	killed	government forces	2013/12/03	
196	Yasser Faisal Al-Jumaili	killed	ISIS	2013/12/04	
197	Mazen Gerks	killed	government forces	2013/12/18	
198	Hassan Hassan	killed under torture	government forces	2013/12/15	
199	Molham Barakat	killed	government forces	2013/12/20	
200	Ahmed Al-haji	killed	government forces	2013/12/22	
201	Mohamed Abdel Hai	killed	government forces	2013/12/23	
202	Ahmed Ali Tohme	killed	government forces	2013/12/28	
203	Mohammed Al-Ashmar	killed	government forces	2013/12/29	
204	Muhaimen Al-Halabi	killed	unknown	2013/12/26	
205	Khalil Al-Hamoud	killed	government forces	2013/12/31	
206	Ibrahim Abdul Razzaq Al Mutlaq Al-H	killed under torture	government forces	2013/07/13	



207	Mazen Muhammad Badr Al-Din Al-D	killed under torture	government forces	2013/11/06	2015
208	Qutaiba Abu Younes	killed	ISIS	2014/01/06	
209	Amin Abu Muhammad	killed	ISIS	2014/01/06	
210	Sultan Al Shami	killed	ISIS	2014/01/06	
211	Bilal Shahoud	killed	ISIS	2014/01/05	
212	Ali Al-Jassim	killed	ISIS	2014/01/12	
213	Ahmed Naoura	killed	government forces	2014/01/21	
214	Marwan Mansour	killed	ISIS	2014/01/17	
215	Hossam Saidi	killed	ISIS	2014/01/17	
216	Bayan hamed	killed	government forces	2014/01/23	
217	Muhannad Zakaria Mohibuddin	killed	government forces	2014/01/23	
218	Ibrahim Mohammed Al-Abdullah	killed	government forces	2014/02/07	
219	Hani Radwan Al-Jabawi	killed	government forces	2014/02/13	
220	Abdul Samad Oso	killed	unknown	2014/02/19	
221	Trad Mohammed Al-Zohari	killed	government forces	2014/02/20	
222	Muhammad Fawaz Hayel Akhras	killed	government forces	2014/02/19	
223	Ahmed Mahmod Al-ali	killed	unknown	2014/03/08	
224	Ali Mustafa	killed	government forces	2014/03/09	
225	Omar Abd Al-Qader	killed	armed opposition	2014/03/09	
226	Kinan Zakwan Al-atassi	killed	government forces	2014/03/10	
227	Marwan Ismail Arsan	killed	government forces	2014/03/11	
228	Khaled Al-Hosni	killed	government forces	2014/03/20	
229	Abdul Muhaimin Al-Jaber	Killed	ISIS	2014/03/27	
230	Saad Gajan	Killed	ISIS	2014/03/27	
231	Ahmed Mohamed Yahya	Killed	government forces	2014/04/10	
232	Muhammad Moaz Abdul Rahman Al	Killed	government forces	2014/04/25	
233	Bilal Ahmed Bilal	Killed	government forces	2014/04/28	
234	Moataz Allah Ibrahim	Killed	ISIS	2014/05/04	
235	Jamal Youssef Mecca	Killed	government forces	2014/05/07	
236	Nader Anabtawi	Killed	government forces	2014/05/07	
237	Ayman Zahr Tabash	Killed	government forces	2014/05/25	
238	Samer Abdo Omran	Killed	government forces	2014/05/20	
239	Ahmed Hassan Ahmed Abd Al-latif	Killed	unknown	2014/06/04	
240	Muhammad Fayez Al-Tarh	Killed	government forces	2014/06/04	
241	Muayed Al-salloum	Killed	ISIS	2014/06/27	





242	Mohammed Al-Shiyah	Killed	government forces	2014/06/16	
243	Mohammed Al-Taani	Killed	government forces	2014/06/27	
244	Muhammad Omar Al-Khatib	killed under torture	government forces	2012/01/08	2014/06/18
245	Anwar Muhammad Ali	Killed	government forces	2014/07/07	
246	Ahmed Abdel Qader Hasram	Killed	government forces	2014/07/10	
247	Omar Muhammad Basala	Killed	unknown	2014/07/13	
248	Asad Bajruk	Killed	government forces	2014/07/22	
249	Mohamed Bahaa El Din Lababidi	Killed	government forces	2014/07/20	
250	Anas Al-taleb	Killed	government forces	2014/08/03	
251	Omar Khaled El-Hattawy	Killed	government forces	2014/08/06	
252	Osama Adnan Al-Abbas	Killed	government forces	2014/08/10	
253	James Foley	Killed	ISIS	2014/08/19	
254	Mohammed Basil Al-Aran	Killed	ISIS	2014/08/11	
255	Stephen Sotloff	Killed	ISIS	2014/09/02	
256	Muhammad Abdul Jalil Al-Qasim	Killed	unknown	2014/09/11	
257	Mohamed Deeb Ashoush	Killed	government forces	2014/09/16	
258	Ibrahim Abdul Razzaq Mutlaq Al-Ha	Killed	government forces	2014/09/16	
259	Abdullah Hammad	Killed	government forces	2014/09/15	
260	Taj Aldin Al-ooSaghır	Killed	government forces	2014/09/30	
261	Ahmed Al-Asma'i	Killed	ISIS	2014/10/01	
262	Marwan Muhammed Shehadat	Killed	government forces	2014/10/03	
263	Abdel Halim Abdel Razzaq Al-Barbou	Killed	government forces	2014/10/17	
264	Muhammad Nour Idris	Killed	government forces	2014/10/29	
265	Muhammad Yusuf Muslim	Killed	Mine explosion	2014/11/09	
266	Mustafa Awad Shehadat	Killed	government forces	2014/11/12	
267	Zaher Mutawa	Killed	government forces	2014/11/22	
268	Youssef Mahmoud Hamed Al-Doss	Killed	government forces	2014/12/08	
269	Ramy al asmy	Killed	government forces	2014/12/08	
270	Salem Khalil	Killed	government forces	2014/12/08	
271	Mehran Bashir Al-Diri	Killed	government forces	2014/12/10	
272	Hamza Hajj Hassan	Killed	unknown	2014/04/14	
273	Mohamed muntash	Killed	unknown	2014/04/14	
274	Halim Allawi	Killed	unknown	2014/04/14	
275	Dirar Musa Al-Jahed	Killed	unknown	2015/01/02	
276	Fayez Ibrahim Abu Halawa	Killed	unknown	2015/01/02	



277	Walid Al-Qasim	killed under torture	armed group	2015/01/28	
278	Kenji Goto Gao	execution	ISIS	2015/01/31	
279	Hassan Abdullah	Injury resulting in death	armed group	2015/02/17	
280	Omar Yassin Atrat	killed	government forces	2015/02/28	
281	Noureddine Hashem	killed	government forces	2015/03/08	
282	Abdul Qader Zakaria Al-Beqai	killed	government forces	2015/03/17	
283	Yaman Irsheidat Abazid	killed under torture	government forces	2015/03/18	
284	Milad Mohamed Faye Shaba	killed	government forces	2015/03/24	
285	Jamal Khalifa	killed	government forces	2015/04/01	
286	Qutaiba Beko Sheikani	killed under torture	government forces	2015/04/03	
287	Ahmed Ibrahim Naqrash	killed under torture	government forces	2015/04/07	
288	Hammam Najjar	Injury resulting in death	ISIS	2015/04/16	
289	Abdullah Miqdad	killed under torture	armed group	2015/05/01	
290	Hussein Jamal Sitter	killed	government forces	2015/05/03	
291	Hossam Hassan Suleiman Al-	execution	ISIS	2015/05/21	
292	Muhammad Ali Bakkar	execution	ISIS	2015/06/19	
293	Taim Qabbani	Injury resulting in death	government forces	2015/05/23	
294	Molham Al Qassem	killed	government forces	2015/05/24	
295	Mohamed Ahmed Al-Falah	killed under torture	government forces	2015/05/27	
296	Humidi Khaled Al-Jyoush	Killed	ISIS	2016/07/29	
297	Muhammad Nour Hashem	killed	government forces	2016/11/05	
298	Omar Jihad Mesalme	killed	government forces	2015/06/25	
299	Muhammad Adnan Habib	killed	government forces	2017/05/07	
300	Abdul Ghani Al-Hajji	Killed	ISIS	2015/06/20	
301	Mohamed Alasfar	killed	government forces	2015/06/26	
302	Bishr Abdel Azim Al Salem	execution	ISIS	2015/07/07	
303	Faisal Hussein Habib	execution	ISIS	2015/07/02	
304	Thaer Al-Ajlani	Killed	armed group	2015/07/27	
305	Mazen Muhammad Badr Al-Di	killed under torture	government forces	2015/07/31	
306	Mohamed Abdel Latif Hamad	Injury resulting in death	government forces	2015/08/05	
307	Tariq Ziyad	killed	government forces	2015/08/14	
308	Mohamed Qaisoun	killed	government forces	2015/08/15	
309	Rakan Helu Awwad	execution	ISIS	unknown	2015/08/15
310	Atallah Al-Khalaf Al-Hamid Al-	execution	ISIS	unknown	2015/08/15

311	Hamed Issa Al-Masalma	killed under torture	government forces	2015/08/24	
312	Zuhair Hassan Al-Salahi	killed	government forces	2015/09/13	
313	Ahmed Al-Masalma	killed	unknown	2015/09/19	
314	Lana Lavie	killed	government forces	2015/09/18	
315	Akram Raslan	killed under torture	government forces	2015/09/20	
316	Obade Ghazal	killed	government forces	2015/09/26	
317	Saleh Laila	killed	unknown	2015/10/08	
318	Wassem Al-adel	killed	Russian warplanes	2015/10/24	
319	Mohamed Imran Ahmed Fade	Injury resulting in death	armed group	2015/10/19	
320	Taher Hussein Fellatani	Killed	government forces	2015/10/02	
321	Khaled Al-Louz	Killed	government forces	2015/10/21	
322	Jumaa Alahmad	Killed	government forces	2015/10/27	
323	Ibrahim Abdel Qader	Killed	ISIS	2015/10/30	
324	Ahmed Sheikh Hussein Ahme	Killed	government forces	2015/11/09	
325	Fares Hammadi	Killed	ISIS	2015/10/30	
326	Ahmed Khaled Youssouf	Killed	government forces	2015/11/06	
327	Hani Al-sheikh	Killed	government forces	2015/11/09	
328	Muhammad Ali Abd al-Rida N	Killed	armed group	2015/11/20	
329	Mustafa Hassa	execution	ISIS	2015/12/04	
330	Samer Mohamed Abboud	execution	ISIS	2015/12/04	
331	Sami Jawdat Rabah	execution	ISIS	2015/12/04	
332	Mahmoud Shaaban Hajj Khad	execution	ISIS	2015/12/04	
333	Zakaria Ibrahim	Killed	government forces	2015/12/07	
334	Radwan Muhammad Ali Al-Su	Injury resulting in death	government forces	2015/12/13	
335	Wael Al-Zeibaq	Killed	government forces	2015/11/14	
336	Mohamed Elias Mahmoud Al-	Killed	government forces	2015/12/16	
337	Ahmed Mohamed Al-Mousa	Killed	unknown	2015/12/16	
338	Naji Al-Jarf	Killed	ISIS	2015/12/27	
339	Ammar Al-Shami	Killed	government forces	2015/05/31	
340	Mahmoud Al-Louz	Injury resulting in death	government forces	2015/10/25	
341	Ruqayya Hassan Muhammed	Killed	ISIS	2016/01/02	
342	Faisal Sheikh Ahmed Hammoud Al-J	Killed	ISIS	2016/01/03	
343	Obai Muhammad Al-Ghani	Killed	ISIS	2016/01/03	



344	Lewaa Abdel Nasser Al-Mandeel	Killed	Russian warplanes	2016/01/12	
345	Majd Shafik Moadamani	Killed	government forces	2016/02/19	
346	Muhammad Zahid Abdel-Gawad Sha	Killed	ISIS	2016/04/12	
347	Muayead Omar Al-Jark	Killed	unknown	2016/05/16	
348	Bilal Al-Hussein	killed under torture	government forces	2016/06/17	
349	Khaled Zuhair Al-Issa	Killed	Explosion	2016/06/14	
350	Samer Mohammed Al-Aboud	Killed	ISIS	2016/06/25	
351	Sami Jawdat Al-Rabah	Killed	ISIS	2016/06/25	
352	Mahmoud Shaaban Hajj Khader	Killed	ISIS	2016/06/25	
353	Mohammed Marwan Al-Issa	Killed	ISIS	2016/06/25	
354	Obai Muhammad Abdul Ghani	Killed	ISIS	2016/01/03	
355	Amjad Al-Danf	Killed	government forces	2016/07/02	
356	Ibrahim Mohamed Omar	Killed	Russian warplanes	2016/07/11	
357	Abdullah Mohammed Ghannam	Killed	Russian warplanes	2016/07/14	
358	Mustafa Mohammed	Killed	explosion	2016/07/19	
359	Aghiad Iyad Badawi	Killed	government forces	2016/08/01	
360	Mohamed Sayed Hassan	Killed	Russian warplanes	2016/08/01	
361	Ahmed Mohamed Mahmoud	Killed	government forces	2016/08/16	
362	Ibrahim Al-Ghawi	Killed	government forces	2016/08/02	
363	Ahmed Samer Mandeel	Killed	Russian warplanes	2016/01/12	
364	Ali Abu Al-Zein	Killed	government forces	2016/09/02	
365	Taha Shawkat Al-Helu	Killed	government forces	2016/08/27	
366	Hussein Mohieldin Al-Ali	Killed	government forces	2016/08/28	
367	Ahmed Mohamed Mahmoud	Killed	government forces	2016/09/02	
368	Ahmed Kinan Razaki Al-Sanduk	Killed	ISIS	2016/09/05	
369	Ayman Raja Bagboj	Killed	unknown	2016/09/07	
370	Abdul Salam Nayef Kanaan	Killed	government forces	2016/10/31	
371	Nabil Sharbaji	Killed	government forces	2012/02/26	December 2016
372	Ammar Bakour	Killed	government forces	2016/11/06	
373	Mohsen Khazaei	Killed	armed opposition	2016/11/12	
374	Nabil Walid Sharbaji	killed under torture	government forces	2016/12/27	
375	Ammar Bashir Al-Kamel	Killed	government forces	2017/01/10	
376	Shaban Al-Tawil	Killed	unknown	2017/01/20	
377	Majed Al Turk	Killed	government forces	2017/02/03	
378	Omar Abu Nabout	Killed	government forces	2017/02/13	



379	Muhammad Baraa Riyad Al-Halla	Killed	government forces	2017/02/22	
380	Muhammad Qasim Abazid	Killed	government forces	2017/03/12	
381	Ali Suleiman	Killed	ISIS	2017/03/15	
382	Mahmoud Owaida Al-Jabawi	Killed	ISIS	2017/03/20	
383	Muhammad Ali Bakour	abductions and killed	unknown	2017/03/30	
384	Ahmed Hassan Hamou	Killed	Turkish warplanes	2017/04/25	
385	Rima Nowrouz Khashman	Killed	Turkish warplanes	2017/04/25	
386	Haqqi Jalal Hussein	Killed	Turkish warplanes	2017/04/25	
387	Musab Ahmed Orabi	Killed	Russian warplanes	2017/04/26	
388	Ahmed Nayef Al-Hussein	Killed	Russian warplanes	2017/04/29	
389	Alaa Karim	Killed	government forces	2017/05/04	
390	Mehran Kargosli	Killed	government forces	2017/06/23	
391	Maher Abu Hamza	Killed	unknown	2017/06/23	
392	Mosab Al-Azzo	Killed	Hay'at Tahrir al-Sham	2017/07/19	
393	Khaled Al-Khatib	Killed	ISIS	2017/07/30	
394	Osama Nasser Al-Zoubi	Killed	unknown	2017/08/20	
395	Ali Youssef Al-Radi	Killed	ISIS	2017/08/21	
396	Abdul Ghaffar Qassem Badawi	Killed	ISIS	2017/08/28	
397	Khaled Al Shami	Killed	Army of Islam	2017/10/07	
398	Delish Ibish	Killed	ISIS	2017/10/13	
399	Hooker Muhammed	Killed	ISIS	2017/10/13	
400	Qais Al-Qadi	Killed	government forces	2017/10/29	
401	Mohamed Milad	Killed	unknown	2017/10/10	
402	Karam Qubesho	Killed	Hay'at Tahrir al-Sham	2017/12/29	
403	Fouad Al Hussein	Killed	Russian warplanes	2018/02/06	
404	Abdul Rahman Yassin	Killed	Russian warplanes	2018/02/20	
405	Bashar al-Attar	Killed	Russian warplanes	2018/03/12	
406	Ahmed Hamdan	Killed	Russian warplanes	2018/03/14	
407	Yazan Kahil	Killed	unknown	2018/03/07	
408	Omar Abu Obeida	Killed	Russian warplanes	2018/03/22	
409	Ibrahim Al-Manjar	Killed	unknown	2018/05/17	
410	Saad Mohammed Al-Balawat	killed under torture	government forces	2011/06/06	3/6/2018
411	Muhammad Nour Muhammad Al-Sh	Killed	government forces	2012/12/01	2018/08/31
412	Hammoud Junaid	Killed	unknown	2018/11/23	



413	Raed Al Fares	Killed	unknown	2018/11/23	
414	Mustafa Salama	Injury resulting in death	armed opposition	2018/07/16	
415	Niraz Saeid	killed under torture	government forces		2018/07/16
416	Omar Al-Dimashqi	Killed	unknown	2019/06/24	
417	Anas Abdel Majid Diab	Killed	government forces	2019/07/21	
418	Saad Muhammed Saeed Sheikh Mo	Killed	Turkish government forces	2019/10/13	
419	Muhammed Hussain bribed	Killed	Turkish government forces	2019/10/13	
420	Abdul Hamid Khader Al Yousef	Killed	government forces	2019/11/10	
421	Wedad Erdemgi	Injury resulting in death	Turkish government forces	2019/10/09	
422	Alaa Al-Khalidi	killed under torture	government forces	unknown	2019/07/12
423	Abdel Nasser Haj Hamdan	killed	Russian warplanes	2020/02/20	
424	Wafaa Shabrouni	killed	armed group	2020/01/29	
425	Hussein Al-Khattab	killed	unknown	2020/12/12	
426	jihad jamal	killed under torture	government forces	2012/03/07	2020/04/13

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## 5. Analysis of the situation in the light of the opening session and the three cases

Freedom of the press and the protection of the life and safety of journalists and others who through their media work assist the public to perform their civic participatory rights are an essential part of a true democracy. The denial of these values is a 'constant' of illiberal, authoritarian or despotic regimes. Such denial, which is present to a high degree in the three countries observed, excludes them from the ranks of democratic states that act, generally, under the rule of law.

### Structures of Violence

Attacks on journalists and media workers in the three countries examined in the Tribunal's proceedings were invariably not uncomplicated criminal acts performed intentionally by individuals, but were actions understandable only as a result of a complex of forces which combine to form a "structure of violence". Without that understanding it would be difficult to answer the basic question: what can be done to protect those who through their journalistic work allow us to live in democratic societies?

In each of the countries the structure of violence contained elements specific to itself, yet there were a number of elements found in all three.

### Components of the structure of Violence

**Authoritarian national regimes** were in power in each country, although the Syrian regime is perhaps better described as a tyrannical dictatorship. In Mexico, a significant factor differentiating it from the other two countries was the federal system in which State jurisdictions exercised important local powers, especially the Duarte regime in Veracruz.

**Government-corporate linkages.** In all three countries there are extensive linkages between business interests and government officials with consequent corruption and misuse of public funds being a factor in reporting by journalists and their subsequent deaths.

**Impossibility of open discussion and criticism** of government policies, operations and corruption. In Syria, in the absence of independent journalism, even using social media to criticise the government, especially its military actions, and the lack of democracy was shown to put one in danger of imprisonment, torture and even death. In Sri Lanka, journalists who criticised the government's war against the Tamils, or who criticised government officials for corruption, or those who supported the Tamils in the civil war, were attacked. In Mexico, it could be inviting an attack to criticise public officials for corruption, particularly in the States, or to campaign against the drug cartels.

**Violence by state forces**, including police and military, has been by far the major source of killings and other attacks in Syria and Sri Lanka, while in Mexico they played a significant role, alongside organised crime and drug cartels, which appear to have frequently played a substantial part in the attacks, but have not (except in a minority of cases) been solely or mainly responsible, as is often claimed.

**Impunity for the crimes** committed has been absolute in Syria and Sri Lanka, while in Mexico it is said to be over 90%.



**Protective mechanisms** were absent in Syria and Sri Lanka (and remain so), while in Mexico there were a range of Federal and State protective mechanisms that have mostly failed because it appears there is a lack of political will to stop the attacks and end impunity.

**The legal system** in all three countries has been under enormous pressure not to interfere with the restrictions to the media, freedom of expression and the attacks on journalists. In Syria the judiciary is not independent. In Sri Lanka the judiciary had been seen as independent in the past but was weak in the face of increasing accretion of power of the governments and military, and effectively sidelined. In Mexico cases have occasionally been brought to courts and convictions obtained resulting in prison terms, but these were exceptional. In all three countries the legal profession has been under attack, with lawyers and legal workers killed for their involvement in defending human rights cases, and many have fled.

**Investigations** have been blocked, compromised or perfunctory, in Syria and Sri Lanka while in Mexico, as indicated by the lower impunity rate, there have been some serious investigations leading to a few convictions and substantial prison sentences.

**Media houses** have been attacked in various ways, pressured formally and informally in Sri Lanka and Mexico, if they sought to criticise government policies and practices. In Syria there has long been no independent media, while in Sri Lanka there is a history of government censorship. In all three countries, it appears that media houses have not offered much if anything by way of providing protection for their journalists and media workers.

**Journalists** have tried with great courage to maintain a space for freedom of expression in each country. Nevertheless, their resistance was largely unsustainable. Many have been killed, others disappeared, others brutally attacked and tortured. In such conditions substantial numbers have decided to flee and resist from abroad, often in hiding. Even then, they have sometimes been attacked and have had to flee again and yet again. Others who remained have felt it necessary to self-censor. Formal local journalist organisations have not existed in Syria, while in Sri Lanka an active organisation is in exile. In Mexico, although various networks and groups of journalists have organised among themselves to try to bring an end to the unstoppable violence, they have faced continued harassment and repression.

**International actors** in Sri Lanka there does not appear to have been any significant involvement by foreign interests in the attacks on journalists during the civil war with the Tamils. Claims have been made that loans to the country by international institutions and nation states were significant in inducing corruption. In Mexico, as spelled out below, the Tribunal considered evidence that indicated significant involvement by the United States, particularly in the context of its drug war. In Syria, support from certain foreign countries apparently enabled the Syrian regime to maintain its grip, while other foreign countries supported those who opposed the Syrian government.

**The complicity enjoyed by the oppressors and instigators of the murders of journalists and the repressors of press freedom.** To fully understand the situations in the countries observed, it is not enough to identify and denounce the 'internal' factors and reasons for the repression and violence against journalists and those who, even if they do not have strictly professional roles, exercise critical information. It is also necessary to look at the complicity, connivance, and acquiescence in the international sphere that the protagonists of the violent actions make use of, particularly on the part of the great hegemonic or military powers present in the areas in which the three countries observed are located.

In Mexico, the United States has played a fundamental role in the development of the circumstances in which journalists became targets of violence and intimidation. According to reliable sources,<sup>48</sup> US policies contributed to a context of violence and impunity, in particular through links to the country's security agencies and support for failed policies including militarisation of its response to the drug problem. For decades, the US has strongly encouraged Latin American countries to wage a war on drugs, placing particular emphasis on Mexico due to its shared border. At the same time, however, the US population has continued to be the main consumers of drugs from Mexico while the US has been the main source of weapons that are illegally sold into Mexico.

The co-responsibility of the US was even recognised by former US Secretary of State Hillary Clinton some years ago: "Our insatiable demand for illegal drugs fuels the drug trade. Our inability to prevent weapons from being illegally smuggled across the border to arm these criminals causes the death of police officers, soldiers and civilians."<sup>49</sup>

It is in the attitude of the major Western economic powers that one can identify one of the causes that have contributed to the depressed state of criminal justice in the country and the absence of strong reactions to the systematic use of violence as a means of political struggle and as an instrument of power preservation.

Although there is an emphasis in the worldwide narrative on the cartels' role in the killings of journalists in Mexico, the data obtained by this Tribunal indicated that local and regional political officials were involved in the killings referred to the Tribunal. But they are not mentioned.

The corruption of the political class, especially in the regions and states, the interconnection between the political class and the criminal organisations and drug cartels, and the resulting impunity and the failure of protective measures because of the lack of political interest in stopping the killings and lifting the restrictions on freedom of speech, have allowed such crimes to continue.

Hastily disassociating the crimes from their journalistic work, often linking them with organised crime without any investigation of the possibility of some degree of State involvement, seeks to exempt the Mexican State from its responsibilities in the violence against the press.

Although the Mexican press has resisted, the climate of hostility, threats and attacks to which journalists have been subjected is leaving journalists feeling helpless. Above all, this is directly caused by the absence of effective measures of prevention, protection, investigation by prosecutors, and administration of justice failing to identify and punish all those responsible: direct and indirect perpetrators, intellectuals and networks that allow these murders to continue.

In such a context, not actively defending the voices of the free press and accepting that they should be silenced by violence appeared to the ruling groups to be a way forward without paying too high a price in terms of international credibility.

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<sup>48</sup> Is America To Blame For Mexico's Drug War?, NPR, December 8, 2009 available at:

<https://www.npr.org/templates/story/story.php?storyId=121183358>

And, Edward Hunt, The U.S. has spent billions trying to fix Mexico's drug war. It's not working. March 15, 2021, available at:

<https://www.washingtonpost.com/politics/2021/03/15/us-has-spent-billions-trying-fix-mexicos-drug-war-its-not-working/>

<sup>49</sup> <https://www.reuters.com/article/idUSN25454116>

**Sri Lanka's** current economic plight is the consequence of decisions made over several decades from as far back as 1977 when imports began exceeding exports. Capital expenditure on infrastructure as well as the requirements of a welfare state, and the resultant fiscal deficit, pushed Sri Lanka to borrow at high interest rates from multilateral and bilateral agencies, far exceeding its capacity to pay back. This trend escalated noticeably once the Rajapaksas came to power, with Mahinda taking over as President in 2005. Against this reality, an economic collapse was inevitable at some stage. While China, one of the largest lenders, has been singled out by some international commentators for blame for pushing through an estimated \$12 billion in borrowings by 2019, the decision to borrow was made by an elected government in what, at least on paper, is still one of the oldest constitutional democracies in South Asia. Hence, the culpability of Sri Lanka's successive governments remains as important a reason for the economic collapse as is the pressure by international lenders.

While the economic crisis has resulted in a popular and peaceful uprising that led to a change of government, the structures that enabled the violations of people's rights, especially of the Tamils in the north and the east, have not changed. The new government, led by President Ranil Wickrematunge, continues to hold on to emergency powers. Also, despite demands over decades, and especially after the end of the civil war in 2009 to withdraw the Prevention of Terrorism Act (PTA), which gives the state the powers of arbitrary arrest and has been in force since 1979, no such step has been taken. These powers have been used in the past to suppress dissent of all kinds and freedom of expression. The PTA has been used specifically against journalists critical of the government's actions during the civil war.

As the former UN Human Rights Commissioner, Michele Bachelet, quoted in a letter sent to the United Nations Human Rights Council on 12 September 2022 by Amnesty International and three other organisations, points out, the current situation in Sri Lanka is the consequence of "deepening militarization and lack of transparency and accountability in governance, which have embedded impunity for serious human rights violations and created an environment for corruption and the abuse of power."<sup>50</sup>

It is this "embedded impunity" that must remain a concern. This has meant that no one has been held accountable for the assaults, disappearances and murder of journalists since 2005. The very fact of such impunity is the weapon the state uses to control and gag freedom of the press. In its absence, there is no available avenue for criticism, denunciation, and prodding – the kind of role the press is expected to play in any genuine democracy. The immediate consequences of this are already being noted in the manner in which the new Sri Lankan government has cracked down on the leaders of the popular uprising against Gotabaya Rajapaksa's government in July 2022.<sup>51</sup>

In **Syria**, there has been a tragic continuity between the repression of fundamental freedoms and human rights in the period before the outbreak of the Arab Springs and the violent and criminal methods with which the Syrian people have been viciously repressed during the civil war.

International reactions to the civil war in Syria and the barbaric manner in which it has been conducted have been varied. Some countries have broken off diplomatic relations with the Syrian government (Britain, Canada, France, Italy, Germany, Tunisia, Egypt, Libya, the United States, Belgium, Spain, and the Arab states of the Persian Gulf). Others have mistrusted them (Algeria, Egypt, Iraq, Lebanon, Sudan and Yemen), and still others, such as Iran and Russia, traditional allies of the regime, have actively sided with it in opposing the Syrian opposition and in favouring a regime of total denial of civil liberties.

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<sup>50</sup> <https://www.amnesty.org/en/documents/asa37/6028/2022/en/>

<sup>51</sup> <https://www.amnesty.org/en/documents/asa37/5986/2022/en/>

The violence against professional journalists and those who, in the context of the civil war, have taken on the task of reporting are evidently just one chapter in the dramatic policies of oppression of the Syrian people. But it is a chapter that is nevertheless crucial for the regime, which is interested in concealing, as far as possible, from the eyes of international public opinion the horrors and crimes committed against defenceless populations and reducing, inside and outside Syria, the awareness of the nature and brutality of the bloody conflict in progress.

The alliances and aid offered to the Syrian government by certain foreign powers – notably Russia and Iran - have played a decisive role not only in the development of the civil war, but also in the repression of freedom of information.

**International community response to the attacks on journalists.** We have witnessed over a decade of considerable international attention to the attacks on journalists, and, as discussed in more detail in the following section of this Judgment, much activity has been undertaken (Reports, Resolutions, Special Missions, *inter alia*) on behalf of the community by various UN institutions, notably the system of Special Rapporteurs of the Human Rights Council and the Human Rights Commissioner; the European Union; Inter-American institutions; international and national human rights NGOs ; as well as the numerous journalist and freedom of expression associations (including the three that organised this Tribunal). Yet the problem remains and appears to be growing worse. In effect, little practical action has been taken to protect journalists by the international community.

## Conclusion

The problem of attacks on journalists has not yet been effectively confronted. Reliance on international community solutions does not appear to be the way forward. While Mexico is one of the countries that has led the way in developing an innovative series of Protective Mechanisms, these too have failed. Nor does the corporate media sector in any country appear willing to effectively protect their labour force. A common factor that runs through all the evidence we have considered is the lack of political will. Therefore, the issue that must be discussed internationally, and to which the Tribunal has made Recommendations is: how can the political will of the people in each country be supported so that governments are forced to respond, and freedom of expression can be developed and maintained, while journalists and media workers are protected?

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## 6. Insufficiency of existing framework of international and regional initiatives

### **The worsening problem**

The Tribunal has heard testimony and considered documentation evidencing the continuing problem of the suppression of freedom of expression, the lack of effective protection of journalists and media workers as well as the failure to end impunity in three countries. It is, however, a worldwide phenomenon.

While the Tribunal respects and does not wish to denigrate the initiatives taken by the international community over the years, mainly through the United Nations and other international and regional frameworks, unfortunately their efforts have, at best, managed only to mitigate the general trend towards greater danger for journalists with little progress in ending impunity. Indeed, several of the documents below make that point explicitly.

Nevertheless, the Tribunal recognises the importance of bringing to public attention the initiatives that have been taken at the international and regional level in developing a more comprehensive and effective strategy. Something different is also needed, as will be elaborated at the end of this section and in the Tribunal's Recommendations.

### **The Wide Range of Existing Institutional Initiatives**

Since the adoption of the United Nations Declaration of Human Rights in 1948<sup>52</sup>, a variety of documents issued by international institutions and organisations have repeatedly stated the need to protect freedom of information and expression as a fundamental human right of every person, interrelated to all other human rights, and a key value of democracy.

In recent years, increasing attention has been paid to the implementation of standards and policies on protection of journalists and improvement in the level of compliance with existing mechanisms to prevent crimes and address impunity. The legal framework for the protection of journalists, which includes obligations under international, regional and national human rights law and the case law of national as well as supranational courts, has been enriched since 2012 by a significant increase of soft law instruments and supported by different initiatives. Several non-binding instruments have been adopted over the years, both at UN and regional level, to reinforce and explain the scope of treaty obligations, and to focus explicitly on the issue of impunity. This soft law has widened the scope of the newest challenges to include the safety and security of journalists.

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<sup>52</sup> UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>.

Recent initiatives include the **Resolution** adopted by the UN General Assembly on 16 December 2021, which expressed serious concern at:

*“attacks and violence against journalists and media workers in situations of armed conflict” and recalled in this regard “that journalists, media professionals and associated personnel engaged in dangerous professional missions in areas of armed conflict shall be considered civilians and shall be respected and protected as such”... and noted that “specific risks [are] faced by women journalists in relation to their work, in non-conflict as well as in armed conflict situations, where they continue to be targeted at alarming rates.....”<sup>53</sup>*

At the regional level of Europe, the **Recommendation** CM/Rec(2022)4 adopted on 17 March 2022 by the Council of Europe, calls on its 46 member States to create “a favourable environment for quality journalism in the digital age” to thrive and to play its essential role in democracy, and openly refers to “political non-interference: state and local authorities, politicians and public officials should refrain from taking actions which undermine the independence of the media, ranging from interfering politically in their operations or exercising undue financial control over media to stigmatising and discrediting critical media and threatening journalists. Such actions have a chilling effect on the right of the media to report freely and lead to self-censorship in relation to criticism of government policy and political figures.”<sup>54</sup>

The **2021 Report on the state of democracy, human rights and rule of law** of the Secretary General of the Council of Europe<sup>55</sup> identified as priorities the protection of journalism and the safety of journalists, “also by addressing online attacks against women journalists, protection of journalists during protests and abusive lawsuits aimed at silencing critical voices”<sup>56</sup>.

Against the backdrop of the observation of the systemic character assumed by the threats to the freedom of the media and the safety of journalists - as well as of the non-compliance of States with the positive obligations to protect journalists and to eradicate impunity - this bulk of resolutions, statements, declarations and recommendations evolved in the direction of identifying more effective strategies of action and new mechanisms aimed at ensuring the adequate protection of journalists.

The development of this massive soft law, while it shows an increasing awareness of the seriousness of the risks for the journalists, at the same time highlights the persistent lack of compliance by the state of their obligation to provide adequate protection.

**In 2020, the Parliamentary Assembly of the Council of Europe Resolution 2317 (2020), Threats to media freedom and journalists’ security in Europe** reaffirmed the urgency of protecting journalists’ safety, stating that

*“according to the information published by the Council of Europe Platform to promote the protection of journalism and safety of journalists (the Platform), from April 2015 to 25 November 2019, 26 journalists were killed, including 22 cases where there was impunity, 109 journalists are currently in detention and 638 serious press freedom violations were perpetrated in 39 countries. Threats to media freedom and the safety of journalists have become so numerous, repeated and serious that they are jeopardising not only citizens’ right to be properly informed but also the stability and smooth functioning of our democratic societies”.*<sup>57</sup>

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<sup>53</sup> UN General Assembly, Resolution adopted by the General Assembly on 16 December 2021, The safety of journalists and the issue of impunity, A/RES/76/173, 10 January 2022, p.3.

<sup>54</sup> Council of Europe (CoE), Recommendation CM/Rec(2022)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age, CM/Rec(2022)4, 17 March 2022,

<sup>55</sup> Council of Europe (CoE), State of Democracy, Human Rights and the Rule of Law, A democratic renewal for Europe, May 2021, available at <https://rm.coe.int/annual-report-sg-2021/1680a264a2>

<sup>56</sup> Ibid. p.38

<sup>57</sup> Council of Europe (CoE) Parliamentary Assembly, Threats to media freedom and journalists’ security in Europe, Resolution 2317 (2020), 28 January 2020, point 3.



## The UN and international and regional protective frameworks

Following the landmark **Resolution 1738** adopted on 23 December 2006 by the UN Security Council on attacks perpetrated against journalists in conflict zones<sup>58</sup>, the need for a strategic and harmonised approach to the issue of the safety of journalists and the impunity of perpetrators of crimes against them, led to the adoption of the UN **Plan of action for the safety of journalists and the issue of impunity (UNPA)**<sup>59</sup>, as well its further development fostered by the necessity to assess and increase its effectiveness.

The **UNPA**, launched in 2012 and led by the United Nations Educational Scientific and Cultural Organisation (UNESCO), included measures such as: the establishment of an inter-agency mechanism to strengthen the contribution of each UN actor and enhance UN-wide coherence<sup>60</sup>; cooperation with States to develop legislation and other mechanisms guaranteeing freedom of expression and information, including requirements that States effectively investigate and prosecute crimes against freedom of expression<sup>61</sup>; assisting Member States to fully implement existing international rules and principles, as well as to improve, where needed, national legislation on safeguarding journalists, media professionals and associated personnel in conflict and non-conflict situations<sup>62</sup>; the establishment of a network of focal points on issues about the safety of journalists in all relevant UN agencies, funds and programs in order to develop effective measures for the protection of journalists and to eradicate impunity, coordinate actions and exchange information<sup>63</sup>.

UNPA gave impetus to a series of resolutions and declaration adopted by the United Nations General Assembly, the United Nations Security Council, the Human Rights Council and UNESCO.

UNPA has been periodically evaluated: during the second UN inter- Agency meeting in November 2012, a comprehensive Implementation Strategy<sup>64</sup> was adopted which included over 120 concrete actions for the protection of journalists; the Multi-Stakeholder Consultation on Strengthening the Implementation of the UNPA held on June 2017<sup>65</sup> to take stock of developments and best practices of the first five years of the implementation of the UN Plan of Action, produced a variety of possible options for specific stakeholders to enhance the impact of the UNPA, formulated in consultation with representatives of UN agencies, Member States, regional intergovernmental organizations, civil society, media, internet intermediaries and academia, including through a global conference convened by OHCHR and UNESCO.

The **Report** by the United Nations High Commissioner for Human Rights, issued in September 2018<sup>66</sup>, in accordance with the Human Rights Council Resolution 33/2 (29 September 2016)<sup>67</sup>, provided a complete overview of the existing international mechanisms concerned with ensuring the safety of journalists and the analysis of their effectiveness. It highlighted the undeniable advancements towards strengthening the safety of journalists and addressed prevailing impunity for violations of their rights, represented by a wide range of prevention, protection, monitoring and complaint mechanisms established over the years.

58 UN Security Council, Resolution 1738 (2006) Adopted by the Security Council at its 5613th meeting, on 23 December 2006, S/RES/1738 (2006), 23 December 2006.

59 Ibid. (No. 10).

60 Ibid., point 5.2.

61 Ibid., point 5.6.

62 Ibid., point 5.7.

63 Ibid., point 6.1.

64 UNESCO, OHCHR and UNDP, Implementation Strategy 2013-2014, UN Plan of Action on the Safety of Journalists and the Issue of Impunity, available at: [https://rsf.org/sites/default/files/implementation\\_strategy\\_2013-2014-2.pdf](https://rsf.org/sites/default/files/implementation_strategy_2013-2014-2.pdf)

65 UNESCO, Multi-Stakeholder Consultation on Strengthening the Implementation of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, 16 August 2017, accessible at [https://en.unesco.org/sites/default/files/report\\_-\\_multi-stakeholder\\_consultation.pdf](https://en.unesco.org/sites/default/files/report_-_multi-stakeholder_consultation.pdf)

66 United Nations Human Rights Office, United Nations Human Rights Report 2018, 2018.

67 United Nations General Assembly, Resolution adopted by the Human Rights Council on 29 September 2016 The safety of journalists, A/HRC/RES/33/2, 6 October 2016.



At least seven special procedures of the Human Rights Council contribute to prevention by raising awareness, deterrence and accountability, and documenting violations of the rights of journalists. They also sometimes identify alleged perpetrators, make recommendations and raise awareness about what is, and what is not, lawful. These include the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; the Special Rapporteur on the Situation of Human Rights Defenders; the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism, while other Special Procedures also touch on this principle in different ways.

All of these procedures perform a key preventive function by contacting States concerning information received regarding alleged violations of the rights of journalists, undertaking country visits to analyse the human rights situation at the national level, making public statements, and submitting reports to the Council and the General Assembly. The Office of the High Commissioner for Human Rights (OHCHR) also provides education and information about the safety of journalists, and developing policies and practices within organisations and States.

The Inter-American Commission on Human Rights' Special Rapporteur for Freedom of Expression conducts activities to protect and promote the right to freedom of thought and expression and promotes the adoption of legislative, judicial, and administrative measures to enable the exercise of the right to freedom of thought and expression.

This notwithstanding, the report concluded that the safety of journalists is far from secure. Indeed, the situation continues to deteriorate alarmingly, raising legitimate questions as to the efficacy of international and regional mechanisms, or indeed mechanisms at all levels.

In 2012, a **Joint Declaration on Crimes Against Freedom of Expression**<sup>68</sup> was adopted by the UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples' Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information. This is considered a key document to identify the most specific standards applicable to states with respect to protecting the safety of journalists.

**The declaration reaffirmed that “States have an obligation to take measures to prevent crimes against freedom of expression in countries where there is a risk of these occurring and in specific situations where the authorities know or should have known of the existence of a real and immediate risk of such crimes, and not only in cases where those at risk request State protection.”<sup>69</sup> The Obligations to Prevent and Prohibit include “legal measures: the category of crimes against freedom of expression should be recognised in the criminal law, either explicitly or as an aggravated circumstance leading to heavier penalties for such crimes, taking into account their serious nature; crimes against freedom of expression, and the crime of obstructing justice in relation to those crimes, should be subject to either unlimited or extended statutes of limitations (the time beyond which prosecutions are barred)”<sup>70</sup>.**

68 UN Special Rapporteur on Freedom of Opinion and Expression, OSCE Representative on Freedom of the Media, OAS Special Rapporteur on Freedom of Expression ACHPR Special Rapporteur on Freedom of Expression and Access to Information, Joint Declaration on Crimes against Freedom of Expression, 2012.

69 Ibid. p.2-3.

70 Ibid. p.3 point b.i.

The declaration reaffirms as well **Obligations to Protect binding the states:** “States should ensure that effective and concrete protection is made available on an urgent basis to individuals likely to be targeted for exercising their right to freedom of expression. Specialised protection programmes, based on local needs and challenges, should be put in place where there is an ongoing and serious risk of crimes against freedom of expression. These specialised programmes should include a range of protection measures, which should be tailored to the individual circumstances of the person at risk, including his or her gender, need or desire to continue to pursue the same professional activities, and social and economic circumstances. States should maintain detailed and disaggregated statistics on crimes against freedom of expression and the prosecution of these crimes, among other things to facilitate better planning of prevention initiatives.”<sup>71</sup>

In order to obtain “**Independent, Speedy and Effective Investigations**, with a view to bringing to trial, before impartial and independent tribunals, both perpetrators and instigators of these crimes,”<sup>72</sup> the declaration identified minimum standards:

“The investigation should be carried out by a body that is independent from those implicated in the events. This implies both formal hierarchical and institutional independence, and practical arrangements to secure independence.

*When there are credible allegations of involvement of State agents, the investigation should be carried out by an authority outside of the jurisdiction or sphere of influence of those authorities, and the investigators should be able to explore all allegations fully.*

*An effective system should be put in place for receiving and processing complaints regarding investigations by law enforcement officials of crimes against freedom of expression, which is sufficiently independent of those officials and their employers, and which operates in a transparent manner.*

*Where the seriousness of the situation warrants it, in particular in cases of frequent and recurrent crimes against freedom of expression, consideration should be given to establishing specialised and dedicated investigative units – with sufficient resources and appropriate training to operate efficiently and effectively – to investigate crimes against freedom of expression.*

*Sufficient resources and training should be allocated to ensure that investigations into crimes against freedom of expression are thorough, rigorous and effective and that all aspects of such crimes are explored properly.*

*Investigations should lead to the identification and prosecution of all of those responsible for crimes against freedom of expression, including direct perpetrators and instigators, as well as those who conspire to commit, aid and abet, or cover up such crimes.*

*Where there is some evidence that a crime which has been committed may be a crime against freedom of expression, the investigation should be conducted with the presumption that it is such a crime until proven otherwise, and relevant lines of enquiry related to the victim’s expressive activities have been exhausted.*

*Law enforcement bodies should take all reasonable steps to secure relevant evidence and all witnesses should be questioned with a view to ascertaining the truth.*

*The victims, or in case of death, abduction or disappearance the next-of-kin, should be afforded effective access to the procedure. At the very least the victim or the next-of-kin must be involved in the procedure to the extent necessary to safeguard their legitimate interests. In most instances, this will require giving access to certain parts of the proceedings and also to the relevant documents to ensure participation is effective.*

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<sup>71</sup> Ibid. p. 3 point 3.

<sup>72</sup> Ibid. (No. 71) p. 3.

*Civil society organisations should be able to lodge complaints about crimes against freedom of expression – of particular importance in cases involving killings, abductions or disappearances where the next-of-kin are unwilling or unable to do so – and intervene to in the criminal proceedings. Investigations should be conducted in a transparent manner, subject to the need to avoid prejudice to the investigation. Restrictions on reporting on court cases involving prosecutions of crimes against freedom of expression should be limited to highly exceptional cases where clearly overriding interests prevail over the particularly strong need for openness in such cases.*<sup>73</sup>

UNESCO has taken a lead role in the development of UNPA, constantly recording and condemning the killing of journalists: in 1997 UNESCO adopted **Resolution 29 on the Condemnation of Violence Against Journalists**<sup>74</sup>; the information concerning the murder of journalists is collected in the database of the **UNESCO Observatory of Killed Journalists**<sup>75</sup>; since 2008, every two years it publishes the UNESCO Director-General report on the status of judicial investigations into the killings of journalists worldwide.

Among its most recent initiatives, mention should be made of the **Guidelines for Prosecutors on Cases of Crimes Against Journalists**<sup>76</sup>, produced in 2020 by UNESCO and the International Association of Prosecutors (IAP) with the objective “to guarantee a right to exercise the activities related to journalism under conditions which allow the realization of fundamental rights”<sup>77</sup>. The guidelines identify elements that should be analysed in the decision-making process when an alleged crime is committed against a journalist and puts into perspective the measures that may command the public interest, public order and the safeguard and confidence into the administration of justice.

## The Regional European framework

The evolution of the European framework provides evidence of an increasing attention and commitment of the institutions to the issue of the protection of journalists. In response to the alarming level of threats to journalists and media actors in Europe, and given the damaging effect on the functioning of democratic society, in April 2016, the Committee of Ministers of the Council of Europe adopted the **Recommendation CM/Rec(2016)4**<sup>78</sup> on the protection of journalism and safety of journalists and other media actors. The Recommendation contains a set of guidelines focused on prevention, protection, prosecution and promotion of information, education and awareness raising, in order to obtain from the States in the fulfilment of their positive obligations as identified in the relevant judgments of the European Court of Human Rights.

**A specific focus is on impunity:** “When prosecutions for crimes against journalists and other media actors are not initiated or are obstructed in different ways, unacceptable delays to the administration of justice are often created and give rise to impunity for those responsible for the crimes. Therefore, when a State agent has been charged with crimes involving ill-treatment, it is of the utmost importance that criminal proceedings and sentencing are not time-barred. In order to maintain public trust in the justice system, measures such as the granting of an amnesty or pardon should not be envisaged or accepted without convincing reasons. The law should provide for additional or aggravated penalties to be applicable to public officials who, by neglect, complicity or design, act in a way that prevents or obstructs the investigation, prosecution or punishment of those responsible for crimes against journalists or other media actors on account of their work or contribution to public debate. ...”<sup>79</sup>

<sup>73</sup> Ibid. p. 3-4.

<sup>74</sup> UNESCO, Resolution 29 “Condemnation of violence against journalists”, General Conference 29th Session, Paris, November 1997.

<sup>75</sup> UNESCO, UNESCO observatory of killed journalists, accessible at <https://en.unesco.org/themes/safety-journalists/observatory>

<sup>76</sup> UNESCO and International Association of Prosecutors (IAP), Guidelines for Prosecutors on Cases of Crimes against Journalists, 2020.

<sup>77</sup> Ibid. p.5

<sup>78</sup> Council of Europe (CoE), Recommendation CM/Rec(2016)4[1] of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors, CM/Rec(2016)4, 13 April 2016 available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9#\\_ftn1](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1)

<sup>79</sup> Ibid. (No. 81) point 24.

*“Member States should proactively and vigorously pursue the priorities of protecting journalists and other media actors and combating impunity in all relevant regional and international intergovernmental forums and, more generally, in their foreign policy and relations. This could involve co-operating fully with information-gathering, awareness-raising and other initiatives co-ordinated by international and regional intergovernmental organisations concerning the safety of journalists and other media actors, in particular periodic State reporting processes, for example to the UN Human Rights Committee, as part of the UN Human Rights Council’s Universal Periodic Review and to the Director-General of UNESCO on the actions taken to prevent the impunity of perpetrators and on the status of judicial inquiries on each of the killings of journalists condemned by UNESCO. This would also include member States’ roles and responsibility in the supervision of the execution of the judgments of the European Court of Human Rights by the Council of Europe Committee of Ministers and providing prompt and full responses to ad hoc requests by the Council of Europe Commissioner for Human Rights and the OSCE Representative on Freedom of the Media.”<sup>80</sup>*

**The Recommendation stresses as well the positive obligation of the States:**

*“The State must guarantee the safety and physical integrity of everyone within its jurisdiction and this entails not only the negative obligation to refrain from the intentional and unlawful taking of life, but also the positive obligation to take appropriate steps to safeguard the lives of those within its jurisdiction. This positive obligation has substantive and procedural dimensions.”<sup>81</sup>*

*“The substantive dimension involves a primary obligation for the State to secure the right to life by putting in place effective criminal law provisions to deter the commission of offences against individuals, backed up by law enforcement machinery for the prevention, suppression and punishment of breaches of such provisions. This also extends, in appropriate circumstances, to a positive obligation on the authorities to take preventive operational measures to protect individuals whose lives are at risk from the criminal acts of another individual.”<sup>82</sup>*

*“Unregulated and arbitrary action by State agents is incompatible with effective respect for human rights. This means that, as well as being authorised under national law, policing operations, including the policing of public demonstrations, must be sufficiently regulated by it, within a system of adequate and effective safeguards against arbitrariness and abuse of force, and even against avoidable accident. This implies a need to take into consideration not only the actions of the law enforcement agents of the State who actually use force but also all the surrounding circumstances, including such matters as the planning and control of the actions under examination. A legal and administrative framework should define the limited circumstances in which law enforcement officials may use force and firearms, in the light of the international standards which have been developed on this topic. In this respect, a clear chain of command, coupled with clear guidelines and criteria are required; specific human rights training can help to formulate such guidelines and criteria. In any case, the undeniable difficulties inherent in the fight against crime cannot justify placing limits on the protection to be afforded in respect of the physical integrity of individuals and Article 3 of the Convention<sup>83</sup> does not allow authorities to weigh the physical integrity of an individual against the aim of maintaining public order.”<sup>84</sup>*

*“The procedural dimension involves a positive obligation on the State to carry out effective, independent and prompt investigations into alleged unlawful killings or ill-treatment, either by State or non-State actors, with a view to prosecuting the perpetrators of such crimes and bringing them to justice. Article 13<sup>85</sup> of the Convention also requires States to ensure that an effective remedy is available whenever any of the substantive rights in the Convention are violated.”<sup>86</sup>*

<sup>80</sup> Ibid. point 27.

<sup>81</sup> Ibid. point 20.

<sup>82</sup> Ibid. point 21.

<sup>83</sup> Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention of Human Right) [Opened for signatures: 4 November 1950; Entered into Force: 3 September 1953] ETS No. 005, Art 3.

<sup>84</sup> Ibid. (No. 81) point 22.

<sup>85</sup> Ibid. (no.15) Art 13.

<sup>86</sup> Ibid. (No. 81) point 23.

*“The absence of such effective measures gives rise to the existence of a culture of impunity, which leads to the tolerance of abuses and crimes against journalists and other media actors. When there is little or no prospect of prosecution, perpetrators of such abuses and crimes do not fear punishment. This inflicts additional suffering on victims and can lead to the repetition of abuses and crimes.”<sup>87</sup>*

*“The State has an obligation to guarantee the substantive liberty of everyone within its jurisdiction and to that end must ensure that journalists and other media actors are not subjected to arbitrary arrest, unlawful detention or enforced disappearance...”<sup>88</sup>*

**In 2014, the Council of Europe set up an internet-based Safety of Journalists Platform<sup>89</sup>** which compiles and disseminates alerts from 14 international partner NGOs and journalists' associations on serious concerns about attacks on journalists and media freedom in Europe. The platform aims to foster early warning mechanisms and response capacity within the Council of Europe and serves as a basis for a dialogue with the member States concerned.

**In 2020, the Council of Europe issued the Implementation Guide to Recommendation CM/Rec(2016)4<sup>90</sup>** explicitly recognising that, notwithstanding the standard adopted, the situation in the area of safety of journalists is further degrading and a more strategic and systematic implementation of the Recommendation is required.

**The Organisation for Security and Co-operation in Europe (OSCE) has a Representative on Freedom of the Media** who monitors media developments as part of an early warning function and helps participating States to comply with their commitments to freedom of expression and free media.

This increasing awareness of the magnitude of the problem within the European institutions did not, however, avoid a general worsening of the situation, as inter alia stressed by the Secretary General of the Council of Europe:

*“during the period 2018-2020, respect for freedom of expression was in decline in many countries. Extremists and those who oppose tolerance, broad-mindedness and democratic values continued to threaten journalists. Six journalists lost their lives, targeted and murdered for their work, and many others suffered attacks and threats against their and their families' safety” (2021 Report, above mentioned)<sup>91</sup>.*

Along the same lines, the European Commission, given the increasing number of attacks on journalists (over 900 attacks in the EU in 2020), adopted in 2021 the **Recommendation C(2021) 6650<sup>92</sup>** calling member states to investigate and prosecute all criminal acts, making full use of existing national and European legislation.

<sup>87</sup> Ibid. point 24.

<sup>88</sup> Ibid. point 25.

<sup>89</sup> Council of Europe (CoE), Safety of Journalists Platform, accessible at <https://fom.coe.int/en/accueil>

<sup>90</sup> Council of Europe (CoE), Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of journalists and other media actors, How to protect journalists and other media actors?, DGI(2020)11, 2020.

<sup>91</sup> Ibid (No. 4) p. 37.

<sup>92</sup> European Commission, Commission Recommendation of 16.9.2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, C(2021) 6650, 2021.

## Conclusion

Despite all of the above, the safety of journalists is far from secure. Indeed, the situation continues to deteriorate alarmingly, raising legitimate questions as to the efficacy of international and regional mechanisms, or indeed mechanisms at all levels.

This also underlines the limitations of the current 'top down' approach discussed above. The protection of journalists and media workers and the ending of impunity must be taken up by other means. This could be a task suited to regional, state and local 'bottom up' alliances of organisations of civil society, non-state actors, in a movement for change featuring specific demands for independent media, protection for journalists and media workers, and the end of impunity, as will be further outlined in the Tribunal's Recommendations.



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## 7. Findings

This session of the Tribunal was convened to respond to worldwide concern about the dangers posed to the orderly functioning of societies by the increasing restriction of freedom of expression in many countries and the consequent increase in physical and other attacks on journalists and media workers. Reducing the extremely high rate of impunity that follows such attacks, and encourages future perpetrators, is a critical issue that must be faced if the increasing number of attacks is to be reversed.

That concern was brought to the Tribunal in an Indictment prepared by the Lead Prosecutor Almudena Bernabeu and her team at the behest of three press freedom organisations, Free Press Unlimited, Committee for the Protection of Journalists and Reporters Without Borders, as part of their Safer World for the Truth coalition, with the cooperation and support of the Syrian Center for Media and Freedom of Expression and the Center for Justice and Accountability and local organisations in each of three countries selected as cases through which to illustrate the worldwide phenomenon. The Tribunal recognised the importance of providing increased visibility to the continuing killings of journalists and media workers around the globe and in specific countries, and to the grave problem of impunity.

The Indictment alleges serious violations of international law as codified in the International Covenant on Civil and Political Rights (ICCPR) and is binding on each of the States of Mexico, Sri Lanka and Syria.

### **Mexico**

That “The Prosecutor...holds the State of Mexico responsible for grave violations of the international human rights of journalist Miguel Angel López Velasco, specifically the right to life [Art. 6 ICCPR], the right to freedom of expression [Art. 19 ICCPR], and the right to an effective remedy [Art. 2 ICCPR].

### **Sri Lanka**

That “The Prosecutor ...holds the Democratic Socialist Republic of Sri Lanka responsible for grave violations of the international human rights of journalist Lasantha Wickrematunge, specifically the right to life [Art. 6 ICCPR], the right to freedom of expression [Art. 19 ICCPR] and the right to an effective remedy [Art. 2 ICCPR].”

Further, that the government violated Lasantha Wickrematunge’s right to freedom from discrimination based on political opinion [Art. 26 ICCPR].

### **Syria**

That “The Prosecutor ... holds the Syrian Arab Republic responsible for grave violations of the international human rights of journalist Nabil Walid Al-Sharbaji, specifically the right to freedom from torture [Art. 7 ICCPR], the right to life [Art. 6 ICCPR], the right to freedom of expression [Art. 19 ICCPR], and the right to an effective remedy [Art. 2 ICCPR].

Further, that the government violated Nabil Walid Al-Sharbaji’s right to freedom from discrimination based on political opinion [Art. 26 ICCPR] and his right to a fair trial [Art. 14 ICCPR].





The PPT highlights that all three of the States charged in the Indictment are among the 173 Parties (and six more signatories without ratification) to the ICCPR, a multilateral treaty that commits states parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. It was adopted by United Nations General Assembly Resolution 2200A (XXI) on 16 December 1966 and entered into force 23 March 1976.

Although all of the States in the Prosecutor's Indictment were given timely notice of the Tribunal's session with the date and time of the Opening Session and were invited to present a defence to the charges in the Indictment, none of the countries responded or offered a defence.

In view of the overwhelming and compelling evidence consisting of witness testimonies, including that of expert witnesses and those with personal experience and substantial written documentation from individuals and organisations, the Tribunal has unanimously made the following finding:

**That through their acts and omissions (the lack of investigation, the lack of reparation to the victims, and the full impunity) the States of Mexico, Sri Lanka and Syria are Guilty of all of the human rights violations brought against them in the Indictment.**

The Tribunal is also of the opinion that the three States have violated a number of other Conventions, Treaties and other international, regional and national legal instruments which they have themselves committed to uphold. - A detailed consideration of this was not in the mandate of this Tribunal, but we recommend that such an endeavour be pursued.

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## 8. Recommendations

Since it is the citizens and peoples who have an absolute need for information, only the vigorous development of processes of democratisation and liberalisation of power can trigger in the countries observed (and more generally) a significant reversal of course and the realisation of acceptable conditions for the existence of free and pluralist information.

In this context, the existence of a judiciary that is truly independent of the executive power and the strengthening of the police operating in conjunction with prosecutors are indispensable measures for curbing the criminality that targets journalists and their function of informing the public.

As has been amply illustrated in the analysis of three individual country cases, the systematic impunity enjoyed by the perpetrators of violence and murder, and those who order and organise them, may be the result of a number of different causes: the open political cover offered to the perpetrators of the criminal acts; the status of those who order or who organise the attacks; the omissions of the competent authorities; the weakness or lack of independence of judges and prosecutors; the inadequacy of the investigative will, or techniques used; and so on.

The passive acceptance of impunity on the part of governments and the lack of incisive countermeasures on the legal and organisational level remain the direct responsibility by omission of the institutions and ruling classes and an ignominy for the countries in which these events occur.

By clearly bringing to light the repressive practices existing in the countries brought to trial, illuminating areas otherwise destined to remain in the shadows, illustrating the dynamics of individual crimes committed against journalists, this Tribunal has fulfilled part of its task: to give voice to the victims, to ascertain the responsibilities of governments and states, to point the finger at perpetrators and political perpetrators of violence by denouncing the connivances they have enjoyed.

It is also necessary to emphasise the need for a strategy directed at combating the repression, violence and killings of journalists. It is necessarily destined to take concrete form in a plurality of initiatives put in place by different actors operating in individual countries and at the international level.

In this session, the Tribunal has learned of the many and serious violations of the rights of journalists in the three countries under Indictment and found Guilty. The three cases examined in depth exemplify the negative impact on all the victims, their families and colleagues, the media in general, and the resulting lack of freedom of expression that undermines the rule of law and democratic participation.

The Tribunal believes in the necessity for practical actions that can have an effect on the continuing problem of impunity found in each of the three countries and elsewhere. Bringing an end to impunity is fundamental to the process of transformation to a safe environment for journalists and the restoration of the freedom of expression and other rights denied to journalists and detailed in the Tribunal's hearings.

While the Tribunal recognises the importance of international law and standards, and the mechanisms and Special Procedures associated with them, as well as those developed on a regional basis, the continuing and deepening problem of murders of journalists with impunity indicates that something different must be added to the efforts to protect journalists and the freedom of expression.

Nation states must diligently fulfil their obligations under international humanitarian law, and of course the obligations imposed upon them by national law. Indeed, they should go beyond existing law by undertaking law reforms, education programs, allowing international independent experts to investigate, promoting the importance of the freedom of the press among the people, and other initiatives that are likely to protect journalists and their families, thereby protecting and expanding the public space for communication imperative for more informed citizens. They must end impunity where it exists.

However, as amply demonstrated in our hearings, many states are failing in their duties to protect journalists from attacks; to ensure their freedom from arrest on trumped up charges, from false imprisonment, from torture, from being disappeared, and from attacks equating to discrimination because of their opinions expressed in their work; to provide effective remedies; to make reparations for their injuries and those of their families; and to ensure a safe environment by holding accountable in law the perpetrators, especially those who encourage, order and organise, or who are complicit in, the attacks on journalists.

The Tribunal takes the view that the highly developed framework of laws and mechanisms, international, regional and state, for the protection of journalists is, in general, lacking one necessary element: the people. Civil society needs to be prioritised in working towards transforming the media into a safe space. In other words, work must also be done from the bottom up, to develop a civil society response to ending impunity and restoring freedom of expression where it has been lost or constricted.

This will require the development of a larger and more comprehensive alliance of those in the information and communication sector linking a movement to protect journalists and extend the space for free expression with other movements for freedom and justice.

Journalists are major actors in the attempt to expose threats to others, such as whistle blowers who expose political corruption; lawyers who challenge government actions and defend human rights activists; and environmental defenders who challenge corporate devastation of the environment. Linkages with these other sectors for mutual protection could provide the impetus to transform the political apathy that allows impunity to continue.

It is with that understanding that the Tribunal makes the following Recommendations:

**To the United Nations (and beyond)**

1. That there should be a comprehensive independent review of the apparent inability of the international community's initiatives, largely through the United Nations mechanisms and Special Procedures, and international humanitarian law, to protect journalists, media workers and even media organisations, and to end impunity. It should be tasked with making practical recommendations for a more effective system, and be done as a matter of urgency.

**To the governments of Mexico and its states, Sri Lanka, and Syria**

2. Immediately cease the complicity, connivance and participation of government agencies and all public authorities in the harassment, persecution and murder of journalists and others engaged in media work and in defending the right to freedom of expression.
3. End impunity by ensuring that all attacks against journalists are thoroughly investigated and effective prosecutions mounted against those suspected on legal grounds to be the perpetrators, those who organised them, those who ordered the attacks, and the political, economic, or criminal networks that support them. Provide for certain, adequate, and effective sentences. Clarify to the public what was the underlying cause and hidden interests to be served by the attacks.

### To all States

4. All countries should take appropriate actions to protect journalists and independent media organisations from attacks intended to restrict the freedom of expression, most egregiously the killing of journalists. Effective investigatory mechanisms and practices need to be staffed with trained personnel in a context of independent prosecution and independent judiciary with the authority to impose deterrent punishments.
5. All countries should adopt policies and implement practices ensuring transparency by providing adequate up-to-date and appropriate information to the public regarding investigations and judicial hearings with regard to attacks on journalists.
6. Countries should not allow impunity to persist through competing or conflicting jurisdictional claims such as seems to have happened in Mexico. A clear and explicit and jurisprudentially consistent method of resolving such disputes should be adopted into law.
7. All countries should investigate crimes against journalists within a perspective that such crimes are likely to be related to the victim's journalistic work rather than assuming *ab initio* that it is not.
8. Strong protection mechanisms must be available for threatened journalists, relatives, witnesses and journalists' sources. These must be fit for purpose and local conditions, adequately funded and must be implemented with vigour.
9. While media outlets and journalists, like the rest of society, may also deserve criticism for the manner in which they perform their duties, the authorities should always choose the path of reasoned and specific criticism, avoiding stigmatisation or indiscriminate attacks on journalists and free information directed at denigrating the function of the media and the entire profession.
10. Where journalists as a group are being targeted in a country, the national government has a primary responsibility to relocate the journalists and families, assuring them a life with dignity and the conditions in which they are able to continue working as journalists. Such relocation should allow for a return in the future to their homes and a peaceful work environment. Relocation must not be a method of silencing journalists.
11. Bring pressure on international agencies and other nation states to provide safe passage and resettlement for those who wish to flee, literally for their lives, and those of family members. Attention must be paid to making such removal and resettlement more rapid, more certain and less stressful than at present.
12. An independent fund should be established, with funds from both public and private sources to support university academics, independent organisations, and other researchers to continue and deepen research on the restriction of freedom of expression, attacks on journalists and media organisations, and impunity.
13. Guarantee the legal and other conditions enabling journalists to organise in order to protect themselves as working journalists in the search for truth, justice and memory.
14. In all countries, where there are suitable conditions consideration be given by community groups and other civil society organisations to the establishment of local, regional and national People's Tribunals or Citizens' Inquiries, either permanently or ad hoc, to inquire into and publicise attacks on journalists, their causes, structural and immediate, and the perpetrators and those higher up who are responsible for the attack. and to make further Recommendations as appropriate in their respective circumstances.



### **To All Organisations in the Information Communication Sector**

15. Work together for the specific purposes of increasing public understanding of the problem of attacks on journalists carried out with impunity, and applying pressure on governments to carry out their rights-protecting obligations. The *Safer World for the Truth* coalition could form the core of such an alliance, expanded to include a range of relevant organisations, academics in mass communications and other relevant departments and representatives from trade unions of communication workers.
16. The alliance recommended in Recommendation 15 should seek to increase its impact by developing further linkages with other sector organisations whose members are also being attacked and murdered, such as lawyers and environmental defenders.
17. Those organisations engaged in monitoring attacks on journalists should extend their research capacity to investigate the dynamics of impunity, the political-economic causes of, and beneficiaries from, restrictions on freedom of expression including the attacks on journalists and media organisations, and the identity of the organisers and masterminds of attacks on journalists.
18. In order to have a more comprehensive set of data that reveals the social cost of attacks on journalists, monitoring data should be collected on survivors (injured or otherwise) and consequential injury to others in the attack, including to bystanders. The same applies to journalists' sources, a much-neglected category but one that is essential for the production of news.

### **To Corporations (especially those operating in Mexico, Sri Lanka and Syria)**

19. Affirm and implement a commitment to human rights standards and a commitment to freedom of expression specifically; convey that commitment directly to governments at all levels (local, regional, federal); use their position to ensure that their business associates, partners, suppliers etc adhere to those commitments and have no connection or dealings with those who violate those standards.
20. Take seriously their obligations as employers and improve their policies and practices for the protection of the safety and health of their journalists and other media workers, including specific protections where female journalists are at special risk.

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## 9. Concluding remarks

The Tribunal wishes to express our appreciation to all those who organised and participated in the five sessions held over the past ten months.

For the families and friends of the victims in the case we have examined, we hope our Findings and Recommendations will serve as a concrete sign of memory and at least a symbolic reparative gesture in the face of ongoing impunity.

We express the hope that This Judgment will give support and encouragement to all those who have suffered the crimes analysed and to those around the world who are mobilising to commemorate the victims of these crimes and to fight for justice, truth and memory.

# **Annexes**



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# Annex I

## **Statute of the Permanent Peoples' Tribunal**

Rome, 27 December 2018

### **PREAMBLE**

The Permanent Peoples' Tribunal (PPT) was established on 24 June 1979, in Bologna, on the basis of the framework defined in the Universal Declaration of the Rights of Peoples proclaimed in Algiers on 4 July 1976, to be:

- a tribune of visibility, of the right to speak, of the affirmation of the rights of peoples exposed to severe and systematic violations by public and private actors, at national and international levels, who have no possibility of referring and having access to competent organs of the organised international community;
- an instrument of explicitation and verification of the existence, the severity, the responsibilities, and impunity of the concrete violations, as well as of the due measures of justice and reparation;
- a witness and promoter of research aimed at filling the institutional and doctrinal gaps in existing international law.

Throughout the many sessions during its history and in close compliance with its Statute, the PPT has systematically considered the requests submitted to its attention, which have corresponded to situations that, irrespective of their severity, have been and are being ignored or dismissed from the competence and the responsibilities of the organs of international laws.

Following intensive collegial work of its members and of the Presidential office, the PPT Statute is hereby updated with respect to the procedures and definitions of the crimes included its competence, thus setting the following expanded the doctrinal and operational framework for its future activities.

### **Art.1**

#### **Crimes within the competence of the Permanent Peoples' Tribunal**

The PPT is competent to judge any type of crime committed causing injury to peoples through severe violations of the rights listed in sections I-VI (art. 1-21) of the Universal Declaration of the Rights of Peoples approved in Algiers on July 4th 1976.

The crimes listed below are also considered within the competence of the PPT:

- a. crimes of genocide (art.2)
- b. crimes against humanity (art.3)
- c. war crimes (art.4)
- d. ecological crimes (art. 5)
- e. economic crimes (art. 6)
- f. systemic crimes (art.7)



Within the terms of reference of this Statute, “People” defines any community identified as injured party of any of the crimes listed above.

## **Art.2**

### **Genocide**

“Genocide” means any of the following acts committed with intent to destroy, in whole or in part, a group selected on a discriminatory criterion, as such:

- a. killing members of the group;
- b. causing serious bodily or mental harm to members of the group;
- c. deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d. imposing measures intended to prevent births within the group;
- e. forcibly transferring children of the group to another group.

## **Art. 3**

### **Crimes against humanity**

Crimes against humanity are those crimes whose gravity implies a direct attack against humanity.

“Crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population:

- a. murder;
- b. extermination;
- c. enslavement;
- d. deportation or forcible transfer of population;
- e. imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
- f. torture;
- g. rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence of comparable gravity;
- h. persecution against any identifiable group or collectivity grounded on discriminatory reasons that do not fall under any of the five actions constituting the genocide;
- i. enforced disappearance of persons;
- j. the crime of apartheid.

## **Art. 4**

### **War Crimes**

“War crimes” are the crimes referred to in Art. 8 of the Statute establishing the International Criminal Court adopted on 17 July 1998.

## **Art. 5**

### **Environmental crimes**

Ecocide and other environmental crimes mentioned below are “ecological crimes”.

1. “Ecocide” means serious damage, destruction or loss of one or more ecosystems in a territory for human or for other causes whose consequences are provoking or have the strong risk of provoking a severe reduction in the environmental benefits enjoyed by the inhabitants of those areas.
2. Other environmental crimes include the following:
  - a. illegal capture of species of flora and fauna and illegal wildlife trade (in violation of the Convention of Washington, 3 March 1973 on International Trade in Endangered Species of Wild Flora and Fauna);
  - b. illicit trade in ozone-depleting substances (in violation of the Montreal Protocol, 16 September 1987, on Substances that Deplete the Ozone Layer);
  - c. illicit trafficking of hazardous wastes (in violation of the Basel Convention 22 March 22 1989 on the Control of Transboundary Movements of Hazardous Wastes and their Disposal);
  - d. unregulated and illegal fishing in violation of the decisions of the regional organisations responsible for fisheries management;
  - e. collection and illegal trade in wood (in violation of the provisions established by national laws);
  - f. mining and illegal trade in minerals (in violation of the provisions established by national laws);
  - g. illicit trafficking in nuclear material (in violation of the Vienna Convention, 3 March 1980 on the Physical Protection of Nuclear Material);
  - h. contamination of the soil and the subsoil, of the waters or of the air by means of the emission or intentional or negligent disposal of solid, liquid or gaseous substances liable to lead to such contamination (in violation of national and international laws). In particular, must be considered negligence the absence of a policy that leads to a real reduction of gas emissions that cause climate change.
  - i. Any other action or omission that seriously damages biological diversity, ecosystems, habitats, species or people’s health. In particular, here must be considered omission or use of technologies lacking scientific certainty as to their potentially negative consequences on the environment or the people’s health and that do not provide for the simultaneous application of measures that comply with the precautionary principle.

## **Art. 6**

### **Economic crimes**

“Economic crimes” include the following:

- a. violations of human rights caused by economic activities of companies, inherently deriving from the nature of their economic activity or as a result of deliberate or negligent absence of measures aimed at preventing these effects as potentially implied by their economic activity;
- b. violations of human rights deriving from financial transactions made possible by the rules governing the financial markets (speculation, commodity markets, high-risk products);
- c. violations of human rights deriving from financial crimes (including corruption, tax evasion, money laundering) or other crimes related to criminal organisations (including illicit drug trafficking, illicit arms trafficking or trafficking in human beings);
- d. violations of human rights deriving from structural policies which are the consequence of decisions taken by leaders of governments or multilateral intergovernmental organizations.

## **Art. 7**

### **System crimes**

“System crimes” are crimes considered in articles 5 and 6 that are not imputable to specific persons, but of which it is possible to identify the causes as being not natural, but political or economic, in the functioning of legal and social systems.

System crimes cause serious injury to the fundamental human rights of entire communities by depriving them of access to food, water, medicine, housing, work, ultimately to human dignity. These effects that do not derive from natural catastrophes but rather by a sum of decisions adopted over the years, often in different countries and therefore they are not easily imputable to identified persons, states or companies.

## **Art. 8**

### **Liability of persons**

The PPT establishes the liability of persons for the crimes mentioned in the articles 2, 3, 4, 5 and 6.

## **Art. 9**

### **Liability of States**

“State crimes” are crimes mentioned in articles 2, 3, 4, 5 and 6, if committed or tolerated by public officials.

## **Art. 10**

### **Liabilities of corporations**

“Business crimes”, are the crimes provided for in articles 2, 3, 4, 5 and 6, if committed by boards of directors or by managers of corporations or companies, as well as by their employees, on instigation or omission of the management.

These crimes are also imputable to the States or supranational or international organisations that, being aware of them, do not take action to prevent their commission.

## **Art. 11**

### **The temporal jurisdiction of the Tribunal**

The jurisdiction of the PPT on crimes provided for in articles 2, 3, 4, 5, 6 and 7 is not subject to temporal limitations for the past nor for the future.

## Procedures

### Art. 12

With respect to the violations enumerated above, the PPT may receive requests addressed both by governments or governmental organs, as well as by groups or movements representing, at national and/or international levels, interests of communities.

For each request received, the Presidency of the PPT shall formulate a motivated decision on whether and how the request is accepted and should be investigated.

### Art. 13

The Presidency, on the request of three members of the Tribunal, can activate *ex officio* a procedure aimed to formulate an act of accusation or indictment for any of the criminal violations included in this Statute, which, irrespective of their severity, are being or have been ignored or not adequately investigated or denied by the competent and due authorities.

### Art. 14

Any person with recognised and documented high moral authority and independence of judgment in the exercise of her/his societal function are may be considered for nomination as a member of the PPT panel of judges. The composition of the college of each hearing must assure the presence both of juridical competences and of professional expertise in disciplines pertinent for the specific case, so that independence, impartiality, in depth investigation and solid consistency may be assured in the dealing and evaluation of all relevant issues.

### Art. 15

The PPT is based on a core list of permanent members, whose verified readiness to perform their role reliably shall lead to their nomination to form the initial composition of the members of the colleges for individual cases.

The Presidency may supplement these colleges through inclusion of persons with other recognised competences coherent with requirements stipulated in Article 14.

### Art. 16

For each case, the Presidency of the PPT with the support of the Secretariat, approves the implementation of the process of investigation as well as the articulation of appropriate public hearings, and nominates for the judging Session a college composed of a minimum of five members.

## **Art. 17**

Each government, authority, private group which is involved in the case shall be duly informed of the concerned accusations/indictments or investigations, and shall be given ample opportunity to take part in each stage of the procedure, through the submission of evidence and a defence.

Even if the subject in cause does not recognise the competence of the PPT, and *de facto* abdicates to her/his right to defence, all the acts of the process where she/he is involved shall be transmitted to her/him in a timely manner.

## **Art. 18**

The Presidency may designate a rapporteur who is charged with the presentation of all information, evidence or document which may be taken into consideration in favour of an accused party.

## **Organisational aspects**

## **Art. 19**

The Permanent Peoples' Tribunal manifests one of the research objectives of the Foundation Lelio and Lisli Basso. Its activities are developed and implemented according to the Statute, in full institutional and functional autonomy from the Foundation.

The Administrative Board of the Foundation periodically ratifies, following the notification by the office of the Presidency of the PPT, the nomination of the permanent members of the core panel of judges. The PPT presents to the Foundation, yearly, and or when requested, a report on the accomplished and ongoing work.

## **Art. 20**

The organs of the PPT are:

- the Presidency, including the President and four Vice-presidents, chosen by consensus of the permanent core of judges;
- the General Secretariat, including the Secretary General and the Coordinator.

The mandate of the President and of the Vice-Presidents is for four years, with the possibility of renewal following a consultation of the members of the PPT in the preceding year. The General Secretariat is renewed according to the decision of the Presidency.

## **Art. 21**

The Sessions of the Tribunal and the hearings of the colleges of the Tribunal are public.

The deliberations are formulated behind closed doors.

The decisions are delivered in public.



## **Art. 22**

The deliberations and the consulting opinions are adopted by majority vote of the members of the college. The vote of the President prevails in cases of *ex aequo*.

The verdicts of the Tribunal are definitive. Together with the other decisions of the Tribunal, they are transmitted to the interested parties, to the Secretary General of the United Nations, to the competent international bodies, to the concerned governments, to the media. The verdicts are published on the web site of the Tribunal.

## **Art. 23**

The Tribunal may adopt its own internal regulatory guidelines and procedures.

## **Art. 24**

The PPT has its seat in Rome. It may be convened and carry out its functions in any other place as deemed appropriate.

## **Art. 25**

On any proposal of modification of this Statute, the decision belongs to the Presidency.



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## Annex II

### Request for a People's Tribunal on the Murder of Journalists

15 October 2020

The Permanent Peoples' Tribunal  
Fondazione Lelio e Lisli Basso  
Via della Dogana Vecchia 5  
Rome, Italy

Dear Mr Texier, Dr Tognoni and Ms Fraudatario,

The undersigned organizations request the Permanent Peoples' Tribunal to organize a People's Tribunal on the Murder of Journalists. We make this request in response to the alarming number of journalists who are murdered in relation to their work, and the lack of justice in the majority of these cases.

We ask the Tribunal to discuss this issue in light of the positive human rights obligations of states to protect journalists and to conduct proper investigations in the event of their death. Specifically, we would like the Tribunal to examine a number of cases in which journalists were killed for reasons connected to their professional activity and in which those who committed or ordered the murder ran free. This submission introduces the issue of impunity for murders of journalists and motivates the need for a People's Tribunal. The stories of José Moisés Sánchez and Sahar Hussein Ali al-Haydari have been included to exemplify the cases in which a People's Tribunal could contribute to ending impunity for murders of journalists.

### Murders of journalists continue unabated

Since 1992, 1384 journalists have been killed for doing their vital job: bringing reliable information to the public. In over 800 of these cases, journalists were murdered in direct reprisal for their work.<sup>93</sup> These murders are the tragic and ultimate consequence of a hostile environment for press freedom, characterized by harassment, violent attacks or other attempts at silencing journalists.<sup>94</sup> The unwillingness or inability of government authorities to guarantee journalists' safety and protect them against these forms of intimidation fosters self-censorship and enables perpetrators to resort to murder.

The majority of these murders are committed in countries where press freedom is formally guaranteed but in reality is violated and suppressed by (local) powerholders and criminal organizations to cloak corruption and misconduct. In these 'mixed' regimes, the state is unable to control these actors or has an incentive to condone or actively participate in the murders.<sup>95</sup> Journalists were also targeted with lethal violence in countries involved in armed conflict and, to a lesser degree, in authoritarian and democratic states.<sup>96</sup> Across the globe, local reporters writing about politics and corruption make up the lion's share of journalists murdered in retaliation for their work.<sup>97</sup>

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<sup>93</sup> <https://cpj.org/data/> (as per 19 October 2020)

<sup>94</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000371487>, p. 38-43

<sup>95</sup> <https://journals.sagepub.com/doi/abs/10.1177/1464884919885588>, p. 15.

<sup>96</sup> <https://cpj.org/reports/2019/12/journalists-killed-murdered-syria-mexico-impunity/>; <https://journals.sagepub.com/doi/abs/10.1177/1464884919885588>, p. 7.

<sup>97</sup> <https://cpj.org/reports/2014/10/the-road-to-justice-killing-journalists-impunity/>, p. 8; <https://cpj.org/data/> (as per 19 October 2020).

### *Reporting on local crime and corruption in Mexico: José Moisés Sánchez*

José Moisés Sánchez was a Mexican journalist from Veracruz who founded the newspaper *La Unión*. Motivated to inform people about what was happening in their surroundings in Medellín, he wrote about local criminal organizations and the city authorities. In the months before his death, he published critical articles about the mayor and faltering local law enforcement. According to his family, the mayor subsequently attempted to bribe and threaten him. On January 2, 2015, Sánchez was kidnapped from his home and his equipment and electronic materials were taken. He was found later that month, decapitated and dismembered by his attackers. An investigation by the state attorney pointed at involvement of the mayor, who to date has escaped prosecution. A Mexican government agency found that the investigation of Sánchez' murder was flawed and that special investigation mechanisms were not activated, among others because government authorities denied Sánchez' status as a journalist.<sup>98</sup>

Sánchez is one of the 53 journalists who were murdered in Mexico between 1992 and 2020. As happened to Sánchez, these killings are often preceded by harassment and violent attacks. In 2019 alone, 609 Mexican journalists were attacked. These crimes rarely lead to proper investigation and prosecution of the perpetrators. Impunity reigns in 99% of the cases involving crimes against journalists in Mexico.<sup>99</sup>

## **Justice is rarely achieved**

The grave consequences of a murder of a journalist on press freedom are exacerbated when those responsible for the murder are never brought to trial. This is the case for 86% of the murders of journalists committed since 2008.<sup>100</sup> These murders are met with complete impunity: both the perpetrator(s) and the mastermind run free. While examples of impunity for murders of journalists are found around the world,<sup>101</sup> the majority of unresolved cases occurred in thirteen countries with particularly high impunity rates.<sup>102</sup>

These countries are either involved in an armed conflict (e.g. Somalia, Syria and Iraq) or harbor powerful criminal or political actors with an incentive to silence journalists (e.g. Philippines, Mexico and Pakistan). A lack of political will to protect journalists forms one of the biggest obstacles to resolving impunity in these contexts.<sup>103</sup> Legal experts convened by Free Press Unlimited described how an adverse political situation can frustrate their work in cases involving the murders of journalists. These litigators face state obstruction of investigation processes and report intimidation of lawyers and witnesses. In other cases, governmental actors refuse to act when third parties compromise or threaten judges and prosecutors. Political unwillingness also undermines justice when states block access to regional and international (human rights) courts.

98 <https://cpj.org/data/people/jose-moises-sanchez-cerezo/>; <https://cpj.org/reports/2017/05/no-excuse-moises-sanchez-mexico-veracruz-murder-justice-blocked-1/>; <https://www.theguardian.com/world/2018/mar/28/mexico-police-moises-sanchez-journalist-guilty>

99 <https://cpj.org/data/> (as per 19 October 2020); [https://www.article19.org/wp-content/uploads/2020/06/RESUMEN-EJECUTIVO-INGLES-ARTICLE-2020\\_VO1.pdf](https://www.article19.org/wp-content/uploads/2020/06/RESUMEN-EJECUTIVO-INGLES-ARTICLE-2020_VO1.pdf), p. 5 and 13.

100 <https://cpj.org/reports/2019/10/getting-away-with-murder-killed-justice/>

101 [https://unesdoc.unesco.org/ark:/48223/pf0000265828\\_eng](https://unesdoc.unesco.org/ark:/48223/pf0000265828_eng)

102 <https://cpj.org/reports/2019/10/getting-away-with-murder-killed-justice/>

103 <https://cpj.org/reports/2014/10/the-road-to-justice-killing-journalists-impunity/>, p. 15.

### *Targeted for war reporting in Iraq: Sahar Hussein Ali al-Haydari*

Sahar Hussein Ali al-Haydari worked for, among others, the National Iraqi News Agency (NINA) and Aswat-al-Iraq. She wrote about the violence she witnessed in Mosul and was particularly critical of the growing influence of extremist groups in the city. Her courageous work was met with death threats and she suffered multiple attacks over the course of 2006. She discovered she was on a hit list, issued by the local leader of an al-Qaeda affiliated group. On 7 June 2007, Sahar Hussein Ali al-Haydari was shopping when four gunmen ambushed her. A few days later, her murder was claimed by Ansar al-Sunna, an extremist group that stated al-Haydari was killed for publishing falsehoods.<sup>104</sup> The Iraqi government reported in 2020 that the case is still open.<sup>105</sup> Unfortunately al-Haydari's case is not unique: Iraq has been among the five countries with the worst impunity rates for murders of journalists since 2008. While the number of unresolved cases has slowly decreased in recent years, violence against journalists has recently spiked again and cases like al-Haydari's remain without consequences.<sup>106</sup>

In countries dealing with terrorism or armed conflict, weak institutions and a lack of resources may further restrict proper investigations and prosecution.<sup>107</sup> The consulted legal experts confirmed that, when political will is present, justice may still be obstructed due to structural weaknesses such as undue delays and a corrupt judiciary. Moreover, obtaining justice is complicated due to flaws in the legal framework. In some domestic and regional systems, these flaws may entail that the special status of journalists is not recognized and that it is not acknowledged that the murder of a journalist is a violation of the right to freedom of expression. Some courts moreover fail to prioritize the prosecution of murders of journalists. At the international level, an important flaw is the lack of a special status for journalists under international humanitarian law.

## **Impact of impunity**

The stories of José Moisés Sánchez and Sahar Hussein Ali al-Haydari highlight that most murders of journalists do not take place in isolation: they fit in a wider pattern of intimidation and repression of media outlets. Impunity fortifies this hostile climate for press freedom. The lack of judicial action sends the message that killing journalists remains without consequences, further emboldening the killers and stimulating self-censorship among journalists. Leaving the murder of a journalist unpunished may thus silence an entire community of journalists. The failure of the state to investigate these murders is therefore both a violation of the right to life and of the right to freedom of expression. Journalists play a key role in securing this right by providing the public with the information they need to make informed decisions and hold those in power to account. Impunity for murders of journalists thereby not only has grave consequences for those seeking justice for the murder of their loved ones, but impacts the ability of a society as a whole to inform itself and enter into dialogue and debate.

104 <https://www.reuters.com/article/idUSL1089842>; <https://cpj.org/data/people/sahar-hussein-ali-al-haydari/>; <https://www.theguardian.com/news/2007/jun/30/guardianobituaries.iraq>

105 [https://en.unesco.org/sites/default/files/safety\\_iraq\\_2020\\_ms.pdf](https://en.unesco.org/sites/default/files/safety_iraq_2020_ms.pdf)

106 <https://cpj.org/reports/2019/10/getting-away-with-murder-killed-justice/>; <https://www.freepressunlimited.org/en/projects/fostering-collaboration-to-combat-impunity-in-iraq>

107 <https://cpj.org/reports/2014/10/the-road-to-justice-killing-journalists-impunity/>, p. 16.



## **The need for a People's Tribunal on the Murder of Journalists**

This submission has illustrated why the alarming number of journalists who are murdered in reprisal for their work and the lack of justice in the majority of these cases constitute a global concern for press freedom. While there are many successful initiatives that respond to immediate threats to journalists, the structural problem of impunity persists. This problem can only be resolved when states comply with their obligations to protect journalists. These obligations arise from the right to life and the right to freedom of expression, and entail prosecuting those who commit violence against journalists. In many cases, it is impossible to hold states accountable in court for their failure to perform these duties. Moreover, existing judicial systems consider individual cases and do not assess states' persistent violations with regard to the protection of journalists.

In the absence of judicial action, a People's Tribunal enables the use of the law to hold states accountable for their failure to act in these cases. The Tribunal can thereby alleviate the injustice suffered by the relatives of the journalists whose murders are discussed during the hearings. These hearings moreover serve to highlight how states should implement their obligations to investigate and prosecute. Because a People's Tribunal can assess impunity as a structural problem, it provides the opportunity to lay out these obligations in detail and in full. The initiating organizations furthermore expect that attention for the work of the Tribunal will create new leverage to mobilize states to address impunity for murders of journalists.

### **Proposed timeline**

We propose to hold the People's Tribunal on 2 November, 2021. The cases that will be discussed during the Tribunal are selected in January 2021. It is our intention to, if possible in light of the Covid-19 pandemic, hold hearings in the countries where the murders were committed.

### **Initiating organizations**

Free Press Unlimited  
Reporters Sans Frontières  
Committee to Protect Journalists

## Annex III

### A Safer World For The Truth



#### People's Tribunal on the Murder of Journalists

#### Indictment

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## Preamble

*Guided* by the principles and purposes of the Universal Declaration of Human Rights and the Universal Declaration of the Rights of Peoples,

*Reaffirming* that all humans have a fundamental right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers,

*Recognizing* that all human beings must have access to news and information that allows them to know, understand and develop an opinion about what is at stake in the world and their environment,

*Recognizing* that the media play a crucial role in providing people free and unrestricted access to information that can help them develop and monitor the authorities,

*Recognizing* that the free flow of information requires journalists to be able to report the news safely and without fear of reprisal,

*Expressing grave concern* about the increased threats that journalists across the world face to their safety; including online harassment, physical harassment, intimidation, violent attacks, arbitrary detention, torture and murder,

*Noting* that this pattern forms a systematic infringement on the people's right to freedom of expression, information, accountability and self-determination,

*Noting* that the murder of journalists constitutes the most extreme threat to journalism and the most extreme threat to the people's right to information,

*Expressing grave concern* about the unabated and systematic impunity with regards to murders of journalists, which fuels and perpetuates the cycle of violence,

As a coalition of independent press freedom organizations, we have come together to propose an opinion tribunal by formulating a request and presenting this indictment to the Permanent Peoples' Tribunal (PPT) to investigate and pronounce an independent judgment on:

- The global patterns in threats against the media, and the murder of journalists in particular;
- The consequences of the systematic, widespread and global impunity for the murder of journalists on the people's right to information;
- Three specific murder cases where no justice was achieved in order to assess the deeper causes of impunity and its consequences for journalists and the people's right to information.

# 1. Introduction to the People's Tribunal on the Murder of Journalists

## 1.1 Prosecution and organizing coalition

1. This indictment has been formulated and is presented to the Permanent Peoples' Tribunal (PPT) by a coalition consisting of press freedom organizations Free Press Unlimited, the Committee to Protect Journalists, and Reporters without Borders, in cooperation with the Syrian Center for Media and Freedom of Expression and the Center for Justice and Accountability.
2. The PPT is an internationally recognized people's tribunal, which according to its Statute, as consistently documented over more than 40 years of activity, operates independently from state authorities on the basis of the framework defined in the Universal Declaration of the Rights of Peoples (Algiers Charter).

## 1.2 Request to the PPT

3. The Prosecution brings this indictment in response to the alarming number of journalists who are murdered in relation to their work, and the lack of justice in the majority of these cases. Since 1992, at least 1400 journalists have been killed for doing their vital job: bringing reliable information to the public. In at least 900 of these cases, journalists were killed in direct reprisal for their work.<sup>108</sup> In 86% of these cases, none of the perpetrators are brought to justice.<sup>109</sup> These murders, and the subsequent impunity, are the ultimate consequence of a hostile environment for press freedom, characterized by harassment, violent attacks or other attempts at silencing journalists.<sup>110</sup>
4. These murders do not take place in isolation: they fit in a wider pattern of intimidation and repression of media outlets.<sup>111</sup> Impunity fortifies this hostile climate for press freedom. The lack of judicial action sends the message that killing journalists remains without consequences, further emboldening the killers and stimulating self-censorship among journalists.<sup>112</sup> Leaving the murder of a journalist unpunished can silence an entire community of journalists. Impunity for murders of journalists thereby not only has grave consequences for those seeking justice for the murder of their loved ones, but impacts the ability of a society as a whole to inform itself and enter into dialogue and debate.<sup>113</sup>
5. Impunity for murders of journalists thereby represents a systemic problem of States failing to honor their obligations to protect journalists and investigate when they are attacked. While there are many successful initiatives that respond to immediate threats to journalists, this problem persists.<sup>114</sup> In most cases, States are not held accountable for their failure to perform these duties.<sup>115</sup> Moreover, existing judicial systems consider individual cases and do not assess States' persistent violations with regard to the protection of journalists and the people's right to information.

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108 CPJ. Data. <https://cpj.org/data/> (as per 26 August 2021).

109 CPJ. Getting Away with Murder. 2020. <https://cpj.org/reports/2020/10/global-impunity-index-journalist-murders/>.

110 UNESCO. Intensified attacks, new defences: developments in the fight to protect journalists and end impunity. 2019. <https://unesdoc.unesco.org/ark:/48223/pf0000371487>, p. 38-43.

111 CPJ. Attacks on the Press in 2020. 2021. <https://cpj.org/attacks-on-press-2020-journalists-killed-jailed/>; RSF. RSF Index 2020. 2021. <https://rsf.org/en/news/rsf-index-2020-regional-analysis>.

112 Draghici and Woods. Killing journalists is not media regulation: Private rights, collective wrongs and the impact of impunity. 2019. Transnational Law and Contemporary Problems 28(2), pp. 263-308; Harrison and Pukallus. The politics of impunity: A study of journalists' experiential accounts of impunity in Bulgaria, Democratic Republic of Congo, India, Mexico and Pakistan. 2018. Journalism 00(0), pp. 1-17.

113 CPJ. The Road to Justice. 2014. <https://cpj.org/reports/2014/10/the-road-to-justice-killing-journalists-impunity/>, p. 8-10.

114 CPJ. Getting Away with Murder. 2020. <https://cpj.org/reports/2020/10/global-impunity-index-journalist-murders/>; UNESCO. Director-General's report on the safety of journalists and the danger of impunity. 2020. <https://unesdoc.unesco.org/ark:/48223/pf0000374700?posInSet=2&queryId=59f40786-004d-4e02-b22a-3c5f3fef2291>.

115 Independent High Level Panel of Legal Experts on Media Freedom. Advice on Promoting More Effective Investigations into Abuses Against Journalists. 2020. <https://www.ibanet.org/MediaHandler?id=5A00CE8E-0D66-41E2-A04A-FFCC36F8C67D>, p. 65.





6. This session of the PPT is an opportunity to address this gap by documenting the systemic nature of impunity for murders of journalists, and its impact on journalists and society. It can provide victims with a platform to testify on the consequences of impunity for murders of journalists, and highlight the ways in which States should implement their obligations to protect and to investigate.
7. We therefore request the PPT to hear the evidence that has been collected and formulate a comprehensive judgment on:
  - The systemic nature of and responsibilities for threats against the media, and the murder of journalists in particular;
  - The charges of human rights violations against three States in relation to a specific case, and the wider context for journalists in which these murders took place.
8. The Prosecution has indicted the Democratic Socialist Republic of Sri Lanka, the Syrian Arab Republic and the State of Mexico in relation to their conduct in the cases of, respectively, journalists Lasantha Wickrematunge, Nabil Al-Sharbaji and Miguel Ángel López Velasco. The formulated charges are included in the third section of this indictment.
9. Each of these cases are marked by continued impunity, without concrete perspective for justice in the country in question. They are reflective of a wider pattern of violence against journalists in these contexts, and illustrate the ways in which these States, by act or omission, fail to honor their obligations under international human rights law.
10. By documenting these cases in detail, the Prosecution aims to illustrate the impact of impunity on victims, journalistic communities, and societies. These cases are not representative of all of the diverse contexts in which journalists are murdered for doing their work, but help to concretize the patterns and principles discussed throughout the Tribunal.

### **1.3 Framework and procedures**

11. The Prosecution bases its submissions and allegations on the obligations of States under international human rights law, specifically those enshrined in the International Covenant on Civil and Political Rights (ICCPR) and interpreted by the Human Rights Committee. This framework is supplemented with standards and case law from regional human rights bodies to fill gaps and provide further context. In its consideration of impunity for murders of journalists as a systemic crime that impacts society as a whole, the Prosecution also draws on the people's rights declared in the Algiers Charter - specifically the people's right to information.
12. The PPT will follow its standard procedures which have been applied throughout its long experience,<sup>116</sup> and which have enabled other opinion tribunals to produce a free evaluation of the evidence by the independent judges.<sup>117</sup> In its preparation of the hearings, the Prosecution has adhered to the following principles.

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<sup>116</sup> Permanent People's Tribunal. New Statute of the Permanent People's Tribunal. 27 December 2018.

[http://permanentpeopletribunal.org/wp-content/uploads/2019/05/Statute-of-the-PPT\\_ENG\\_FINAL.pdf](http://permanentpeopletribunal.org/wp-content/uploads/2019/05/Statute-of-the-PPT_ENG_FINAL.pdf), Art. 23

<sup>117</sup> Rogo, People's Tribunals and truth commissions, in: Paulosey, 'People's Tribunals, Human Rights and the Law'. 2020. p. 42; Byrnes & Simm. People's Tribunals and International Law. 2018. p. 19.

13. The Prosecution seeks to adhere to 'beyond reasonable doubt' as its standard of proof. In the interest of documenting the cases in question, however, the Prosecution may deviate from this standard by applying a differentiated standard of proof. The use of a differentiated standard is derived from human rights fact-finding missions, and entails the use of multiple categories to qualify the evidentiary base for an alleged violation.<sup>118</sup> These categories include: reasonable suspicion; balance of probabilities; clear and convincing evidence.<sup>119</sup> The Prosecution will indicate when it has applied such a standard, and will motivate this choice taking into account the gravity of the charge and the quality of the evidence offered.
14. The Prosecution's evidence will consist of documentary evidence and witness testimonies. The documentary evidence consists of both public documentation and documentation retrieved during the course of its investigation. These documents will be included in a public case file, presented during the Tribunal. Documentary evidence has been collected and preserved in line with international human rights fact-finding practices. This includes maintaining a chain of custody, ensuring that the documents are stored and exchanged in a digitally secure way and conducting risk assessments before disclosure.<sup>120</sup>
15. The Prosecution will put forward witnesses during all hearings. Considering that a People's Tribunal cannot order witnesses to take a binding oath, witnesses will be asked to confirm the accuracy of their statement through a solemn declaration.
16. In addition to witnesses who testify on their personal experiences, the Prosecution will invite expert witnesses. Expert witnesses have verifiable knowledge or expertise on the topic they are invited to testify about. Other expert evidence may come from *amicus curiae* briefs, reports or other publications.
17. The Prosecution will to its best abilities assess the security risks of delivering testimony to the Tribunal. Where applicable, it will shield the identity of witnesses from the public record, and only share this information in a secure and confidential manner with the judges. The Prosecution has also applied the 'do no harm' principle to its investigations and the preparation of the hearings, implementing international standards on informed consent, risk assessments, digital security, and ethical interview techniques.<sup>121</sup>

## 1.4 Hearings

18. The Secretariat of the PPT, in consultation with the Coalition, has agreed on an agenda, which at present consists of an opening hearing, followed by three case hearings and a closing session. The opening hearing will take place on 2 November 2021 and will focus on the systemic nature of the problem of impunity for murders of journalists. The opening hearing is followed by three case hearings organized between January and March 2022. Each case hearing will consist of two days; covering the facts of the individual case as well as the wider context of safety for journalists in the country in question. During the closing hearing in May 2022, the judges will present their preliminary findings, which will be followed by a full written judgment in due course in a timely manner.

<sup>118</sup> Geneva academy of international humanitarian law and human rights. 2015. Standards of Proof in International Humanitarian and Human Rights Fact-Finding and Inquiry Missions. <https://www.geneva-academy.ch/joomlatools-files/docman-files/Standards%20of%20Proof%20in%20Fact-Finding.pdf>, p. 59

<sup>119</sup> Geneva academy of international humanitarian law and human rights. 2015. Standards of Proof in International Humanitarian and Human Rights Fact-Finding and Inquiry Missions. <https://www.geneva-academy.ch/joomlatools-files/docman-files/Standards%20of%20Proof%20in%20Fact-Finding.pdf>, p. 49

<sup>120</sup> PILPG. 2016. Handbook on Civil Society Documentation of Serious Human Rights Violations. [https://www.vu.nl/nl/Images/PILPG\\_Handbook\\_on\\_Civil\\_Society\\_Documentation\\_of\\_Serious\\_Human\\_Rights\\_Violations\\_Sept\\_2016\\_tcm289-785328.pdf](https://www.vu.nl/nl/Images/PILPG_Handbook_on_Civil_Society_Documentation_of_Serious_Human_Rights_Violations_Sept_2016_tcm289-785328.pdf)

<sup>121</sup> PILPG. 2016. Handbook on Civil Society Documentation of Serious Human Rights Violations. [https://www.vu.nl/nl/Images/PILPG\\_Handbook\\_on\\_Civil\\_Society\\_Documentation\\_of\\_Serious\\_Human\\_Rights\\_Violations\\_Sept\\_2016\\_tcm289-785328.pdf](https://www.vu.nl/nl/Images/PILPG_Handbook_on_Civil_Society_Documentation_of_Serious_Human_Rights_Violations_Sept_2016_tcm289-785328.pdf), p. 20-37

## **2. Framework on the systemic problem of impunity for murders of journalists proposed by the Prosecution in light of its questions to the Tribunal**

### **2.1 Obligations of States under international human rights law**

19. The Prosecution has formulated its charges based on the existing obligations of States under international human rights law. These obligations primarily derive from the right to life (art. 6 ICCPR) and the right to freedom of expression (art. 19 ICCPR). The right to freedom from torture or cruel, inhuman or degrading treatment (art. 7 ICCPR), the right to an effective remedy (art. 2 ICCPR) and the right to freedom from discrimination based on political opinion (art. 26 ICCPR) are also relevant to some cases involving impunity for the murder of a journalist.
20. The Prosecution underlines that it follows that States have to comply with, at minimum, the following obligations in order to respect, protect and fulfill these rights:
- Refrain from the arbitrary deprivation of the lives of journalists
  - Protect journalists against threats and foreseeable risks to their lives
  - Implement preventive measures of protection in light of the special role of journalists and the pattern of violence against them
  - Conduct prompt, effective, independent, impartial, credible and transparent and thorough investigations, regardless of who allegedly committed the murder, and capable of identifying and punishing the perpetrators
  - Investigate the link between the murder and the journalist's work
  - Hold both the intellectual and material authors of the crime to account
  - Take all reasonable measures to secure the prosecution of the alleged perpetrators
  - Protect judicial officers, investigators, witnesses and victims' next-of-kin from harassment and threats
  - Remove legal obstacles to investigation and punishment, such as amnesties and statutes of limitations
  - Ensure the implementation of an effective remedy by a competent judicial, legislative or administrative authority, in accordance with the legal system of the State
  - Provide the victim's family with information about the case
21. The Prosecution will not only discuss these obligations in relation to the States in whose territories the murder of a journalist has taken place, or of which the journalist in question was a citizen. In line with existing standards concerning the responsibility to protect and the responsibility of the international community in these cases,<sup>122</sup> the Prosecution will address the responsibility of third States and international organizations to act, particularly when they know or ought to have known about a threat to a journalist's life.

### **2.2 Murders of journalists**

22. The Prosecution, in line with international guidelines, applies a functional definition of 'journalist'. This definition includes all individuals performing journalistic activities, defined as 'to observe and describe events, document and analyse events, statements, policies, and any propositions that can affect society, with the purpose of systematizing such information and gathering of facts and analyses to inform sectors of society or society as a whole'.<sup>123</sup>

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122 Special Rapporteur on extrajudicial, summary or arbitrary executions. Investigation of, accountability for and prevention of intentional State killings of human rights defenders, journalists and prominent dissidents [U.N. Doc. A/HRC/41/36], 4 October 2019, p. 14.

123 Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Report [U.N. Doc. A/HRC/20/17]. 4 June 2021. [https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17\\_en.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-17_en.pdf), par. 4.

23. The Prosecution notes that murders of journalists rarely come unannounced and are preceded by other forms of violence targeted at journalists.<sup>124</sup> The Prosecution will provide evidence on these patterns in the broader context of violence against journalists as a tool to suppress the truth. Without disregarding the grave nature of all other forms of attacks against journalists, the Prosecution will otherwise primarily focus on cases involving the murder of a journalist. For the purpose of its case selection, this includes all cases in which a journalist is deliberately killed in direct reprisal for their work.

## **2.3 Impunity for murders of journalists**

24. The three selected cases are all examples of complete impunity: no convictions have been obtained to date. The Tribunal will also discuss evidence relating to cases with partial impunity, where some, but not all of the perpetrators have been convicted.<sup>125</sup> The latter is particularly relevant in light of the fact that, in many cases, only material or low-level perpetrators are convicted while the masterminds behind the crime run free.<sup>126</sup>
25. In line with international standards on the obligation to implement preventive measures, the Prosecution will not primarily discuss impunity as the lack of justice in an individual case, but rather as a systemic problem that requires the implementation of comprehensive measures. While impunity is exacerbated by a lack of resources and capacity, in most impunity contexts, it remains a matter of lack of political will and a strategic tool to undermine the free flow of information.<sup>127</sup> The Prosecution will therefore highlight the chilling effect impunity causes and the way in which it drives further acts of violence against journalists.

## **3. Allegations of human rights violations brought against the three indicted States by the Prosecution**

### **3.1 Sri Lanka hearing: the case of Lasantha Wickrematunge**

The Prosecutor of the People's Tribunal on the Murder of Journalists holds the Democratic Socialist Republic of Sri Lanka responsible for grave violations of the international human rights of journalist Lasantha Wickrematunge, specifically the right to life, the right to freedom of expression and the right to an effective remedy.

## **THE STATE PARTY**

1. The Democratic Socialist Republic of Sri Lanka, in particular the security and intelligence services under the leadership of then. Secretary of Defence and now President Gotabaya Rajapaksa, as well as subsequent governments and other government actors.

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124 UNESCO. Intensified Attacks, New Defences: Developments in the Fight to Protect Journalists and End Impunity. (2019), p. 47.

125 CPJ. Methodology. 2021. <https://cpj.org/data-methodology/>.

126 IFJ. In the Shadow of Violence. 2019.

127 CPJ. The Road to Justice. 2014, p. 25; IMS. Defending Journalism. 2017, p. 13.

2. The Prosecutor notes that the murder of journalist Lasantha Wickrematunge on 8 January 2009 was part of systematic attacks of journalists during the civil war in Sri Lanka. Particularly in the last months of the war and the aftermath, the government, under the leadership of Mahinda Rajapaksa as President and Gotabaya Rajapaksa as Secretary of Defence, authorized attacks on journalists including abductions, assaults, torture and killings. More publicly, the Rajapaksa regime arrested, deported, and sued journalists and attempted to enact laws and regulations limiting the free press.
3. During the Rajapaksas' 10-year rule, between 2005 and 2015, violence against journalists spiked. At least 15 journalists and media workers were killed and many others were threatened, assaulted, or abducted. UN investigators have concluded that these attacks were widespread, and systematic in their repeated targeting of specific media known for being critical of government policies or figures.
4. The case of Lasantha Wickrematunge is also emblematic of the notorious culture of impunity in Sri Lanka for human rights violations. International bodies have found that no progress has been made in the majority of cases from the civil war, and that the justice system is particularly inadequate for remedies against powerful public figures and government actors.
5. Gotabaya Rajapaksa was elected President of Sri Lanka in November 2019. Since then, a new campaign of attacks against journalists has started and, through the targeting of witnesses and investigators and the interference with several legal interventions, total impunity for both historic and more recent attacks on journalists by government actors has been ensured.

#### **ALLEGED HUMAN RIGHTS VIOLATIONS IN THE CASE OF LASANTHA WICKREMATUNGE**

1. Sri Lankan journalist Lasantha Wickrematunge was one of the co-founders and editor-in-chief of the English weekly *The Sunday Leader*. He was one of the most prominent journalists who dared to report critically on senior officials during Sri Lanka's civil war, and became a government target as a result.
2. The State did nothing to protect Lasantha from the repeated public death threats he received, which intensified in the weeks before his death. To the contrary, in clear violation of Article 6 of the ICCPR, senior Sri Lankan officials encouraged attacks on Lasantha: then-President Rajapaksa even went so far as to call Lasantha a 'terrorist' - a dog whistle during a civil war in which the government had deployed that label to justify attacks against those it deemed as critics and political opponents. The State utterly failed to address systematic patterns of violence against independent journalists, including Lasantha, through precautionary measures.
3. By targeting Lasantha for his perceived opposition to the Rajapaksa regime, Sri Lanka also discriminated against him on the basis of political or other opinion. The State subjected Lasantha to the same systematic discrimination that it applied to all journalists it cast as "Tiger sympathizers".

**Through these acts and omissions, the government committed violations of the right to life ex art. 6 ICCPR, the right to freedom of expression ex art. 19 ICCPR and the right to freedom from discrimination based on political opinion ex. art. 26 ICCPR.**

4. Circumstantial evidence strongly supports the conclusion that the State, including through then-Sec. Gotabaya Rajapaksa, directed or ordered the threats and attacks against Lasantha - including his assassination - as retaliation for his independent journalism and that the State's security forces carried them out. Following The Sunday Leader's reporting on a corruption scandal that implicated then-Sec. Gotabaya Rajapaksa, Lasantha was sued by Gotabaya Rajapaksa for defamation and publicly threatened by then-President Mahinda Rajapaksa. During this period, then-Sec. Rajapaksa personally directed Sri Lanka's military and intelligence apparatus, taking a hands-on role in cases that mattered to him most. The State Intelligence Service intercepted Lasantha's mobile phone communications, and individuals within the Ministry of Defence's Tripoli Platoon surveilled him in the weeks leading up to his murder. Armed men in all-black tactical outfits carrying weapons that only State security forces can lawfully purchase and possess then attacked a news station where Lasantha had a weekly show two days before his assassination.
5. On 8 January 2009, black-clad commandos believed to be part of the Military Intelligence Division surrounded Lasantha's vehicle and executed the fatal blow to his skull before driving off to a high-security military zone. This evidence indicates Lasantha's death was a political assassination and constituted an extrajudicial killing, as it resulted from State agents' intentional use of lethal force without meeting the requirements of necessity, proportionality, or precaution.

**Through these acts, the government committed violations of the right to life ex art. 6 ICCPR and the right to freedom of expression ex. art. 19 ICCPR.**

6. Sri Lanka has to date failed to thoroughly investigate the attacks against Lasantha. Moreover, it has deliberately obstructed those efforts by manipulating evidence, releasing likely suspects, obstructing witness testimony, and dismissing the assassination as 'just another murder'. Over a decade on, Lasantha's family is still waiting for justice for his killing, with the best evidence destroyed and the leading suspects released or in the nation's highest political offices. Sri Lanka breaches their right to an effective remedy anew every day that it continues to impede its investigations into the attacks against Lasantha and other journalists.

**Through these acts and omissions, the government committed violations of the right to life ex art. 6 ICCPR, the right to freedom of expression ex. art. 19 ICCPR, and the right to an effective remedy ex art. 2 ICCPR.**

### **3.2 Syria hearing: the case of Nabil Walid Al-Sharbaji**

The Prosecutor of the People's Tribunal on the Murder of Journalists holds the Syrian Arab Republic responsible for grave violations of the international human rights of journalist Nabil Walid Al-Sharbaji, specifically the right to freedom from torture, the right to life, the right to freedom of expression and the right to an effective remedy.

#### **THE STATE PARTY**

1. The Syrian Arab Republic, in particular the armed forces under the command of Bashar Al-Assad, and the judicial authorities, including the Military Court.
2. The Prosecutor notes that the murder of journalist Nabil Walid Al-Sharbaji, as a result of the conditions of his arbitrary detention and the acts of torture he was subjected to, was part of systematic attacks on journalists in Syria. Since the start of the conflict in 2011, at least 23 journalists have been murdered in reprisal for their work, with many others killed in crossfire or faced with other forms of physical attacks and intimidation.



3. The Syrian government was responsible for the majority of the violations committed against journalists between 2011 and 2021, acts which included extrajudicial killing, arbitrary detention, torture, and enforced disappearance. Media outlets have also been faced with censorship, intimidation and surveillance. The government has, moreover, failed to undertake action to protect journalists against violence from other actors in the conflict, who have also been responsible for a large share of the deadly attacks on journalists.
4. The impunity for these crimes against journalists is nearly complete. Syria has one of the highest impunity rates for murders of journalists in the world, and victims and their relatives lack access to justice. The exceptional measures instituted under emergency law both enable government actors to violate the rights of journalists, and contribute to a climate of impunity. Investigation and prosecution of cases involving the murder of a journalist are further complicated by the lack of an independent judiciary, as well as far-reaching impunity and amnesty legislation.

## **ALLEGED HUMAN RIGHTS VIOLATIONS**

1. Nabil Al-Sharbaji was a blogger, journalist and peaceful political activist with a degree in Media from Damascus University. Nabil participated in organizing the peaceful protest demonstrations in Darayya. As a journalist, he was also known for his activities in documenting and photographing the city's demonstrations. He was one of the founders of the magazine Enab Baladi.
2. Together with two other journalists, Nabil Al-Sharbaji was arrested for the first time on March 16, 2011. He was released later that month, but arrested again by the Air Force Intelligence in Darayya on February 26, 2012, without a formal charge. He was arrested after disclosing his profession as a journalist and his laptop was confiscated.

**Through these acts, the government committed violations of the right to freedom of expression ex art. 19 ICCPR and the right to freedom from discrimination based on political opinion ex. art. 26 ICCPR.**

3. After his arrest, he was brought to Mezzeh Military Airport. During his detention, Nabil was transferred to the Fourth Division prison on April 21, 2011, then returned to Mezzeh and to Fourth Division prison, before being taken to Adra Central Prison in February 2013 and Sednaya prison on 25 September 2013. Nabil Al-Sharbaji was subjected to severe forms of torture during his detention, particularly in Mezzeh Military Airport.
4. Throughout his detention, Nabil was not presented with a formal charge. On one occasion, he was brought before the Military Field Court in Qaboun. His family was not allowed to attend the hearing and no public information about the hearing has been made available. During his detention, he did not have access to a lawyer in prison and was only allowed a visit by his family once.
5. In May 2015, Nabil passed away in Sednaya Military Prison as a result of the conditions of his arbitrary detention and the torture he had been subjected to. On May 25, 2015, his family was informed of his death. They were not provided with further information about his death, and his body was not returned to his family.

**Through these acts and omissions, the government committed violations of the right to life ex art. 6 ICCPR, the right to freedom from torture or cruel, inhuman or degrading treatment ex. art. 7 ICCPR, the right to freedom of expression ex. art. 19 ICCPR and the right to a fair trial ex. Art. 14 ICCPR.**



6. Beyond the notification of his death, the Syrian government has not made any statements regarding Nabil Al-Sharbaji's death and has not announced any investigation into the circumstances of his death. The government has thereby grossly failed to uphold its obligations to investigate his death and hold those responsible accountable.

**Through these acts and omissions, the government committed violations of the right to life ex art. 6 ICCPR, the right to freedom of expression ex. art. 19 ICCPR, and the right to an effective remedy ex art. 2 ICCPR.**

### **3.3 Mexico hearing: the case of Miguel Ángel López Velasco**

The Prosecutor of the People's Tribunal on the Murder of Journalists holds the State of Mexico responsible for grave violations of the international human rights of journalist Miguel Ángel López Velasco, specifically the right to life, the right to freedom of expression and the right to an effective remedy.

#### **THE STATE PARTY**

1. The State of Mexico, in particular the government actors tasked with the protection of journalists and investigation of attacks on journalists, both within the federal government and the government of the State of Veracruz.
2. The Prosecutor notes that the murders of journalist Miguel Ángel López Velasco, his wife Agustina Solana and their son Misael on 20 June 2011, were part of systemic attacks on journalists in Mexico. In the period 2000-2020, between 46 and 133 murders of journalists were reported in Mexico. Many other journalists have been faced with other forms of physical attacks and harassment, in some cases committed by public officials. Mexico has consistently been ranked as one of the most dangerous countries for journalists.
3. The State of Mexico thereby consistently fails to protect journalists against threats and attacks on their life. International bodies have found that the measures implemented to counteract these patterns of violence are underfunded, ineffective and, in some cases, obstructed by a lack of political will and corruption. In some cases, public officials, often in concert with organized crime groups, play an active role in the ordering, planning or covering of attacks on journalists.
4. Within Mexico, the State of Veracruz, in which Miguel Ángel López Velasco worked and where he was murdered, was and continues to be one of the most dangerous regions for journalists. Between 2000 and 2016, 20% of the murders of journalists in Mexico took place in Veracruz. The murder of Miguel Ángel López Velasco took place while governor Javier Duarte was in power in Veracruz. Under Duarte, the number of murders of journalists in Veracruz soared, government intimidation of journalists increased, as well as the influence of cartels engaged in violence against journalists.
5. The case of Miguel Ángel López Velasco is also emblematic of the persistent impunity for murders of journalists in Mexico, widely believed to be one of the drivers of continuing violence against journalists. While the federal government and state governments have adopted several measures to improve the investigation and prosecution of these cases, the impunity rate for murders of journalists remains close to 95%.

## ALLEGED HUMAN RIGHTS VIOLATIONS

1. Mexican journalist Miguel Ángel López Velasco was a crime reporter and well-known columnist for Notiver with more than forty years of journalistic experience. He wrote under the name 'Milo Vela'. He typically covered politics, crime and drug trafficking, and published a book about drug trafficking. In his writings, he regularly implicated officials from Duarte's administration. His sons Misael and Miguel Ángel jr. worked for Notiver as photographers.
2. The State failed to protect Miguel and his family from the attack on their lives as a result of his reporting. Prior to the murder, Miguel was repeatedly threatened. Four years before the murder, a human head was delivered to Notiver, Milo Vela's work place, with a note that said 'We are leaving you a present here (...) Heads are going to roll. Milovela knows it and many others know it too'. These, and other public threats, were not sufficiently investigated and Miguel did not receive adequate protection. The State failed to address these patterns of violence and intimidation, and continued to do so in the months after the murder, when journalists Yolanda Ordaz and Gabriel Hugué, two of Miguel's colleagues at Notiver, were murdered as well.

**Through these acts and omissions, the government committed violations of the right to life ex art. 6 ICCPR and the right to freedom of expression ex art. 19 ICCPR.**

3. Despite investigations having been opened at the state and the federal level, the Mexican state has to date failed to thoroughly investigate the murders of Miguel, his wife, and his son and prosecute the perpetrators. As Mexico's National Human Rights Commission noted in a 2013 recommendation, no progress has been made in the case. The Commission notes that in this, and other cases, the responsible government actors have failed to take the actions required to fulfill their duty to investigate and prosecute murders of journalists.
4. More than ten years after the murder, the family members of Miguel, Agustina and Misael are still waiting for justice. None of the perpetrators have been convicted to date, and investigators have failed to follow up leads connected to the threats Miguel received prior to his death. The government has not provided information in recent years, and upon request from UNESCO only noted that the investigation remains open.

**Through these acts and omissions, the government committed violations of the right to life ex art. 6 ICCPR, the right to freedom of expression ex. art. 19 ICCPR, and the right to an effective remedy ex art. 2 ICCPR.**

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# ANNEX IV

## List of Documents Submitted to or Referred to by the PPT

### Existing Legal Framework

#### 1. International Legal Instruments

Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention of Human Right) [Opened for signatures: 4 November 1950; Entered into Force: 3 September 1953] ETS No. 005.

UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html>.

UN General Assembly, Resolution adopted by the General Assembly on 16 December 2021, The safety of journalists and the issue of impunity, A/RES/76/173, 10 January 2022.

UN Security Council, Resolution 1738 (2006) Adopted by the Security Council at its 5613th meeting, on 23 December 2006, S/RES/1738 (2006), 23 December 2006.

UN Special Rapporteur on Freedom of Opinion and Expression, OSCE Representative on Freedom of the Media, OAS Special Rapporteur on Freedom of Expression ACHPR Special Rapporteur on Freedom of Expression and Access to Information, Joint Declaration on Crimes against Freedom of Expression, 2012.

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## Annex V

### PERMANENT PEOPLES' TRIBUNAL

#### 51<sup>st</sup> Session on the Murder of Journalists

#### Opening Hearing

2 November 2021, The Hague

08:00 – 09:00	REGISTRATION
09:00 – 10:00	<b>OPENING CEREMONY</b> <b>Leon Willems</b> , Director of Free Press Unlimited
	<b>OPENING STATEMENT</b> Permanent Peoples' Tribunal <b>Gianni Tognoni</b> , Secretary General of the Permanent Peoples' Tribunal
	<b>KEYNOTE ADDRESS</b> <b>Baroness Helena Kennedy of the Shaws QC</b> , member of the High Level Panel of Legal Experts on Media Freedom
10:00 – 10:30	<b>OPENING STATEMENT PROSECUTOR</b> <b>Almudena Bernabeu</b> , Lead Prosecutor of the Permanent Peoples' Tribunal on the Murder of Journalists
10:30 – 11:30	<b>WITNESS TESTIMONY: Threats to journalists and the impact of impunity on freedom of expression</b> Journalist <b>Maria Ressa</b> testifies on the threats she faces in reprisal for her work, and the climate for independent journalism in the Philippines. <b>Matthew Caruana Galizia</b> will deliver testimony on his family's pursuit of justice for his mother, the Maltese journalist Daphne Caruana Galizia, who was murdered in 2017. Journalist <b>Pavla Holcová</b> will deliver testimony on the obstacles she has encountered in the pursuit of justice for her colleague Ján Kuciak.  <b>Witnesses:</b> <ul style="list-style-type: none"><li>• <b>Pavla Holcová</b>, investigative journalist and regional editor for Central Europe at OCCPR</li><li>• <b>Raissa Carrillo</b>, legal director of Fundación para la Libertad de Prensa (FLIP)</li><li>• <b>Karinna Moskalenko</b>, human rights lawyer</li></ul>
11:30 – 12:00	COFFEE BREAK



12:00 – 13:00	<p><b>WITNESS TESTIMONY: Obstacles to justice and the persistence of impunity</b></p> <p>Human rights lawyer <b>Karinna Moskalenko</b> will testify on her experiences litigating the case of the murder of journalist Anna Politkovskaya at the ECtHR, in which Russia was held accountable for failing to investigate the murder. Journalist <b>Jeroen Akkermans</b> will testify on his pursuit for justice for his colleague Stan Storimans, who was killed in Georgia in 2008. <b>Hatice Cengiz</b>, the fiancée of Saudi Arabian journalist Jamal Khashoggi, delivers testimony on the obstacles to accountability for the murder of Jamal in the Saudi consulate in Istanbul in 2018.</p> <p><b>Witnesses:</b></p> <ul style="list-style-type: none"><li>• <b>Maria Ressa</b>, CEO and President of Rappler</li><li>• <b>Jeroen Akkermans</b>, Dutch television journalist for RTL</li><li>• <b>Hatice Cengiz</b>, academic and researcher</li></ul>
13:00 – 14:00	LUNCH BREAK
14:00 – 15:30	<p><b>EXPERT WITNESS TESTIMONY - Global trends, causes and consequences of impunity for murders of journalists</b></p> <p><b>Irene Khan</b>, Special Rapporteur on freedom of expression for the United Nations, will deliver expert witness testimony on her findings concerning impunity for murders of journalists. <b>Christophe Deloire's</b> testimony covers the analysis of Reporters Without Borders (RSF) concerning press freedom and the impact of impunity for press freedom worldwide. <b>Joel Simon</b> delivers testimony on behalf of the Committee to Protect Journalists, which has tracked impunity for attacks on the press since 1992. <b>Fatou Jagne Senghore</b> will deliver expert testimony on the safety of journalists and obstacles to justice with a specific focus on West-Africa.</p> <p><b>Expert witnesses:</b></p> <ul style="list-style-type: none"><li>• <b>Irene Khan</b>, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression</li><li>• <b>Christophe Deloire</b>, Secretary General of Reporters Without Borders</li><li>• <b>Fatou Jagne Senghore</b>, Regional director for Senegal and West Africa at ARTICLE 19</li><li>• <b>Joel Simon</b>, Executive Director of the Committee to Protect Journalists</li></ul>
15:30 – 16:00	COFFEE BREAK



16:00 – 17:00	<p><b>EXPERT WITNESS TESTIMONY - Legal obstacles to justice for journalists murdered in reprisal for their work</b></p> <p><b>Nadim Houry</b> is a human rights lawyer and member of the High Level Panel of Legal Experts, and will testify on the findings of his Panel on the legal obstacles to justice for journalists who are murdered in reprisal of their work. <b>Caoilfhionn Gallagher QC</b> is a barrister at Doughty Street Chambers with expertise in safety of journalists and freedom of expression, and she acts for many journalists at risk and bereaved families of journalists killed as a result of their work. <b>Raissa Carrillo</b> is the legal director of FLIP, a Colombian organization dedicated to defending journalists at risk.</p> <p><b>Expert witnesses:</b></p> <ul style="list-style-type: none"><li>• <b>Nadim Houry</b>, member of the High Level Panel of Legal Experts on Media Freedom</li><li>• <b>Caoilfhionn Gallagher QC</b>, barrister at Doughty Street Chambers</li><li>• <b>Matthew Caruana Galizia</b>, journalist and director of the Daphne Caruana Galizia Foundation</li></ul>
17:00 – 17:45	<p><b>CLOSING CEREMONY PERMANENT PEOPLES' TRIBUNAL</b></p> <p>Introduction by the panel of judges of the Permanent Peoples' Tribunal</p>



## Annex VI

### PERMANENT PEOPLES' TRIBUNAL 51<sup>o</sup> Session on the Murder of Journalists

#### Hearing on Mexico

26 and 27 April 2022

Centro Cultural Casa del Tiempo, UAM

#### 26 April: Impunity for crimes against journalists in Mexico

08:30 – 09:00	REGISTRATION	
09:00 – 09:30	INAUGURATION CEREMONY <ul style="list-style-type: none"><li>• Speech by <b>Dr. José Antonio De los Reyes Heredia</b>, Rector of the Universidad Autónoma Metropolitana</li><li>• Welcome words</li><li>• <b>Leon Willems</b> and <b>Mira Chowdhury</b>, Free Press Unlimited</li><li>• <b>Emmanuel Colombié</b>, Reporters without Borders</li><li>• <b>Jan-Albert Hootsen</b>, Committee to Protect Journalists</li><li>• Speech by <b>Gianni Tognoni</b>, Secretary General of the Permanent Peoples’ Tribunal</li></ul>	
09:30 – 09:45	OPENING STATEMENT BY THE LEAD PROSECUTOR <b>Almudena Bernabeu</b>	
TESTIMONIES - crimes against journalists in Mexico		
09:45 – 10:10	<b>Anabel Hernández</b>	Investigative journalist
10:10 – 10:15	<i>Questions from the judges</i>	
10:15 – 10:40	<b>Adela Navarro</b>	Journalist and director of Semanario Zeta
10:40 – 10:45	<i>Questions from the judges</i>	
10:45 – 11:15	BREAK	
11:15 – 11:40	<b>Jorge Carrasco</b>	Journalist and director of Proceso
11:40 – 11:45	<i>Questions from the judges</i>	



11:45 – 12:10	<b>Martha Olivia López Medellín</b>	Journalist and coordinator of Reporteras en Guardia
12:10 – 12:15	<i>Questions from the judges</i>	
12:15 – 12:45	BREAK	
TESTIMONIES - impunity		
12:45 – 13:25	<b>Sara Mendiola</b>	Lawyer and director of Propuesta Cívica
13:25 – 13:30	<i>Questions from the judges</i>	
13:30 – 13:55	<b>Lucía Lagunes</b>	Journalist and member of the Advisory Council of the Federal Protection Mechanism for Human Rights Defenders and Journalists
13:55 – 14:00	<i>Questions from the judges</i>	
14:00 – 14:25	<b>Laura Borbolla Moreno</b>	Former Prosecutor of FEADLE
14:25 – 14:30	<i>Questions from the judges</i>	
14:30 – 15:30	LUNCH	
THE IMPACT OF IMPUNITY FOR CRIMES AGAINST JOURNALISTS IN MEXICO		
15:30 – 15:55	<b>Griselda Triana</b>	Journalist
15:55 – 16:00	<i>Questions from the judges</i>	
16:00 – 16:25	<b>Patricia Mayorga</b>	Journalist
16:25 – 16:30	<i>Questions from the judges</i>	
16:30 – 17:10	<b>Témoris Grecko</b> and <b>Priscilla Pacheco</b>	Journalist and documentary maker ( <b>Témoris Grecko</b> ) and lawyer and daughter of journalist <b>Francisco Pacheco</b> ( <b>Priscila Pacheco</b> )
17:10 – 17:15	<i>Questions from the judges</i>	



17:15 – 17:30	<b>BRIEF CLOSING STATEMENT</b>	<b>Almudena Bernabeu</b> , Lead Prosecutor <b>Gianni Tognoni</b> , PPT Secretary General
17:30 – 18:30	<b>Concert by Mexican singer Vivir Quintana at the Casa del Tiempo</b>	

## 27 April: the case of Miguel Ángel López Velasco and the context of Veracruz

08:30 – 09:00	REGISTRATION	
09:00 – 09:30	Opening statement by the Prosecution Almudena Bernabeu	
CONTEXT: Violence against freedom of speech and journalism in Veracruz		
09:30 – 09:55	Celia del Palacio Montiel	Academic
09:55 – 10:00	Questions from the judges	
10:00 – 10:25	Noé Zavaleta	Journalist from Veracruz
10:25 – 10:30	Questions from the judges	
10:30 – 11:00	BREAK	
11:00 – 11:25	Félix Márquez	Photojournalist in Veracruz
11:25 – 11:30	Questions from the judges	
11:30 – 11:55	Norma Trujillo Báez	Journalist
11:55 – 12:00	Questions from the judges	
12:00 – 12:30	BREAK	
CASE OF MIGUEL ÁNGEL LÓPEZ VELASCO (MILO VELA): life, journalistic work, and threats: testimonies by family members, witnesses, evidence and conclusions		





12:30 – 13:30	<b>Miguel López Jr.</b>	Family testimony: son of Milo Vela
	<b>Yazmin López</b>	Family testimony: daughter of Milo Vela
13:30 – 13:45	<i>Questions from the judges</i>	
CASE OF MIGUEL ÁNGEL LÓPEZ VELASCO (MILO VELA): investigation of the murder		
13:45 – 15:30	LUNCH	
15:30 – 16:00	<b>Balbina Flores</b>	Representative of Reporters without Borders in Mexico
16:00 – 16:10	<i>Questions from the judges</i>	
16:10 – 16:40	<b>SLOT FOR STATEMENT BY THE DEFENSE</b>	
16:40 – 16:50	<b>BRIEF CLOSING STATEMENT</b>	<b>Almudena Bernabeu</b> , Lead Prosecutor
16:50 – 17:00	<b>CLOSING OF THE HEARING</b>	<b>Gianni Tognoni</b> , PPT Secretary General



## Annex VII

### PERMANENT PEOPLES' TRIBUNAL

#### 51<sup>st</sup> Session on the Murder of Journalists

#### Hearing on Sri Lanka

12-13 May 2022

The Hague Hearing Center, The Hague

#### 12 May 2022: Impunity for crimes against journalists in Sri Lanka (2005-present)

08:30 – 09:00	<b>REGISTRATION</b>	
09:00 – 09:30	<b>OPENING CEREMONY</b> <i>Welcome words</i> <ul style="list-style-type: none"><li>• <b>Leon Willems</b>, Free Press Unlimited</li><li>• <b>Nushin Sarkarati</b>, Center for Justice and Accountability</li><li>• <i>Introduction PPT and judges</i></li><li>• <b>Gianni Tognoni</b>, Permanent Peoples' Tribunal</li></ul>	
09:30 – 10:30	<b>WITNESS TESTIMONY</b>	Dr. <b>Paikasothy Saravanamuttu</b>
10:30 – 10:45	<i>Questions from the judges</i>	
10:45 – 11:15	COFFEE BREAK	
11:15 – 12:00	<b>EXPERT WITNESS TESTIMONY</b>	<b>Bashana Abeywardane</b> , Journalists for Democracy in Sri Lanka (JDS)
12:00 – 12:15	<i>Questions from the judges</i>	
12:15 – 13:15	LUNCH BREAK	
13:15 – 14:00	<b>WITNESS TESTIMONY III</b> Crimes against journalists	<b>Steven Butler</b> , Coordinator Asia Program at the Committee to Protect Journalists
14:00 – 14:15	<i>Questions from the judges</i>	



14:15 – 14:45	<b>WITNESS TESTIMONY</b>	<b>Juan Mendez</b> , former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2010-2016)
14:45 – 15:00	<i>Questions from the judges</i>	
15:00 – 15:30	COFFEE BREAK	
15:30 – 16:00	<b>WITNESS TESTIMONY</b>	<b>Catherine Amirfar</b> , High Level Panel of Legal Experts on Media Freedom
16:00 – 16:15	<i>Questions from the judges</i>	
16:15 – 16:30	<b>Closing statement of the Lead Prosecution</b>	<b>Almudena Bernabeu</b>
16:30 – 16:45	<b>Closing statement of the Permanent Peoples' Tribunal</b>	<b>Gianni Tognoni</b> Panel of the 51st session of the PPT

### 13 May 2022: The case of journalist Lasantha Wickrematunge (1958 - 2009)

09:00 – 09:30	<b>INTRODUCTION TO THE CASE AND INDICTMENT</b> Lead Prosecutor	<b>Almudena Bernabeu</b>
09:30 – 10:15	<b>WITNESS TESTIMONY</b> Crimes against journalists in Sri Lanka around 2009: the disappearance of Prageeth Eknaligoda	<b>Sandhya Eknaligoda</b>
10:15 – 10:30	<i>Questions from the judges</i>	
10:30 – 11:00	COFFEE BREAK	
11:00 – 11:45	<b>WITNESS TESTIMONY</b> Journalism in Sri Lanka around 2009 and the Sunday Leader	<b>Dilrukshi Handunnetti</b>
11:45 – 12:00	<i>Questions from the judges</i>	
12:00 – 12:45	LUNCH BREAK	
12:45 – 14:15	<b>WITNESS TESTIMONY</b> The investigation of the murder of Lasantha Wickrematunge	<b>Nishantha Silva</b>



14:15 – 14:30	<i>Questions from the judges</i>	
14:30 – 15:15	<b>WITNESS TESTIMONY</b> Cell-tower analysis	<b>Robert Knight</b> , Footprint Investigations
15:15 – 15:30	<i>Questions from the judges</i>	
15:30 – 16:00	COFFEE BREAK	
16:00 – 16:30	<b>WITNESS TESTIMONY</b> Civil litigation in the U.S. and head of state immunity	<b>Nushin Sarkarati</b> , Center for Justice and Accountability
16:30 – 16:45	<i>Questions from the judges</i>	
16:45 – 17:15	Declaration by the defense	
17:15 – 17:30	<b>CLOSING STATEMENT BY THE LEAD PROSECUTOR</b>	<b>Almudena Bernabeu</b>
17:30 – 17:45	<b>CLOSING STATEMENT BY THE PPT SECRETARY GENERAL</b>	<b>Gianni Tognoni</b>

## Annex VIII

### PERMANENT PEOPLES' TRIBUNAL 51<sup>st</sup> Session on the Murder of Journalists

#### Hearing on Syria

16-17 May 2022

The Hague Hearing Center, The Hague

#### 16 May 2022: Impunity for crimes against journalists in Syria (2011-present)

08:30 – 09:00	<b>REGISTRATION</b>
09:00 – 09:30	<b>OPENING CEREMONY</b> <i>Welcome words</i> <ul style="list-style-type: none"> <li>• <b>Ruth Kronenburg</b>, Free Press Unlimited</li> <li>• Syrian Center for Media Freedom and Expression</li> </ul> <i>Introduction PPT and judges</i> <ul style="list-style-type: none"> <li>• <b>Gianni Tognoni</b>, Secretary General of the Permanent Peoples' Tribunal</li> </ul>
09:30 – 09:45	<b>OPENING STATEMENT PROSECUTOR</b> <b>Almudena Bernabeu</b>
09:45 – 10:30	<b>WITNESS TESTIMONY</b> <b>Hala Kodmani</b>
10:30 – 10:45	<i>Questions from the judges</i>
10:45 – 11:15	COFFEE BREAK
11:15 – 11:45	<b>WITNESS TESTIMONY</b> prof. dr. <b>Uğur Ümit Üngör</b>
11:45 – 12:00	<i>Questions from the judges</i>
12:00 – 12:45	<b>WITNESS TESTIMONY</b> <b>Kholoud Helmi</b>
12:45 – 13:00	<i>Questions from the judges</i>
13:00 – 13:30	LUNCH BREAK



13:30 – 14:30	<b>WITNESS TESTIMONY</b> <b>Édith Bouvier &amp; Paul Conroy</b>
14:30 – 14:45	<i>Questions from the judges</i>
14:45 – 15:00	COFFEE BREAK
15:00 – 15:45	<b>WITNESS TESTIMONY</b> <b>Mazen Darwish</b>
15:45 – 16:00	<i>Questions from the judges</i>
16:00 – 16:30	<b>WITNESS TESTIMONY</b> <b>Nadim Houry, High Level Panel</b>
16:30 – 16:45	<i>Questions from the judges</i>
16:45 – 17:00	<b>CLOSING STATEMENT PROSECUTOR</b>

### 17 May 2022: The case of Nabil Al-Sharbaji

09:00 – 09:10 12:00 – 12:15	<b>INTRODUCTION TO THE CASE BY THE PROSECUTOR OF THE TRIBUNAL</b> <b>Almudena Bernabeu</b>
09:10 – 09:15	<b>INTRODUCTION TO THE PHYSICAL EVIDENCE BY THE PROSECUTION: cloth written by Nabil Al-Sharbaji while in detention to document the names of his cellmates</b> Introduction by <b>Jos Bartman</b> , exhibit and video introduction provided by Mr <b>Mansour Oumari</b>
09:15 – 10:15	<b>WITNESS TESTIMONY</b> <b>Oussama Chourbagi and Hanan Lakkoud</b>
10:15 – 10:30	<i>Questions from the judges</i>
10:30 – 11:00	COFFEE BREAK
11:00 – 11:45	<b>WITNESS TESTIMONY</b> <b>Yaser Kholani</b>
11:45 – 12:00	<i>Questions from the judges</i>
12:00 – 12:45	LUNCH BREAK



12:45 – 13:45	<b>WITNESS TESTIMONY: Nabil's arrest and detention</b> <b>Osama Nassar</b> and <b>Maimouna Allamar</b>
13:45 – 14:00	<i>Questions from the judges</i>
14:00 – 14:45	<b>WITNESS TESTIMONY: Nabil's arrest and detention</b> <b>Marwan Alesh</b>
14:45 – 15:00	<i>Questions from judges</i>
15:00 – 15:30	COFFEE BREAK
15:30 – 16:00	<b>STATEMENT BY THE DEFENSE</b>
16:00 – 16:15	<b>CLOSING STATEMENT BY THE LEAD PROSECUTOR</b> <b>Almudena Bernabeu</b>
16:15 – 16:45	<b>CLOSING STATEMENT BY THE PPT SECRETARY GENERAL</b> <b>Gianni Tognoni</b> Panel of the 51st session of the PPT



## Annex IX

### PERMANENT PEOPLES' TRIBUNAL

#### 51<sup>st</sup> Session on the Murder of Journalists

#### Closing Hearing

19 September 2022

Nieuwe Kerk, The Hague

#### 19 September 2022

13:00 – 13:30	Nieuwe Kerk Opens
13:30 – 13:40	<b>WELCOME WORDS BY Tom Gibson</b> , EU Representative at the Committee to Protect Journalists
13:40 – 15:00	<b>READING OF THE JUDGMENT BY THE JUDGES OF THE PERMANENT PEOPLES' TRIBUNAL</b> <ul style="list-style-type: none"> <li>• <b>Judges present in person:</b> Marina Forti and Eduardo Bertoni, joined by Gianni Tognoni, Secretary General of the Permanent Peoples' Tribunal</li> <li>• <b>Judges joining online:</b> Gill H. Boehringer, Mariarosaria Guglielmi, Helen Jarvis, Kalpana Sharma, Nello Rossi and Philippe Texier</li> <li>• Judge <b>Marcela Turati</b> will read the judgment in person in Puerto de Veracruz, Mexico</li> </ul>
15:00 – 15:30	COFFEE BREAK
15:30 – 16:15	<b>COMMEMORATION CEREMONY</b> preceded by a speech by journalist <b>Anabel Hernández</b> , in dedication of all journalists who have been murdered or disappeared in reprisal of their work
16:15 – 16:30	Intermission



16:30 – 17:30	<p><b>PANEL DISCUSSION</b></p> <ul style="list-style-type: none"><li>• <b>Jon Williams</b> - Former Managing Director News and Current Affairs at RTÉ and board member of Committee to Protect Journalists</li><li>• <b>Judges of the Permanent Peoples’ Tribunal</b></li><li>• <b>Almudena Bernabeu</b> - Lead Prosecutor</li><li>• <b>Evelien Wijkstra</b> - Free Press Unlimited</li><li>• <b>Baroness Helena Kennedy of the Shaws QC</b> - High Level Panel of Legal Experts on Media Freedom</li><li>• <b>Nadim Houry</b> - High Level Panel of Legal Experts on Media Freedom</li><li>• <b>dr. Chile Eboe-Osuji</b> - High Level Panel of Legal Experts on Media Freedom</li></ul> <p><i>Moderator:</i> <b>Thibaut Bruttin</b> - Director General, Reporters Without Borders</p>
17:30 – 18:15	Reception at Nieuwe Kerk

