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# Preface

The news media plays a special role in the monitoring of the security sector. As a result, DCAF is giving special attention to capacity building for media workers and the documentation of good practice in the media's role in reporting on security sector decision making, transparency and integrity building, conflict prevention and mitigation, and the general instruction of the public in matters dealing with security sector governance. DCAF's cooperation programmes also seek to offer capacity building for media workers. Encouraging results could be achieved in the Western Balkans, Ukraine, Georgia, Turkey, Nepal and especially Indonesia, where a comprehensive media programme could be implemented with the generous support of the Ministry of Foreign Affairs of the Federal Republic of Germany and the very active cooperation of two major local think tanks, Lesperssi and IDSPS.

Good practice in media reporting on the security sector has repeatedly been the subject of DCAF research projects. A first important building block in this series was *Media in Security and Governance: The Role of the News Media in Security* (Caparini [ed.], 2004), which was also translated into other languages. In 2010, studies on media and the security sector in South East Asia (Peimani) and the Western Balkans (Djordjevic-Lukic) will be published (see [www.dcaf.ch](http://www.dcaf.ch)). Additionally, a toolkit for journalists on security governance issues will be published in Jakarta in May 2010 as a product of the German MFA-funded media capacity building programme 2008–2010.

Geneva and Brussels, May 2010

Philipp Fluri, DDr. habil.  
Deputy Director DCAF



# Introduction

## Security Sector Reform and the News Media

*Marina Caparini*

### **Purpose**

This collection of articles by international contributors serves two purposes. First, it allows six journalists to reflect on their experiences and insights into reporting on issues of critical public interest in the security and justice fields. These journalists have worked under difficult conditions – during conflict or its immediate aftermath, or in a context in which state authorities or other powerful interests have sought to control or intimidate those who report on their activities. The articles that follow explore the challenges of doing good journalism on some of the most critical issues and events affecting the communities in which they live – people’s safety, security and access to justice.

The collection secondly seeks to highlight the contributions made by the news media to democratic governance, specifically for those who plan, implement, fund or oversee security sector reform, reconstruction and peacebuilding programmes. The security sector community and wider peacebuilding community have in general been slow to appreciate the vital role of the news media in sustaining and strengthening democratic processes, and thus the need to incorporate the news media in SSR efforts. These essays offer a view into the working methods and approaches of journalists who have endeavoured to inform their audiences of the complex issues and processes of security and justice reform, and in so doing suggest ways in which governmental and non-governmental actors might better communicate the objectives, requirements and impact of SSR programmes. This introduction begins by looking more closely at the relationship of journalism and democratic governance of the security sector.

### **What is Security Sector Reform?**

The conceptual framework of security sector reform (SSR) and security sector

governance (SSG) emerged in the late 1990s as a result of new thinking in the areas of both security and development, and was closely linked to efforts to support democratisation and good governance of formerly authoritarian or conflict-affected societies. SSR/G is based on the view that a safe and secure environment for people is necessary in order that development and democratic governance can take place. While attention until now has focused primarily on improving the state's institutional framework for providing the public goods of basic physical security and justice services, it has become increasingly recognised that citizens of developing countries may view these as remote and lacking in integrity, and often prefer to look to traditional actors for the investigation and punishment of crimes and the settlement of disputes.<sup>1</sup> Consequently, the focus of security sector reform should involve not only formal state authorities, but also local customary or traditional authorities, community-based groups, and private firms that provide security and justice to local populations.

Governance is a key element in SSR. Proponents of SSR maintain that democratic states should strive to provide safety, security and justice effectively, and in a manner that respects the rule of law and human rights, is accountable, transparent, subject to democratic civil oversight, and responsive to the needs of citizens. SSR is part of a wider agenda of governance reform, which is being promoted by international and regional organisations such as the United Nations, African Union, Organisation for Security and Cooperation in Europe; international financial institutions such as the World Bank and IMF; and donor agencies including the OECD DAC and its member countries.

### **Why should journalists be interested in covering SSR/G?**

Individual citizens and communities are understandably concerned by matters that affect their physical safety from violence and crime, the security of the broader society in which they exist, the protection of their rights, fair treatment under the law and their ability to seek and receive equitable justice. Safety, security and justice constitute essential public goods that are core responsibilities of the modern state, and of relevance to all citizens. According to political theory of the state, a core element of the social contract between state and citizens is the state's ability to provide a basic level of security to its citizens, which contributes to the loyalty of citizens and their belief in the legitimacy of the state. In reality, the capacity or willingness of states to provide all of these public goods varies. In short, issues connected to security sector reform have significant potential to affect peoples' lives, their relations with other members of the

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<sup>1</sup> Bruce Baker and Eric Scheye, 'Access to Justice in a Post-Conflict State: Donor-supported Multidimensional Peacekeeping in Southern Sudan', *International Peacekeeping*, Vol. 16, No. 2 (April 2009): 171-185.

community, and the confidence they have in their polity and those elected representatives who govern it.

It is thus critical for citizens to receive accurate and reliable information about the factors affecting their security, including the performance of state security institutions and the effects of government policies and actions on members of their community. These issues have arisen in dramatic and pressing fashion in developing countries, and especially those undergoing transition towards more democratic political systems after periods of conflict or authoritarian rule. Nevertheless, the good governance of the security and justice sectors is of no less importance to citizens of mature democracies, and the following discussion examines some of the challenges encountered there in reporting on these issues.

### **How does journalism serve democracy and good governance?**

Journalism is a professional practice that involves the presenting of significant, accurate and impartial information, through the verification of facts and use of authoritative evidence. Journalism ‘uses powers of criticism and interpretation to help citizens in a democracy understand the world for which they are responsible.’<sup>2</sup> The informational role of journalism in a democracy is linked closely to journalistic independence, which ensures that the state and other powerful interests are not the primary sources of information shaping public debate, and that news is delivered in a way that is free from the potentially distorting elements of economic and/or political power. The existence of independent, accurate and reliable journalism helps to guard against a public sphere filled mainly with other forms of communication, such as propaganda, spin, public relations, advertising, rumour and opinion.

The news media supports democratic governance by performing three functions: informing the public about issues and events that are important to them and to the life of the polity and providing a venue for public debate; holding government and other powerful actors accountable; and facilitating political engagement by members of the public. These three functions will each be looked at briefly in turn.

The first function of the news media is in providing information to citizens. In doing so, the media serve as the primary agenda-setters and gatekeepers of what is discussed and debated in a polity and whose perspectives are represented in the media. A healthy democracy requires informed citizens who have access to timely, accurate and reliable information on issues that affect them and that matter to them. Factual and verified reporting identifies new de-

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<sup>2</sup> G. Stuart Adam and Roy Peter Clark, eds., *Journalism: The Democratic Craft* (New York and Oxford: Oxford University Press, 2006), xiii.

velopments that are important enough to bring to public attention. Good journalism explains the relevance of news by placing it in its wider context. Journalists collect the dots, then they connect the dots -- that is, they explain why and how the factually-documented events and issues are significant, their motives or causes, and their consequences.<sup>3</sup> The higher the quality of information delivered by the news media, the better the quality of political discourse and public debate. And good journalism represents the plurality of views on major issues, including balanced coverage of all parties during election campaigns. Representing the diversity of perspectives is important not only in post-conflict and deeply divided societies,<sup>4</sup> but in every society where groups are marginalised because of gender, ethnicity or class.

Second, the media in a democracy performs a *watchdog* role by monitoring government and exposing wrongdoing. In providing a check against secrecy and abuses of power by government and other powerful actors, the news media help to guard the public interest. An effective media is found to have a strong role in curbing corruption, both by raising public awareness about corruption and, through its investigations into corruption, aiding other oversight and prosecutorial bodies.<sup>5</sup> This finding has had important influence on World Bank programming to support democratic governance, which now includes a strong emphasis on supporting media development.<sup>6</sup> In the developing world, where officials tend to set the public agenda, and much media coverage either repeats the government message or (if allied with opposition parties) attacks it, encouraging development of the media is now considered by donors to be a crucial instrument for government and corporate accountability.<sup>7</sup> Journalists' reports may also have knock-on accountability effects by triggering formal accountability and oversight mechanisms, such as parliamentary inquiries or judicial review. Media scrutiny constitutes one of the means of holding public figures accountable between periodic elections.<sup>8</sup> In this way the news media serves as the fourth estate – an informal check and balance on government and other powerful actors.

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<sup>3</sup> Jeffrey Scheuer, *The Big Picture: Why Democracies Need Journalistic Excellence* (New York: Routledge, 2008), 46.

<sup>4</sup> Pipa Norris and Sina Odugbemi, 'Evaluating Media Performance' in *Public Sentinel: News Media and Governance Reform*, ed, Pipa Norris (Washington, DC: International Bank for Reconstruction and Development / The World Bank, 2010), 15.

<sup>5</sup> Rick Stapenhurst, 'The Media's Role in Curbing Corruption', World Bank Institute Working Papers, International Bank for Reconstruction and Development / The World Bank, 2000.

<sup>6</sup> See for example the Communication for Governance & Accountability Program (CommGap), World Bank website: <http://go.worldbank.org/CQQNDNJW40>

<sup>7</sup> Susan D. Moeller, 'Media Coverage of Natural Disasters and Humanitarian Crises' in *Public Sentinel*, 67.

<sup>8</sup> Enrique Peruzzotti and Catalina Smulovitz, 'Social Accountability: An Introduction' in *Enforcing the Rule of Law: Social Accountability in the New Latin American Democracies*, ed, Enrique Peruzzotti (Pittsburgh: Pittsburgh University Press, 2006), 10.



Third, independent journalism links citizens to political life in a democracy by providing information on significant issues and facilitating their informed action and *political participation*. ‘What people know, the accuracy and extent of their understanding, bears directly on their ability to function as citizens.’<sup>9</sup> In other words, the better informed that citizens are, the better prepared they are to be politically engaged, the higher the quality of public debate, political discourse and decision-making. A well-informed public can better evaluate its representatives and state performance, demand change, and thereby participate in its own governance. In providing information about important issues, the news media enables citizens to participate meaningfully in the public and political sphere, a requirement for responsive governments that react to citizen demands. As Amartya Sen noted about the role that democracy and the press have played in averting famine in India, governments are more responsive to public needs in countries with an active press.<sup>10</sup> Mediated civic input is especially important in countries undergoing democratic transformation, when the bases of political legitimating are undergoing fundamental changes. In such contexts, informing the public, enabling public discourse on key governance issues, such as in security and justice, is essential to the restructuring of the state-society relationship. ‘If citizens are at least attentive to the media – if they are thus “connected” – this is an important pre-condition for engagement. Yet, if they see little possibility to actually participate, if they have little chance to see themselves as engaged citizens, then the problems for journalism – and democracy – run very deep.’<sup>11</sup>

In democratic systems then, the quality of journalism is closely tied to the quality of democracy. Good journalism is accurate, impartial and responsible. The news media informs and educates the public, provides a check against abuses of power, and provides a venue for public debate and facilitates political engagement of citizens. Journalism bears an important social responsibility because of its critical contributions to democracy. Professional journalists are responsible to those they report about and to the wider society. Their methods matter – they protect sources, use lawful means to obtain information, and report on stories in the public interest – and the health of the journalistic profession and media landscape is closely linked to the health of the democratic polity.

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<sup>9</sup> Scheuer, *The Big Picture*, xi.

<sup>10</sup> Amartya Sen, Coromandel Lecture 1981, cited in Moeller, 68.

<sup>11</sup> Peter Dahlgren, ‘The Troubling Evolution of Journalism’ in *The Changing Faces of Journalism: Tabloidisation, Technology and Truthiness*, Barbie Zelizer, ed, (New York: Routledge, 2009), 150.

### Challenges for journalists reporting on SSR

SSR poses particular challenges for journalists due to the often sensitive and opaque nature of security-related policy in many states, including democracies. The following section briefly described some of the main challenges facing journalists who write on SSR and other public affairs-related topics today. These challenges include the stronger tendencies towards secrecy, especially since 9/11, the risks of relying too uncritically on official sources, the potential to be denied access to important sources, the increasingly pervasive public relations and public diplomacy elements in the public communications sphere, and the draw of the sensational over the complex. These challenges are serious and will require creative professional solutions. The section ends by looking at the current crisis in journalism and implications for reporting on security and justice affairs.

#### *Secrecy*

Secrecy constitutes one of the main obstacles encountered in reporting on security sector actors. Democratic governments normally provide information to the public on a regular basis about their activities and how the agencies of the state carry out their delegated responsibilities. As part of public outreach, and to demonstrate commitment to transparency (a norm that has become increasingly accepted as an element of democratic governance), modern states typically communicate information about institutional priorities, new policies and other issues that arise in the management of governmental affairs. Freedom of the press is not absolute, however, and a common exception to the norm of transparency is the release of information that may harm legitimate interests such as national security, public safety, or privacy. Consequently, the security sector is one in which information is most frequently withheld and in which transparency has made very modest gains. However, governments and bureaucracies may also seek to restrict openness for other reasons that are not publicly articulated. By restricting release of politically sensitive documents, governments are better able to maintain control over the instruments of governance and avoid the disruption that disclosure may bring. Restricting internal access to information reinforces hierarchical power in bureaucracies, while restricting external disclosure avoids the embarrassment and censure that would likely result when mismanagement, waste or fraud becomes public.

How the state controls the release of official information has a very significant influence on the nature of journalism in that country. In countries that have adopted freedom of information legislation, journalists generally have more opportunities to prod authorities for official information. Additionally, the news agenda in countries with freedom of information legislation is less

dictated by the information that the government chooses to release. Various factors determine the extent to which access is facilitated. Those countries that have a fairly effective record-keeping system, professional civil services and adequate dedicated resources for handling freedom of information requests (typically affluent, well-established democracies), are more likely to enable systematic and extensive access to government-held information. However, maintaining an effective freedom of information infrastructure is costly, and without allocated resources the system may not function properly and requests may simply be ignored, as is more common among countries that have recently introduced disclosure laws as part of a democratisation process.<sup>12</sup> Nevertheless, it is important that whenever journalists attain information through a freedom of information request, they mention this in the article or news report. Making readers and viewers aware of freedom of information processes alert them to the fact that the official information was secured by legitimate means. It also reinforces in the public mind the need for freedom of information laws.

Additionally, the secrecy that surrounds the security sector has been strengthened by certain structural changes that have occurred over the past 20 years, such as the consolidation of networked relationships among security actors. This has occurred between military, law enforcement and intelligence agencies of allied and friendly states in response to the increasingly interconnected and globalised nature of threats such as terrorism, organised crime and drug trafficking. As state security agencies develop information-sharing agreements with other state security agencies, the opacity of the network thickens.<sup>13</sup>

#### *Access to and reliance on official sources*

An inherent risk of reporting on the security sector arises from journalists' necessary reliance in any domain of public affairs reporting on gaining access to official sources such as members of government or relevant bureaucracies and state institutions and official documentation. In order to gain and retain access to official sources, official documents and possible leaks, journalists may feel pressured to produce reports that support government policy, or at the least that do not subject the claims and accounts by officials to the level of scrutiny that they otherwise would. According to one U.S. media observer:

“The closer reporters get to official sources, for example those covering Wall Street, Congress, the White House or the State Department, the more constraints they endure. When reporting de-

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<sup>12</sup> Alasdair Roberts, *Blacked Out: Government Secrecy in the Information Age* (Cambridge: Cambridge University Press, 2006), 111-116.

<sup>13</sup> Roberts, *Blacked Out*, 127-149.

pendes heavily on access it becomes very difficult to challenge those who grant or deny that access.<sup>14</sup>

The consistent failure of most of the U.S. mainstream media to subject the Bush administration's claims for the invasion of Iraq in 2002-3 to sceptical scrutiny is widely acknowledged as one of the most significant failures of American journalism in recent memory.<sup>15</sup> This was in part explained by the pressures exerted by the Bush White House on the members of the Washington press corps, who were 'blacklisted at White House press conferences if they pressed too hard, or asked difficult questions.'<sup>16</sup> However it was also attributed to the U.S. mainstream media's shallow reporting, over-reliance on official sources, deference to the Bush administration and willingness to shut out dissenting views. Only the Knight-Ridder chain of newspapers wrote more critical and accurate articles in the lead-up to the invasion of Iraq, a result of their reliance on mid-level career intelligence professionals or former analysts who were sceptical of the claimed Iraqi threat involving weapons of mass destruction. In contrast, other mainstream media, in particular Judith Miller of the New York Times, relied uncritically for information on high-level political appointees who were concentrating on making the case that Iraq posed an imminent threat which required coercive action, and on sources sympathetic to the Bush administration.<sup>17</sup> The conduct of the American press surrounding the Iraq war has underscored the need for aggressive questioning of government policy and decision-making by journalists, especially when national security and the possibility of war arises in a polity and fear or patriotism silences dissenting views and may result in unwise policy decisions. Journalists who report on security affairs must necessarily seek out official sources, but must also avoid functioning as a mouthpiece or stenographer to official sources. The failure of pre-war U.S. journalism also served as a reminder that journalists should seek diversity in their sources, including official sources from various levels of the bureaucracy.

Another aspect of reliance on official sources involves denial of access. The practice of journalists embedding with military forces deployed overseas in combat similarly raised concerns about denial of access when it was revealed that the U.S. Department of Defence had hired Rendon Group, a public relations firm, to provide background profiles of reporters applying to embed with

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<sup>14</sup> Chris Hedges, 'The Creed of Objectivity Killed the News', TruthDig, 1 February 2010.

<sup>15</sup> See 'Buying the War', Bill Moyer's Journal, broadcast originally on the Public Broadcasting Service, 25 April 2007. Video and transcript available at: <http://www.pbs.org/moyers/journal/btw/watch.html>

<sup>16</sup> John Mintz of the Washington Post, cited in Kristine Huskey, *Justice at Guantanamo* (Lyon's Press, 2009), 163.

<sup>17</sup> Michael Massing, 'Now They Tell Us', *New York Review of Books*, Vol. 51, No. 3, 26 February 2004.

U.S. and coalition forces deployed in Afghanistan. Profiles consisted of an assessment whether the journalist's prior coverage of the conflict was favourable, unfavourable, or neutral with regard to the mission's objectives. The Pentagon claimed that the profiles were intended only to better prepare commanders for interviews and public affairs officers for an indication of areas of journalistic interest. However several journalists whose requests to embed were denied claimed that the profiles were being used to screen and deny access to reporters who were likely to provide critical coverage.<sup>18</sup>

### *Privatisation and outsourcing*

Journalists face a further obstacle in reporting on security institutions as a result of the increasing move towards privatisation of many of the functions that were formerly assumed by governments. In the security sphere, privatisation has occurred in the protection of individuals or property, the provision of security to communities or owners of mass property such as shopping malls, office complexes and large sports venues, maintenance and running of corrections services (prisons), intelligence gathering and analysis, and fulfilling numerous military-related functions from logistical support to weapons maintenance, military training, operational support and interrogation. The privatisation of formerly public functions has created new barriers for journalists, as freedom of information legislation generally does not extend to such actors, even when they have been hired to work on behalf of public authorities. While there is no principle that specifically prohibits putting contracts in the public domain, in practice the confidentiality of contracts is typically maintained out of the self-interest of both the firm (which is concerned with privileged information that may advantage its competitors) and to the contracting government authority (which may seek to minimise the extent to which its claims for outsourcing – cost savings, efficiency, effectiveness – can be assessed externally).<sup>19</sup> With little prospect for the establishment or expansion of freedom of information laws to private sector firms, journalists will need to find other means to investigate the growing phenomenon of outsourcing of security functions.

### *Public diplomacy and public relations*

The domains encompassed by security sector reform – national security and public security, their governance and oversight – are increasingly influenced by

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<sup>18</sup> Charlie Reed, 'Journalists' recent work examined before embeds', *Stars and Stripes*, 24 August 2009; Jason Motlagh, 'Did the Pentagon Blacklist Journalists in Afghanistan', *Time*, 01 September 2009.

<sup>19</sup> Roberts, *Blacked Out*, 152.

the rapid proliferation of public relations experts and approaches in domestic communications, and of the renewed interest in use of public diplomacy to shape the perceptions of foreign publics. For example, the U.S. has seen the increasingly widespread use of 'video news releases', which appear to be regular broadcast news reporting segments, but are in fact carefully scripted and produced by public and private sector actors. The fact that these legitimate-sounding news segments have not been produced by independent journalists but by interested parties is significant as they have blurred the boundary between public relations and journalism. Produced for broadcast on regular news stations, these pre-packaged fake news segments undermine the credibility and integrity of the news media by masquerading as independent journalism. A video news release from 2002, for example, depicted how U.S. efforts in Afghanistan were liberating Afghan women. Another example involving public diplomacy came to light with a Pentagon contract with the Lincoln Group, in which Iraqi press and journalists were paid to publish favourable coverage of U.S. and coalition efforts. These outlets ran stories written by the Pentagon employees and translated, without any acknowledgement of the provenance of the stories.<sup>20</sup>

### *Sensationalism*

Reporting on criminal justice issues – law enforcement, courts and prisons – is perhaps the area of SSR that is most prone to sensationalism as seen in its tendency to focus on the most spectacular crimes and those resulting in the most severe punishments. This is in part a result of the values that often determine the newsworthiness of an event; stories that are immediate, dramatic, personalised and titillating are often considered the most compelling and newsworthy. In the United Kingdom, for example, criminal justice reporting is dominated by violent and sex offences, and high-status and celebrity offenders and victims. In contrast, information about crime trends and patterns are under-reported.<sup>21</sup> In the United States, sensationalist crime coverage reinforces silences created by the lack of diversity in the newsroom; 42 percent of newspapers employ no journalists of colour and generally ignore working class perspectives. These conditions help to explain how the mainstream media has largely practiced a

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<sup>20</sup> Karla K. Gower, *Public Relations and the Press* (Evanston, Illinois: Northwestern University Press, 2007), 188-192.

<sup>21</sup> Robert Reiner, 'Media-Made Criminality' in *The Oxford Handbook of Criminology*, 4<sup>th</sup> Edition, Mike Maguire, Rod Morgan and Robert Reiner, eds (Oxford: Oxford University Press, 2007), 324.

'blackout of coverage' of the epidemic growth of prisons, which contain an overwhelming proportion of poor, non-violent minority offenders.<sup>22</sup>

While public interest in crime and justice are high everywhere, knowledge about these phenomena and public policies to address them tends to be quite low. The failure to focus on ordinary crime has distorting effects, as public attitudes tend to be strongly influenced by media representations of crime. News coverage that focuses on sensationalistic crime tends to convey the impression that cities and communities are dangerous and that justice systems are unable to provide redress. According to one observer, the impact of media coverage of crime and justice in many contemporary societies is such that the media ultimately determines public reaction to crime, the spending of public resources to prevent or control it, what and who is criminalised, and how the state deals with offenders.<sup>23</sup> A common phenomenon that results from this close relationship between media representations, public perceptions and public policy is 'penal populism', in which politicians promote law enforcement and criminal justice policies that they believe will appeal to the public.<sup>24</sup> The stoking of public fear of crime by sensationalistic media coverage may have direct policy implications, as seen in hardline responses such as 'zero tolerance' policing in the United States or *mano dura* (iron fist) policies in Latin America.

### **New models in journalism and the crisis in journalism**

The Internet and other new multimedia technologies such as websites, blogs, and social networking sites are revolutionising the way that journalism is conducted, produced and presented. The mix of old and new media, or convergence, creates opportunities for greater transparency and wider participation in the public sphere. The digital media present an opportunity for members of the public to circumvent censorship, whether formal or informal, to participate in and help shape public debate on important issues. Through the Internet, the public in many countries now have unprecedented instant access to information on government, legislation and policies, and the opinions and views of other citizens. Convergence enables journalists to provide deeper context and resourcing on stories, for example, linking online articles to relevant websites and documents. Blogs and online feedback functions enable news agencies and reporters to create more interactive relationship with readers.

New technologies are opening up new forms of journalism, and with it,

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<sup>22</sup> Robert W. McChesney and John Nichols, *The Death and Life of American Journalism* (Philadelphia: First Nation Books, 2010), 50-51.

<sup>23</sup> Ray Surette, *Media, Crime and Criminal Justice: Images, Realities and Policies* (Belmont, CA: Thompson Wadsworth, 2007), 3.

<sup>24</sup> Ian Marsh and Gaynor Melville, *Crime, Justice and the Media* (Abingdon, Oxon and New York: Routledge, 2009), 182.

new means of transparency and holding actors accountable. For example, in the phenomenon known as ‘crowd-sourcing’, journalists or news media sites rely on ‘collective intelligence’ or information and input from individuals in the wider community to build and flesh out an important story. Crowd-sourcing was successfully used when the UK Guardian newspaper and online news site sent out a call to readers for video evidence of police violence during the G20 protests in London that resulted in the death of Ian Tomlinson, an innocent bystander.<sup>25</sup> Another recent example of crowd-sourcing involved people sending in information based on eyewitness accounts by SMS, email or web to a central site that tracked outbreaks of ethnic-based violence following the contested presidential elections in Kenya in late 2007-early 2008.<sup>26</sup>

The new technologies also have important potential in terms of media criticism and improving media literacy of readers. The digital media have enabled those who monitor the media to quickly draw attention to shoddy journalism practices in mainstream media reports. The Glenn Greenwald’s blog on Salon.com provides an example of how the web can play an important role in keeping mainstream journalism honest.<sup>27</sup> With a background in both constitutional law and journalism, Greenwald is able to bring his expert knowledge to bear on the way that public affairs are reported. Periodically taking on the role of media critic, Greenwald has reacted to articles in such papers of record as the New York Times and Washington Post that have contained errors of fact, bias, conflicts of interest, or other examples of poor journalistic practice. He is able to do so quickly, linking his argument to other online sources, enabling the reader to verify his argument, while explaining the difference between good and bad journalism. His online vigilance serves as a model of watching the watchers, building media literacy among the public and awareness of what journalistic standards they are entitled to expect.

While these developments have exciting potential for journalism and for democracy, the international media landscape is also undergoing difficult changes that appear to be eroding the some of the foundations of the news media. Space restrictions prevent more than a cursory glance at the crisis now confronting journalism, but the evolutionary changes summarised below will have serious implications for the news media’s ability to conduct public affairs reporting, including on security and justice issues.

Economic challenges are posed by new technologies interacting with shifts in behaviour of news consumers and advertisers, forcing painful restructuring of newspapers and traditional news organisations. The arrival of new media, for

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<sup>25</sup> ‘Ian Tomlinson death’, *Guardian* online, 7 April 2009.

<http://www.guardian.co.uk/uk/2009/apr/07/ian-tomlinson-g20-death-video>

<sup>26</sup> Ushahidi.com

<sup>27</sup> [http://www.salon.com/news/opinion/glenn\\_greenwald/index.html](http://www.salon.com/news/opinion/glenn_greenwald/index.html)



example, and the decline in rates of newspaper readership have siphoned off advertising revenues from print newspapers, and contributed to greatly weakened resources for journalism. The concentration of media ownership seen especially in the U.S. has elevated market imperatives and profit-making interests over notions of public responsibility. Many papers in the U.S. have closed down, newsroom staffs have been slashed, foreign bureaux and investigative journalism have been severely curtailed if not eliminated for many news outlets. Quality journalism has been replaced increasingly by banal but cheap to produce celebrity-focused content. Blogs have multiplied the cacophony of voices in the public sphere – sometimes of experts, but also pundits and man-in-the-street perspectives that often contain ill-informed and biased opinion. Blogs have also been criticised for uncritically reproducing content from other sites and cross-linking to other sites that share a common political orientation, creating an echo chamber-like effect.<sup>28</sup>

The diversity of the media environment, especially the Internet's participatory aspect and its impact on opening up of public participation in information production through news aggregators, e-government sites, blogs, wikis and civil society and personal websites, means that the news consumer who seeks alternative perspectives and stories has many to choose from. However the continuing domination of the mainstream media means that the majority of the public remains unaware of the alternative news sources on offer.

The expansion of news outlets and new technologies has also created a paradoxical situation where there are more outlets and greater transparency of news media, but less diversity in terms of stories. This is in part a result of the greatly increased capacity of journalists and editors to monitor the work of other journalists and editors, which has reinforced pre-existing tendencies of risk aversion. Editors tend to be risk-averse (for example, avoiding situations in which they do not cover stories that their main competitors do, which tends also to increase the influence of global wire services – Reuters, Associated Press, and Agence France Press – whose content is likely to appear in other media outlets). In competitive media environments, journalists and editors carefully monitor the output of their competitors to avoid being caught out not covering an important story. Widespread redacting techniques of cutting and pasting and further editing from wire stories and other online sources results in the replication of essentially the same story across multiple media outlets, or mimicry. The enhanced technological capacity to monitor one's competitors and respond rapidly has strengthened mimicry in news production content, contributing to a narrowing of content.<sup>29</sup> This deterioration in quality and

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<sup>28</sup> Neil Henry, *American Carnival: Journalism under Siege in an Age of New Media* (Berkeley, CA: University of California Press, 2007).

<sup>29</sup> Pablo J. Boczkowski, 'Materiality and Mimicry in the Journalism Field' in *The Changing Faces of Journalism*, 64.

originality via redacting and repackaging of already existing material has been reinforced by the economic crisis and upheaval in the media employment sector, where staffs of media organisations have been cut with fewer expected to do more.

Further, with segmentation, people seek out content and consume those media sources that reinforce their already held perspectives. So while they are offered many potential suppliers of information, they tend to choose those that confirm their own perspectives. And for news providers, this has meant that there is less need now to strive for content that serves a broad public. Rather, content is tailored to the segment of the public that draws on that media source, and there is less emphasis on objectivity and balance and more on opinion. The segmentation of the media is also undermining journalistic norms of impartiality, particularly when journalists report on emotive subjects such as terrorism: ‘The polarisation of “you are either with us or against us”, which is encouraged by many participants in the information war, leaves little room for the impartial journalist.’<sup>30</sup>

Professional journalists and newspapers, which are undergoing upheavals of downsizing and restructuring and challenges to their positions as gatekeepers and agenda-setters, remain essential for questioning authority, digging up hidden facts, presenting accurate and insightful accounts of powerful actors and important issues based on a rigorous method for separating truth from lies. Despite its greatly weakened position, the press remains the source of most original reporting. Given the significance of the news media to public debate and governance, and in view of the dramatic changes occurring within the media field, it is more vital than ever to develop the media literacy of citizens in democratic and democratising states. Discussions have begun in numerous countries about how to transform news media systems in the midst of the disintegrating commercial models in ways that reaffirm commitment to public affairs reporting. The crisis in journalism is a crisis for reporting on governance, for sustaining a public dialogue on issues of common interest, and for media capacities to hold powerful actors to account.

## Conclusion

The media is, like parliaments and independent judiciaries, one of the core institutions affecting governance in the modern state. Strengthening democratic governance requires building states that are effective, responsive to the needs of all groups within society, and accountable to citizens. The news media contrib-

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<sup>30</sup> Gordon Corera, ‘Terrorism and the Media: The Information War’ in *Spinning Intelligence: Why Intelligence Needs the Media, Why the Media Needs Intelligence*, Robert Dover and Michael S. Goodman, eds. (New York: Columbia University Press, 2009), 68.

utes to building and maintaining such states through their ability to inform the public about significant issues and developments, to monitor and hold governments and other powerful actors accountable, and to enable informed citizens to engage politically, to question authority, spot bias, and not accept simplistic answers to complex issues, and to demand government that responds to their needs and interests.

Security sector reform is a recently elaborated policy framework and there are few guides on how to report on its various aspects. However SSR is very similar in scope and substance to what is called public affairs reporting, which covers government, politics, the courts and issues relating to public life. The ideal in public affairs reporting is not to focus narrowly on institutions, but to address government and public issues that concern people in ways that engage readers and viewers.<sup>31</sup> SSR reporting, like public affairs reporting, necessarily involves a sometimes heavy reliance on official sources. It is also important, however, to ensure that a number of dimensions of the issue and a diversity of sources and views are represented. The perspectives of under-represented or marginalised communities and groups are less accessible and require greater efforts by journalists to locate, but are essential if SSR reporting is to inform and engage diverse communities. Good practice in SSR reporting serves democratic governance. There is a need for news media to be more attentive to the security and justice needs of the poor, minorities, working class and other members of marginalised groups.

Publics will continue to encounter a growing diversity of media messages, including traditional reporting approaches, advocacy journalism, public diplomacy and other public relations-based messaging, as well as opinion-based material that characterises much of the blogosphere. It is vital that audiences – i.e. citizens – become sufficiently media-literate to understand the requirements of sound journalism, the influence of media framing on how issues are perceived, the distorting effects of ‘balanced’ reporting in the absence of analytical judgement, and the consequences of over-reliance on official sources. More essential than ever in developing and maintaining the democratic public space will be the capacity of individuals to differentiate between news reporting based on verified facts and spin, propaganda and opinion-based punditry. The capacity of citizens to engage in democratic dialogue, to demand responsive and accountable governance – in security and justice as in other areas of public interest – is closely linked to the ability of democratic states to maintain the health and integrity of journalism.

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<sup>31</sup> John Irby, Kenton Bird, Susan English, David Cuillier, *Reporting that Matters: Public Affairs Coverage* (Boston: Pearson Allyn & Bacon, 2006), ix-x.



# Working with Official and Non-Official Sources in the Security Sector

*Michael Deibert*

## Introduction

The challenge for journalists working with both official and non-official sources when reporting on the security sector is an important one to be addressed by reporters with a commitment to the democratic control of armed forces, particularly in relation to ongoing conflicts around the world.

In my decade as a journalist, the vast majority of it spent as a foreign correspondent, I have been fortunate enough to write on Africa, the Americas, Asia and Europe for publications as diverse as the Washington Post, the Guardian, Folha de Sao Paulo, the Miami Herald, Newsday, the Inter-Press Service and the World Policy Journal. In this capacity, I have chronicled such stories as the ongoing conflicts in the Democratic Republic of Congo (with a particular focus on the regions of North Kivu, Bas-Congo and Ituri) and India-administered Kashmir; civil unrest and difficult attempts at democratisation in Côte d'Ivoire, Ethiopia, Haiti, Nicaragua and South Africa; the influence of clandestine armed groups on the political process in Guatemala and the trajectory of organised crime in the favelas of Brazil and garrison communities of Jamaica.

During this time I have observed and reported on various security services and paramilitary groups deployed in various modes of operation, sometimes in the case of active hostilities, such as in the Democratic Republic of Congo and Haiti, but more often than not in areas of low-level insurgency, such as Kashmir, or in a peril-filled "cold" peace, such as in Côte d'Ivoire and Guatemala. In the latter two countries, though a shooting war has for all intents and purposes ended (or at the very least paused), a nation's fragile civil society and democratic sectors remain under constant pressure and frequent assault by visible and clandestine armed groups with clear links to various political actors.

In both sets of circumstances, it is necessary that we, as journalists, treat "official" sources, such as the those representing specific combatants, whether they be government or otherwise, with some level of scepticism, and attempt, at all costs, to ensure that the voices of non-official sources, especially with regards to those caught in the middle of such situations, receive a wide and sus-

tained hearing in the discussion of the conflicts that are most directly affecting them. Official sources, whether we believe them to be trustworthy or not, will nearly always be operating with their own agendas and massaging the message they convey to the media to reflect that agenda. Though non-official sources can also be operating with their own set of interests and prejudices, it is important that their voices are also given prominence to prevent the media from becoming little more than a conveyer belt for the powerful and well-connected.

To illustrate this point, I will refer to two instances from my own career of reportage and interacting with representatives of official powers and security forces as well as those who existed in their midst and, more often than not, suffered the consequences.

### **The case of Kashmir**

In early 2007, while living in India's economic capital of Mumbai, I went to report on the conflict in the Indian state of Kashmir, a region that had long attracted my interest, as much for its vibrant intellectual life and natural beauty as its tumultuous history. In addition to its charms, however, Kashmir has been the sight of a low-boiling crisis for over 20 years.

The roots of the Kashmir crisis stretch back to the twilight of Great Britain's colonial rule and partition of India and Pakistan, when a Hindu Maharaja, Hari Singh, pleaded for Indian assistance to fend off an invasion of Pakistan-backed tribesmen entering Kashmir in 1947. He allowed Indian troops to rush to his aid, and signed a document agreeing to become part of the Indian state. Kashmiris, 12 million of whom make up the only Muslim-majority state in India, were promised a referendum on the status of the region which was never held. A 1948 United Nations Security Council resolution posited that in a plebiscite, Kashmiris should only have the option to accede to either India or Pakistan, denying Kashmiris a vote for independence, the long-cherished goal of many. Despite later wars, the 1947 armistice border between Indian and Pakistani-administered Kashmir has remained largely along the contours one sees today, and is known as the Line of Control.

Though demarcating separate sections controlled by two separate armies, the Line of Control has never been recognised as an international border. India and Pakistan have fought successive wars along the frontier, the most recent in 1999. The Indian government refers to its portion of the territory as Jammu and Kashmir, referring as well to neighbouring Jammu state, which falls within Indian territory, while the other side of the Line of Control is dubbed Pakistani Occupied Kashmir (POK). The Pakistani government refers to its portion of the captured territory as Azad (Free) Jammu and Kashmir.

When 1987 legislative elections seemed likely to result in a victory for a coalition of Islamic and secessionist parties under the umbrella of the Muslim

United Front (MUF), the Indian authorities responded with mass arrests of MUF candidates and party workers. This was followed by credible and pervasive allegations of vote rigging, and the awarding of the election to a rival, less radical, coalition. Many Kashmiris youths who had previously sought to change the status quo through electoral means felt they had no alternative but to turn to the gun, with Pakistan's intelligence services – particularly the powerful Inter-Services Intelligence agency – more than happy to provide training and weapons. The dispute flared into open insurrection.

The Indian government faced large-scale protests and a sustained campaign of terrorism, including the murder of political leaders and mass-casualty civilian attacks, on a scale not seen before. In two incidents in 1990 alone, Indian police shot and killed at least 35 demonstrators attempting to cross Srinagar's Gawakadal Bridge, and then opened fire and killed at least 21 at the funeral of Mirwaiz Mohammad Farooq. Three years later, 37 people were killed when India's 74th Battalion Border Security Force opened fire on a crowd estimated at 10,000 marching to protest extrajudicial killings in the town of Bejbehara. For their part, Kashmiri militant groups such as Lashkar-e-Taiba (Army of the Pure), which India has long accused Pakistan of supporting, retaliated with the December 2000 attack on the 17th century Red Fort in India's capital, New Delhi, in which three died; a 2001 suicide attack on India's parliament which left 14 dead; and, the Indian government charges, 2006 bomb attacks on commuter trains in India's economic capital, Mumbai, in which 187 people were killed. Fatal attacks by Islamic militants against members of the local Peoples Democratic Party (PDP) and National Conference Party (NCP) because of their participation in Indian electoral politics are now routine. Tens of thousands of Kashmiri Hindus, called Pandits, have been driven from their homes.

To date, the conflict has claimed at least 40,000 lives (local human rights groups put the number much higher), left tens of thousands wounded, hundreds of thousands displaced, and seen at least 8,000 persons arrested or seized, the majority by Indian army and police units, never to be seen again.

Travelling to the Kashmiri capital of Srinagar, I sought to explore the situation on the ground concerning the latter point. Arriving on a bitingly cold day for a two-week trip that would see me travel around the city and the surrounding countryside, I soon realised that the situation was nowhere near as simple as the way in which it was portrayed among many in India's media capitals of Mumbai and New Delhi to the south.

To the Indian-government and its spokesmen, the issue appears simple: Stamping out terrorist entities operating on Indian soil with foreign backing. Though India's prime minister, Manmohan Singh, vowed "zero tolerance" for the killing of suspected rebels in government custody while attending a May 2006 conference with local political leaders in Srinagar, and though Indian secu-

rity service members that I spoke to in Kashmir said that they thought the stories of extra-judicial disappearances were exaggerated, I found the reality on the ground is a bit more complicated.

Some of the problems were structural: Section 45 of India's criminal procedure code protects any member of the armed forces from arrest for "anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central government," while Section 197(2) makes it mandatory for prosecutors to obtain permission from the federal government to initiate criminal proceedings against any public servant, including armed forces personnel.

But, on the ground in Kashmir, it was hard to find anyone who had not been affected by extra-judicial killings and disappearances.

During my visit, in the Srinagar neighbourhood of Lal Chowk, hundreds of Kashmiris staged a sit-in protest for three days against the human rights situation in the region. Beneath a tent, festooned with images of the dead and Urdu script quoting the Koran, they echoed the sentiments of villagers in places such as Ganderbal, where, amidst rushing mountain streams ringed with snow-covered hills, locals had taken me to three rises of freshly turned earth, which they said were in fact graves holding the bodies of three unknown men, buried there by Indian security forces.

In Lal Chowk, I spoke with people such as Parmina Ahanger, the 47-year-old head of Kashmir's Association of Parents of Disappeared Persons, who said her son, Javid Ahmed Ahanger, was taken by national security personnel in August 1990 and never seen again. I talked with Rahti Razak, a 50-year-old woman who spoke through her tears as she held up a photo of her son, a young man with an impressive mane of black locks, who she said was seized by the Special Operations Group (army and local police) in 1997.

And I spoke with Safiya Azad, a woman whose haunting dark eyes were visible beneath her black burqa, as she told the story of her husband, Himaynu Azad. Azad was 29 and a political activist connected with Kashmiri militants when he was arrested by Special Battalion 137 in 1993. The Indian military later claimed that Azad escaped from their custody and his family has not seen him since.

"Even if he was a militant," Safiya Azad told me, "They have punished the whole family... We have a right to know what happened to him."

Speaking to the people of Kashmir, and the officials of India, which is often referred to as the world's largest democracy, taught me the lesson that people's self-conception can help convince them of many things, and it can even blind to the fact, to paraphrase what one Kashmiri activist told me, when they are running a democracy through the barrel of a gun.



## Reporting in the Democratic Republic of Congo

A nation as vast as Western Europe and dotted with rich reserves of cobalt, coltan, copper, diamonds, and gold, the Democratic Republic of Congo (DRC) must surely rank as the most tragic country that I have encountered and a place that helped to teach me, as much as anywhere, that international actors must be treated with every bit of scepticism as local political forces when trying to write the history of a place accurately.

Covering an area that in antiquity had consisted of a patchwork of ethnic entities such as the historic Kingdom of Congo (which existed in various incarnations for nearly 500 years until the early 20th century and encompassing swaths of what is now Angola, Gabon, the Republic of Congo and the DRC), by 1877, Congo was occupied by the forces of Belgium's King Leopold II, as brutal a tyrant as Africa has ever seen, who operated the vast nation - into which he never set foot - as a private business concern. Cloaking his presence in the guise of a civilizing mission, Leopold instituted mutilation and massacre as the rule of the day while extracting huge quantities of rubber. After he reluctantly relinquished his personal administration of the territory to Belgium's civilian bureaucrats in 1908, the Congolese were governed by colonial functionaries until independence in 1960. One of the heroes of that independence, Prime Minister Patrice Émery Lumumba, was killed the following year, and General Joseph-Désiré Mobutu seized power in a military coup in 1965, ruling the nation until his ouster in 1997.

Though Mobutu subsequently renamed Congo as Zaire and dubbed himself Mobutu Sese Seko Kuku Ngbendu Wa Za Banga ("the all-powerful warrior who, because of his endurance and inflexible will to win, goes from conquest to conquest, leaving fire in his wake"), his efforts as a centralizing (and spectacularly corrupt) bureaucrat could not overcome the fatal flaw of the naked pillage of the country's founding, a tradition to which foreign governments blindly acceded and collaborated. Mobutu's three decades of kleptocratic rule saw inflation, unemployment, illiteracy, and infant mortality rates skyrocket, while the dictator and his cronies enriched themselves.

Recent events have been little kinder to Congo. Following the mass slaughter of Tutsis and moderate Hutus in neighbouring Rwanda by Hutu extremists there in 1994 - and because of the subsequent success of the Tutsi-led Rwandan Patriotic Front (RPF) in wresting power from the authors of the genocide - an estimated two million refugees flooded into eastern Congo. Mixed in among hundreds of thousands of civilians were high-ranking figures in the brutal *interahamwe* Hutu militias that had taken the lead in organizing the genocidal massacres. Interahamwe, direct precursors of today's Forces Démocratiques de Libération du Rwanda (Democratic Forces for the Liberation of Rwanda, FDLR) who spread terror in vast reaches of eastern Congo, created

spheres of influence in the squalid refugee camps of the provinces of North and South Kivu provinces, from where they launched cross-border attacks against Rwanda's new government and harassed local Congolese Tutsis known as Banyamulenge.

Mobutu, echoing the behaviour of King Leopold II, had by this point ruled Congo for three decades as little more than a personal fiefdom, and allowed the génocidaires, as they were known, to go about their business largely unmolested, much to the chagrin of the ruling government in Rwanda. In late 1996, using a rebellion by the Banyamulenge as cover, an umbrella group of Congolese rebel factions calling themselves the Alliance of Democratic Forces for the Liberation of Congo-Zaire (AFDL) launched an insurgency to oust Mobutu with extensive Rwandan and Ugandan backing. Rwanda's President Paul Kagame and Uganda's President Yoweri Museveni were both eager to see Mobutu fall so that they might pursue their own interests – political and economic – in Congo.

With Laurent-Désiré Kabila, a long-time rebel leader, at the helm, the AFDL and their foreign patrons made quick progress across Congo's vast interior, marching westward to the capital, Kinshasa, with tacit approval provided by the administration of U.S. President Bill Clinton, still stung by its failure to do anything to halt the Rwandan genocide two years earlier.

Tens of thousands (and possibly hundreds of thousands) of Hutu refugees are thought to have been slain in eastern and central Congo as the AFDL and Rwandan security forces pursued the *interahamwe* and their civilian human shields through the forests and jungles of the region. Largely painted in the West in simplistic terms of good vs. evil, the rebellion against Mobutu was anything but a simple home-grown revolution, and in fact represented the extension and continuation of a brutal policy of ethnic warfare that would soon engulf the entire country.

Once Kabila ascended to power, relations with his Rwandan and Ugandan backers cooled rapidly, as he attempted to jettison his foreign supporters by ordering all Rwandan and Ugandan military units to depart Congo in August 1998.

Following their departure, and in apparent response to this order, a rebel group calling itself the Rally for Congolese Democracy (RCD), made up of Banyamulenge and other ethnic groups and operating with extensive Rwandan and Ugandan backing, took up arms in North Kivu province.

Kabila, in a dizzying about-face, enlisted the help of the very same *interahamwe* remnants his forces had once pursued to defend his tottering government. With rebellion also erupting in the west of the country, Kabila recruited the governments of Angola, Namibia, and Zimbabwe to his side, and these forces, combined with still-loyal elements of the Congolese army, succeeded in stemming the rebel advance.

At the same time, in northern Congo, a new rebel group, the Mouvement pour la Libération du Congo (Movement for the Liberation of Congo, MLC), another partial creation of the Ugandan government, also appeared.

In August 1999, following a faltering series of peace talks, a split between the Rwandan and Ugandan factions within the RCD resulted in the two sides turning their weapons on one another in the central town of Kisangani, which lies astride the Congo River. With the Rwandans and Ugandans squaring off against one another at various points across the country, the war expanded rapidly northward to the hitherto largely peaceful Ituri region. An amalgam of ethnic and linguistic groups like much of Congo, the dominant tribes in Ituri had traditionally been the Lendu, a group composed mainly of farmers who arrived from southern Sudan centuries before; and the Hema, a Nilotic people who came to the area more recently and devoted themselves to livestock grazing. The two had co-existed in a tense calm for many years, helping to form a tapestry that had encompassed other ethnic groups such as the Ngiti, who are sometimes associated with the Lendu, and the Gegere, sometimes linked to the Hema. Tensions between the Lendu and Hema erupted into violence in 1999, in a conflict that would last until 2007 and claim at least 60,000 lives. Rwanda and Uganda again proved only too happy to supply men and arms to shore up local militias such as the Union des Patriotes Congolais (UPC), which claimed to be defending the interests of the Hema and Gegere, and the Forces de Résistance Patriotique d'Ituri (FRPI) and Front Nationaliste et Intégrationniste (FNI), which pretended to defend the interests of the Lendu and Ngiti people.

Though the guns have now largely fallen silent in Ituri, it is in the Kivu provinces, North and South, where Congo's conflict continues most poisonously, despite the ostensibly democratic election of Joseph Kabila in 2006, who assumed office following the assassination of his father Laurent Kabila in 2001.

Despite the deployment of the Mission de l'Organisation des Nations Unies en République démocratique du Congo (MONUC), authorised by UN Security Council resolution 1291 in February 2000 and now, at a strength of 17,000, the largest peacekeeping mission in the world, terrible things are still afoot in Congo, as I found when I reported from the region at the outset of 2008.

Laurent Nkunda, a Tutsi rebel leader and former senior officer in the RCD faction was leading yet another rebel movement, the Congrès national pour la défense du peuple, (CNDP). Named a general during an attempt to integrate the Congolese army in 2004, Nkunda had declined the post and withdrew with hundreds of troops to heavily-forested areas of North Kivu, where he had continued to clash with the Congolese army, the FDLR and local paramilitary forces. (Nkunda is currently in Rwanda, where he is being "held" under murky circumstances.)

The United Nations, which had about half a dozen agencies operating in

the Kivus in addition to MONUC, all with their own priorities, had in many ways, been put in a tough spot in the DRC. Given scant resources when compared with the international commitment to peacekeeping missions in the former Yugoslavia (a conflict that was measurably less deadly), MONUC officials nevertheless didn't help matters by throwing up a wall between themselves and the press, particularly in terms of the human rights situation in the country, issuing frequent press releases but shying away on most occasions from any sort of unscripted interviews. Whether this was because they knew that there was little good to report in a conflict that had led to the deaths of 5.4 million people by 2008, or whether it was a result of MONUC's own questionable human rights record – with a 2004 internal U.N. report concluding that sexual abuse and exploitation of women and girls by both military and civil elements of the force appeared to be "significant, wide-spread and ongoing" – was never clear to me.

What was clear to me however, as I traversed the mist-shrouded camps in places with names like Bulengo, Kibumba and Rutshuru in this deceptively geographically beautiful park of Africa, was that, despite their protestations to the contrary, the international community and the UN mission in Congo was providing the population with almost no security. Huddled under fragile huts covered in tarpaulin, I spoke with Congolese, shoeless and in ragged clothes, while children, some with distended bellies and reddish hair suggesting severe malnutrition, eyed us. Their state, and the plane terror they felt at being protected by what often seemed to be a token UN presence, left me with troubling questions about the genuine commitment the international community had to protecting largely defenceless civilians caught up in the most deadly conflict since World War II.

This obtuseness on the part of the United Nations presented reporters with a very thorny set of problems in terms of obtaining reliable information about the workings of the mission and the true scale of the crisis in DRC. One of the ways journalist can approach situation is by cultivating unofficial sources within the bureaucracy of such an undertaking as well, those who are not formally tasked with speaking to the press but who, for any number of reasons, find it in their interest to speak to the press. The reasons that such individuals are willing to talk can encompass everything from their own consciences and moral code to any number of less altruistic motives but, nevertheless, such sources are often invaluable in deciphering what is going on behind-the-scenes in such situations. Given the delicate nature of such exchanges, any promise of anonymity to such sources must be serious and ironclad, as individuals can often put themselves in professional or sometimes physical jeopardy by talking to the press.

A similar balance must be struck when the issue of potential anonymity comes up with regards to victims of abuse by armed groups in any conflict. It is

vital that journalists reporting on abuses in conflict zones explain clearly to interview subjects the nature of published attribution so that the interview subjects can make informed decisions as to whether or not they want their names disseminated in connection with allegations against potentially dangerous combatants. The privacy, protection and rights of the victims of abuse should be taken no less seriously because they find themselves in more impoverished or disenfranchised circumstances.

The blame for DRC's woes, of course, was not limited to the United Nations. Though multinational companies have often tried to play down their links to Congo's conflict, I discovered during my reporting in the country that firms such as South Africa's Anglo Gold Ashanti mining company had indeed made payments to the FNI militia in Ituri, and on occasion ferried its leaders about in company-chartered planes. The Australian company Anvil Mining, the leading copper producer in the DRC, for its part has been accused by human rights organisations and investigators for the United Nations peacekeeping mission of having provided logistical support to the Congolese army during their siege of the town of Kilwa. At least 73 people were killed in that town, which is in Katanga province. Again, a careful cultivation of sources both within such organisations and among the population in the affected areas is essential to reporting on these issues.

In places such as the Democratic Republic of Congo, where a vast and nearly powerless majority face off with ruthless combatants and the obfuscating bureaucracy of the international community, the role of journalists should be to go directly to the people on the ground and to give their suffering voice. It is vital that we never take the voices of official sources, no matter how seemingly well-intentioned, at face value.

## **Conclusion**

In the mid-1990s, when I was graduating from university in the United States, our graduation speaker, the at-the-time under-fatwa author Salman Rushdie, issued some sage advice:

“You will find yourselves up against gods of all sorts, big and little gods, corporate and incorporeal gods, all of them demanding to be worshipped and obeyed – the myriad deities of money and power, of convention and custom that will seek to limit and control your thoughts and lives.”

Journalists are certainly not exempt from these pressures and, in my experience, they are often pushed in the direction of silencing, for whatever reason, the voices of the suffering in exchange for exalting the views of the powerful. In

my experience, the people who have lived the history of a place can often prove its most apt analysts.

One final anecdote: Shortly after the overthrow of the government of Jean-Bertrand Aristide in Haiti, whose political life began as a great democratic hope and ended as a depressing litany of violence, greed and self-interest with which Haitians are all too familiar, some companions and I were driving along a lonely, collapsing stretch of road between Hinche and Maissade in Haiti's remote Plateau Central.

As I recounted in my memoir of this time, *Notes from the Last Testament: The Struggle for Haiti*, the sun shone high in the sky, but the spring rains had unleashed torrents across the island and the road now disappeared under alternately swift-moving and placidly still brown water. Tremendous potholes had rutted the wheels of our truck immobile in the mud and further passage seemed unlikely. As we stood beside our car pondering what to do, two men came walking by, leading a bull by a rope tied around its neck. They regarded us curiously as they approached but, discovering that we spoke Haiti's native Kreyol, stopped to chat about the things that had come to pass in their country.

"Look at the roads, and you can understand our situation", said one of the men, in his late twenties, as gave the bull a playful pat and looked down at the mud surrounding his plastic sandals. "We have no roads, it's very difficult economically. We lack about everything, just name it."

We asked them how the security situation was for them since the overthrow of the Aristide government, an event that many political groups in Haiti were eager to exploit for one purpose or another.

"But here, to tell you the truth, we are mostly suffering from being cut off from the rest of the country," said the other man, clad in a blue guayrbara shirt and tan slacks but, like his friend, wearing cheap plastic sandals.

"So what do you see in the future?" I asked them.

"We are democrats," said the first man. "But we aren't belonging to any party. Whatever government was there, they always forgot about us, especially here. We are forgotten, whatever government was in charge. So, we'll take what's coming up and we'll judge ourselves. We'll take what's coming up and if it's good for us, it's good. We will have to see for ourselves."

And hopefully, we as journalists will be able to bring their words to the world at large once they reach their conclusion.

# The News Media and the Northern Ireland Conflict

*Chris Ryder*

The critical role of the news media – reporters, photographers, camera teams and investigative journalists – in influencing events and reforms during the forty years of the conflict in Northern Ireland cannot be underestimated and provides a useful template for journalists who work in similarly testing conditions.

From the media perspective, the Northern Ireland conflict was a three-sided affair with rival armed groups on two fronts engaging each other and the state security forces – the Royal Ulster Constabulary (RUC) and British Army – on a third.

As a result of their journalistic work, often in circumstances where their own lives and safety were endangered, the electronic and print media not only chronicled the disorder and violence of the period but consistently shed light on dark places and deeds, articulating public concern, helping form public opinion and directly influencing the introduction and refinement of significant legal and other accountability reforms.

In doing so they also had to overcome a longstanding culture of official secrecy and the natural reticence of people caught up in a violent conflict to speak out. The role of the media itself was not without controversy. The authorities consistently sought to manipulate and even control coverage and repeatedly tried to compel journalists to co-operate in their efforts to maintain law and order. Journalists and newspapers also came under fire for allegedly being more favourable to one side than another but among the practitioners there was, in general terms, a working consensus that if they were facing criticism from all sides then they were probably getting it right.

From the outset of the Northern Ireland conflict in 1968, the news industry was literally in the eye of the storm. What is widely called ‘the troubles’ began when members of the nationalist minority community took to the streets demanding significant reforms to bring an end to what they saw as rigorous discrimination on the part of the unionist administration who rigged the rules for voting, jobs and houses to monopolise power and benefit their own supporters.

Before long, despite the original peaceful intentions of these civil rights marchers, the initial street disorder escalated when extremists on both sides launched campaigns of violence. The illegal IRA (Irish Republican Army) believed it could bring about an end to partition in Ireland (introduced in 1922) and force the British off the island. In a bid to 'defend' the union with Britain, several groups of militant 'Loyalists' took up arms. In the ensuing shooting and bombing, which lasted for some forty years, more than 3,500 members of the security forces, Nationalist/Republican and Unionist/Loyalist combatants and the civilian population lost their lives.

From the very first outbreak of street violence, journalists were a frequent target for all sides. Militant protesters, who did not want incriminating images of their activities to be published or broadcast regularly threatened reporters and there were a number of ugly incidents where individuals were very badly beaten. In order to protect himself from bricks and stones in such situations, one intrepid reporter procured an old military helmet and carefully stencilled the word 'Press' on it. But the first time he put it on, the crowd and the police both turned on him and chased him away.

The police, the Royal Ulster Constabulary (later reformed as the Police Service of Northern Ireland), were inherently hostile to news gatherers. Their Code of Conduct stated that it was a serious disciplinary offence to respond to any press enquiry with anything other than 'no comment'. Accordingly they were far from happy to have their actions recorded, especially by television, and it became common practice for the police to harass and baton journalists, on occasion drenching them with water cannon. They also seized cameras and ripped out the films, exposing them to the light and rendering the images they contained useless. Despite this there were many occasions when news footage of controversial events provided telling evidence of the sequence of action and clarified who was responsible.

Against this background, journalists and camera teams developed tactics to thwart such inhibition of their work. Photographers frequently used a 'pigeon' to quickly take film away from a scene so that it could be preserved. They also hid used film rolls in their socks and underwear in case the police or soldiers grabbed their cameras.

It took considerable personal courage on the part of journalists to operate in such volatile conditions and many sustained blows and wounds from debris fired during the frequent rioting and disorder. More common was the direct intimidation of journalists. Sometimes it was done by a barrage of threatening calls or frequently obscene letters. On occasions media personnel were threatened face to face on the streets but with rare exceptions, all faced down the threats. In the main, however, journalists were allowed to get on with their work and were principally regarded as neutral observers.



At a later stage of the conflict, Sunday World investigative journalist, Jim Campbell was seriously wounded when he opened the door of his home to gunmen. On another occasion a colleague, Martin O'Hagan, was killed by gunmen who shot him in front of his wife as they walked home from an evening out in a pub. Both had been noteworthy for exposing the dubious links between so-called 'Loyalist patriots' and crime including extortion and drug trafficking and it is clear that they were shot to silence them.

But despite all this journalists persevered and developed self-survival techniques. They learned how to take cover while maintaining their ability to monitor events on the streets and, by adhering rigidly to the first principle of journalism, that sources are never revealed in any circumstances they were able to survive and play a central and pivotal role in conveying the conflicting opinions of the combatants, explaining government and security policy and reflecting the collective dismay and horror and sorrow of those caught up in the violence.

Above all they also played an important opinion-forming and reforming role in holding the state institutions to account and setting out concerns and exposing excessive behaviour and abuses on their part. It is hard to be certain if the press coverage of such matters reflected widespread public alarm or stimulated it. Most probably both propositions inter-acted as successive controversies developed. For instance, periodic landmark television documentaries highlighting some incident or situation invariably prompted a wave of media coverage and exchanges at a political level, including in the parliaments in both London and Dublin, which in turn led to public reaction, for and against, as evidenced by letters to newspapers and, in more recent years with the growth of radio phone-in programmes, calls from listeners.

Media exposure was also critical in penetrating misleading propaganda circulated to journalists by the police and army as well as the rival armed groups. This was customarily done informally by way of background briefings.

While journalists were often invited into the police and army press offices for background chats, the armed groups favoured clandestine encounters when journalists were masked and driven to meetings with anonymous, hooded spokesmen for the various factions.

However, in line with historic sectarian and political divisions in Northern Ireland itself, there were differing approaches to how the conflict was covered and there was indeed a markedly contrasting perspective as to how it was viewed and chronicled from the differing standpoints in London and Dublin and Belfast.

Because of its location and political links, there was and is a wide range of broadcasting and newspapers available to the average person in the Northern Ireland community.

There is exclusive regional output from BBC Northern Ireland and Ulster Television as well as a number of local radio stations and three locally published daily newspapers and a number of Sundays. In general terms, while they unanimously condemn the use of violence to influence affairs in Northern Ireland, two of the three dailies support the Unionist/Loyalist cause while the third is regarded as sympathetic to the Nationalist/Republican standpoint. There are conflicting views about their stances. Some believe they actually help to prolong the sectarian and political divisions by their partisan approach but others are comforted that their own aspirations, fears and uncertainties are reflected in what they read in a newspaper of their choice.

As Northern Ireland is constitutionally part of the United Kingdom, BBC and ITV national news from London is easily available as are all the national radio stations. So too are the full range of London published national newspapers which all enjoy substantial circulation. Editorially the broadcasters remain strictly objective in reporting affairs from Northern Ireland but the newspapers broadly favour a political settlement democratically reached by the people of Northern Ireland.

Because of its land border with the Irish Republic, radio and television broadcasts are easily picked up in the north and the Dublin newspapers also circulate freely there. They too are critical of the violence but generally favour the reunification of Ireland by agreed and peaceful means.

Although the working journalists were primarily objective in how they conducted themselves, there were notable anomalies. The Dublin based media invariably referred to 'the North' rather than 'Northern Ireland' because the Irish state did not recognise the partition of Ireland and maintained a constitutional claim over the entire island until it was diluted in 1998 as part of the peace settlement.

Similarly some media commentators in Britain raged about 'the IRA' participating in the governance of Northern Ireland despite the fact that Sinn Fein, its political arm, received overwhelming support in free, fair and democratic elections.

Most Northern Ireland born and based journalists transcended their own background in carrying out their work objectively and maintained contacts on all sides of the conflict but over the years there were individuals who made no secret of their own sympathies. As a result they were frequently given privileged access for interviews and facilities by one faction or another but this raised little rancour among their colleagues and they were often the brunt of good natured teasing. However, the combatant organisations periodically singled out journalists who had offended them in some way and branded them as 'police informants' or 'intelligence agents' in their propaganda. Those concerned laughed off the accusation and no convincing evidence was ever produced to incriminate a journalist.

While the authorities never took overt steps to ban or hinder newspapers, at times the illegal organisations did. Newspaper delivery vans were periodically hijacked and their loads burned. On other occasions, newsagents were threatened to not to stock or sell individual newspapers.

Against this background, it is therefore instructive to highlight some specific instances of how the work of the news media over the four decades of conflict contributed to the defence of freedom of speech and stimulated far-reaching accountability reforms in the areas of justice, policing and human rights.

Before the violence broke out, the police were virtually a law unto themselves and when complaints were made about misconduct they were internally investigated and inevitably discounted and brushed aside. However - in both Britain and Ireland - the volume of criticism, reinforced by television and press images of excessive police behaviour, helped articulate public demand for a more accountable police force and a means of independently investigating individual complaints made against police officers.

As a result, a supervisory Police Authority was created in 1970 followed by the establishment of a Police Complaints Commission soon afterwards. This was a major advance but there was a major weakness in that the Commission only ruled on evidence which had been investigated and produced by the police themselves. Over subsequent years the powers and role of this body were gradually increased and expanded to the point where there is now a full-time Police Ombudsman with wide ranging powers and his own teams of investigators to independently probe and report on any incidents where police actions give rise to public concern. It has powers to influence criminal prosecution or disciplinary penalties for wrongdoing and is a model of openness in that its reports are published and public opinion surveys show that there is now a high degree of confidence in the system on both sides of the main community divide in Northern Ireland.

For their part, in 1969, the police created a new press office as a point of contact between them and news organisations. As soon as the British Army became involved the same year, they too created a press office at their headquarters. However, journalists accepted that while the main objective of these offices was to present the security forces in a favourable light, in the early days they soon learned that they were not always entirely truthful in giving accounts of events and sometimes either evasive or downright untruthful.

One notorious episode of disinformation came after the bombing of McGurk's, a Catholic-owned bar in Belfast, on 4 December 1971, when fifteen people were killed and many more injured. Although the prime suspects were 'Loyalists', the Army insisted the bomb went off inside the premises and said they were satisfied the device prematurely exploded as it was being made ready by IRA bombers for an attack elsewhere. This version was hotly disputed by

the family who owned the bar and the relatives of the innocent victims. Contemporary news reports reflected the official line but as doubts about its veracity increased, journalists periodically returned to the story and reported them. Northern Ireland is characterised by small, tight knit communities and good local reporters have a network of carefully cultivated contacts. By maintaining close and regular contact with them, they can pick up what people are saying in pubs and elsewhere.

Eventually the doubts being expressed informally were confirmed in 1977 when a member of an illegal Loyalist group confessed to being involved in the bombing and was later sentenced to life imprisonment for the killings but it was not until many years later, when journalists uncovered previously secret files at the British National Archives in London, that the deception was irrevocably confirmed. The papers disclosed that the bomb had indeed been placed outside the building although no obvious reason for issuing the misleading version was recorded.

Over ensuing years the credibility of the Police and Army press offices significantly increased as they realised the use of 'black propaganda' and the embarrassment of its falsehood being exposed by journalists was counter-productive. Thus they frequently co-operated with the news media in making carefully briefed and selected personnel available for interview and granting facilities to observe and film the activities of police and soldiers, although access was always given in strictly controlled circumstances in order to ensure that the security forces were portrayed in the most constructive fashion. However, in the aftermath of controversial incidents, where, for instance, police or soldiers had shot someone dead, there was usually a long official silence and only the most guarded and minimal account of events offered.

In trying to divine the truth of such disputed matters, journalists were regularly faced with similar deception on the part of the illegal organisations. Once an IRA figure said that a fierce fire consuming several houses had been set off by an exploding television but independent eyewitnesses said there had been a huge blast, a clear indication that the house at the centre of the fire was a bomb factory and that explosives had prematurely detonated.

The illegal organisations consistently exaggerated their case and practiced evasion forcing journalists to draw balanced conclusions from the available evidence and any testimony they could obtain from independent sources or witnesses. This practice was fraught with difficulty for, apart from the formal reticence of police and soldiers at the scene, many people were afraid to speak or were even directly intimidated into silence. However, local elected representatives and community leaders proved to be useful sources of reliable information. Indeed such people, on both sides of the Northern Ireland political and sectarian divide, quickly learned the principles of newsworthiness and how to help shape coverage of events to fit their own perceptions forcing journalists to

sift the available facts and make judgments and frame their reports by piecing together the strands of often conflicting accounts and opinions.

A regular source of friction arose after bombings, especially those in which innocent bystanders perished. As the security forces customarily insisted that adequate warnings had not been given, the bombers began calling news organisations to give the warnings. However, there were also constant hoax alerts from mischief makers so a system of code-words was set up by intermediaries between the news organisations, illegal groups and the security forces to ensure the genuine alerts were rapidly identifiable. The system did not always work as intended. In July 1998, warning calls were made to a television news room that a car bomb had been planted in the two of Omagh but at some indeterminate point in the process, the details were confused and the police were actually clearing people from the wrong end of a street into direct proximity with the car bomb. When it exploded moments later, 28 people were killed and 360 injured.

As the intensity of the Northern Ireland conflict developed throughout the 1970s and 1980s and shootings and bombings became ever more frequent and callous, the authorities became progressively more frustrated by the largely neutral nature of the coverage on radio, television and in newspapers, especially where any prominence was given to the views or activities of outlawed organisations and their members. There were in fact constant battles with the press and broadcasting authorities to provide what the authorities said should be more balanced coverage meaning that it should be tilted towards the way they saw events.

At several points, in a bid to bypass the 'unfriendly' media and directly influence public opinion against the illegal combatant organisations using violence, the British government created emotional television advertisements and paid for them to be transmitted on the commercial channels. At a later stage, in a bid to promote a 'feelgood' factor around the protracted peace process, the government commissioned a series of short films showing the normality of life in Northern Ireland and used the song 'Days like this' by the Belfast-born musician, Van Morrison, to underpin the message.

For the government, a constant sore point flared when representatives of the extremist organisations were interviewed, sometimes in silhouette or with masks concealing their identity. In 1971, in a bid to apprehend one such interviewee for membership of an illegal organisation, the authorities summoned the BBC Television reporter, Bernard Falk, to court to reveal the identity of his contact. Falk cited journalistic confidentiality and refused. He was sentenced to four days in prison.

Some years later in 1985, a seminal row developed between the British government and the BBC when it was put under severe pressure not to show a programme entitled 'Real Lives' which portrayed the contrasting viewpoints of

a prominent IRA member and a politician representing the Loyalist constituency. The BBC initially cancelled the broadcast but after a walk-out by the organisations' journalists and widespread criticism of the government's attempt at censorship, the programme was ultimately transmitted.

Margaret Thatcher, the then British prime minister, remained furious and famously talked about the need to deny terrorist organisations the 'oxygen of publicity' Her views were given legal expression on 19 October 1988 when her government introduced a legally binding ban preventing organisations in Northern Ireland believed to support terrorism from directly broadcasting on the airwaves. The ban affected 11 Loyalist and Republican organisations but Sinn Fein, the political wing of the IRA, was the main target.

Again there were widespread protests from journalists but a way to circumvent the ban legally was quickly conceived. Rather than broadcast the actual words of individuals from the specified organisations, they instead transmitted pictures with an actor voicing the words of the interviewee. The ban was widely regarded as repressive, ludicrous and ineffective and was finally lifted in 1994.

In the interim, in further steps to curb unfettered news reporting, the government introduced a legal obligation on broadcasting organisations to hand over to the police unedited footage of incidents on the streets with a view to using it to identify lawbreakers and bring them to court. They were also particularly keen to obtain unedited footage of news conferences where masked and sometimes armed men appeared in order to establish where the event had taken place and the identity of those who had participated.

The news organisations were rightly concerned that their staff would be at even more risk covering events such as public order situations if demonstrators came to regard them as potential evidence gatherers. For this reason, every request from the police was contested in court and the material was subsequently handed over but under public protest. Although the powers were used frequently, there is no compelling evidence that news footage was ever critical in securing a court conviction.

Another notable clash between the authorities and journalists concerns Liam Clarke of the Sunday Times. In May 2003, police raided his home and arrested both Clarke and his wife who had co-authored a book in which they quoted extensively from secret transcripts of conversations between a British government minister and a senior IRA figure which were made by the security forces. (In a simultaneous police operation the paper's Belfast office was also raided and a police officer was arrested for questioning.)

After their home was searched and bundles of documents and computers were seized, the two were taken away for questioning but were later released without charge. In due course they sued for wrongful arrest and received substantial damages in an out of court settlement with the police. In a subse-

quent report, the Police Ombudsman said the police operation was 'poorly led and unprofessional'.

More recently, in March 2009, another journalist, Suzanne Breen, was summoned to court after refusing to reveal details to the police of her contacts with a group which claimed responsibility for shooting dead two British soldiers. The police sought an order under the terms of the Terrorism Act 2000 on the grounds that 'the journalistic material sought (although held in confidence) is likely to be of substantial value.... to a terrorist investigation'.

Breen refused to comply and her lawyers argued that disclosure of the material would put her safety and that of her partner and 14-month old daughter at risk, compromising her right to life under Article 2 of the European Convention on Human Rights.

They also submitted that forcing her to comply would compromise her journalistic duty of confidentiality and breach the provisions of Article 10 of the European Convention on Human Rights and Section 12 of the Human Rights Act 1998 in respect of journalistic freedom of expression.

Evidence given by Breen and other journalists to the court stressed that a public interest is served by investigative journalists in putting into the public arena information in relation to the motives and agenda of various organisations, many of whom the journalists themselves find repugnant. It was further argued that any breach of an undertaking of confidentiality would have an effect not just on the work and future prospects of employment of any journalist but that it would potentially have an adverse affect on journalism generally.

In a notable judgement the court accepted that not only was the concept of journalistic confidentiality acknowledged in law but there was also a positive obligation on the part of the State, and the court under the provisions of the Human Rights Act, to take steps for the protection of the life of Breen – and by extrapolation potentially the life of her partner and child. Accordingly the application by the police was refused.

These episodes encapsulated the professional dilemma faced by journalists in conflict situations and there was indeed a sincere minority who felt that their civic duty to assist in the investigation of serious crime outweighed the central journalistic obligation to maintain the confidentiality of sources though if any of them broke ranks and offered information to the authorities, it was clearly done very discreetly.

The evidence in the Breen case explicitly referred to the important role investigative journalism had played during the years of the Northern Ireland conflict, work which resulted in a series of unwelcome exposés of governmental excesses.

In August 1971, in a bid to stem the surging violence, the government introduced internment without trial and police arrested over 400 people suspected of being either active organisers of violence or gunmen and bombers.

Within a few weeks, priests, relatives and lawyers had obtained disturbing testimony that many of those arrested had been systematically abused and assaulted in custody. More worryingly, they learned that some men had been taken away from the main group of prisoners for a period and been subjected to hooding, 'white noise' and deprivation of sleep for long periods.

The Sunday Times Insight team learned of these developments but decided that they would need some independent corroboration of the torture allegations before they could publish. So, as reporters in Belfast tried to get much more verifiable detail about what had gone on, others in London began searching out military and legal contacts who might be able to throw further light on the situation. Harold Evans, their editor, ignoring official denials that anything untoward had taken place, decided to publish their findings and within days the government was forced to set up a judicial enquiry. Soon afterwards it reported, vindicated the Sunday Times story and recommended that the government outlaw the practice of what it described as 'deep interrogation'.

Faced with continued difficulty in apprehending and convicting those suspected of serious crimes, the authorities took powers to detain suspects for up to seven days, hold them in isolation and subject them to intensive questioning over protracted interview periods. Before long a full blown propaganda war was blazing. Clergymen, lawyers and politicians, as well as some of the suspects themselves, claimed that the police interrogators were often assaulting prisoners and forcing them to write confessions to crimes they had not committed. Once again journalists found themselves having to weigh the conflicting evidence. It was very easy to find people – relatives and lawyers – close to the suspects prepared to make allegations but much more difficult to verify or prove them. Nevertheless the claims were widely albeit cautiously reported in the news media and, predictably, the authorities vehemently denied there was any ill-treatment.

However, in a bid to halt the damaging allegations and foster confidence in the process, they conceded that suspects would be allowed to see their own doctor and lawyer while under detention. While it became clear that some suspects were harming themselves – one used a rough toilet brush to make scrape marks on his body – to discredit their 'confessions', a tide of convincing and consistent independent medical evidence emerged underpinning the central allegations of police ill-treatment. The clinching evidence came when a doctor employed by the police broke ranks and went public with his concerns in a series of on the record interviews with journalists.

Together with political and judicial unease, expressed in the legislature and the courts and again extensively reported by journalists, the government first conceded that closed circuit television monitoring, without sound, would be introduced to protect the police against false allegations and ensure that prisoners were not ill-treated. While this was deemed a partially successful safe-



guard, the government was in the end forced to concede full sound and vision recording of interviews as a safeguard against physical ill-treatment – wall to wall interrogation as it was grimly described – and the forcing of confessions from suspects. These measures remained in force until emergency legislation was finally repealed in the 1990s as part of the Northern Ireland peace process.

Given the length and complexity of the Northern Ireland conflict and the intensity of what has been described as ‘armed propaganda’ between the protagonists, the specific landmark incidents described above can only provide a snapshot of the often fractious interaction between the security forces, the illegal combatant organisations and the news media in the white heat of civil disorder and violent conflict.

They also highlight the fact that while working in a conflict environment poses many difficult moral and ethical problems for members of the news industry, they can nevertheless play a central and effective watchdog role in defending and promoting freedom of speech, ensuring the accountability of the security forces and upholding human and other rights that are the hallmark of a society free from repression and undemocratic authoritarianism.

It is a measure of their exemplary *esprit de corps* and high professional standards that journalists from many different backgrounds – either side of the divided Northern Ireland community and from both Britain and the Irish Republic – covered events in Northern Ireland over forty years with impressive thoroughness and even-handedness.

As has already been outlined, problems covering events on the streets were overcome by guile and physical courage. So too were the bigger challenges confronted in investigating corruption, wrongdoing by the security forces and neglect or shortcomings of duty by those charged with oversight.

It is a consistent characteristic of official reports that the most embarrassing, and therefore the most newsworthy, material is buried in dense text or detailed statistics. Making a habit of combing such material in detail is an essential discipline for apart from finding actual stories, the journalist accumulates background to inform his reporting and analysis of other issues.

The advance of modern technology in recent years now puts a limitless and powerful internet databank of information at the disposal of journalists. Where it was formerly a laborious and time consuming task to read through reports and reference books, scroll back through archive film and research news clippings, rich nuggets of information and background can now be assembled in seconds by electronic search.

Increasingly historical records are also being made available on line in digital form. Several leading newspapers now have searchable archives of past editions going back for more than a hundred years and more and more information is being published online by libraries and national archives. So, there are now plenty of easily accessible resources available to a journalist when it be-

comes necessary to piece together evidence about a particular controversy or event even against the background of fear, intimidation and official secrecy that invariably thrives in a conflict situation.

The first step in all these situations is to accumulate all the evidence and information that is openly available. Proceedings in the courts, political and parliamentary records, official reports often provide a framework of information which clarifies the gaps and sets the agenda for further investigative work. In the United Kingdom there is now the added tool of the Freedom of Information Act, which imposes a duty of disclosure on public bodies, albeit with some exceptions.

Other public sources of information, which can help in many investigative contexts are the minutes of organisations, company financial records, planning data, land and property registration records, credit reference files and electoral rolls, many of which are accessible on-line and can be used to trace people, verify identities and research backgrounds.

Court hearings in public, both criminal and civil, and inquests as well as other tribunals frequently provide material to aid the journalistic investigative process and thus ensure accountability on the part of the police and security bodies. The detail in many hearings is rarely reported yet it can have an important bearing on disclosing facts about incidents and controversies. In Northern Ireland, potentially embarrassing hearings were sometimes scheduled at short notice or a calculated risk was taken in listing that the hearing would slip by unnoticed but the steady vigilance of court reporters ensured that such proceedings were usually closely monitored and reported on the air and in print.

There is a fundamental principle which is usually helpful in making further progress in the context of investigative journalism. Where one is seeking information about the doings of politicians or governments in power – even in authoritarian or repressive regimes – there will always be rival opposition, liberal or disillusioned personalities whose reservations and inside knowledge can be tapped.

In many cases, police officers or public servants may be troubled by situations they encounter in their work and decide to go to a journalist and ‘whistleblow’ in confidence. A police officer once removed a sensitive file from his office over the lunch period, met a journalist and allowed him to photocopy the contents enabling a story to be published about corruption in the award of building contracts.

In all cases, the journalist must treat such sources with great sensitivity and bolster the confidence of the source with reassurances about confidentiality. In exceptional cases, given the fear of surveillance and interception of communications in a hostile environment, common sense dictates that journalists need to be extremely diligent in covering their own tracks in communicating with the source and arranging suitably discreet meetings. The use of inter-

mediaries such as trusted taxi drivers to carry verbal messages can often be a useful conduit.

In the same vein lawyers and doctors are often prepared to give information – usually in confidence – about the handling or treatment of persons in custody. In this situation, the close family of a person may also be a valuable and reliable information asset, especially as they may have been allowed to visit a person in custody and can testify if they have been injured or ill-treated or are in good health.

In piecing together a story, another port of call must be the press office of the organisations concerned. In the modern era of rolling 24-hour news and the instant reporting on the internet by ‘citizen’ journalists using mobile phone technology, the art of ‘spin’, presenting the facts of a story in the best possible light, has become a highly sophisticated process and it invariably requires a healthy degree of scepticism on the part of a journalist to cut through the spin and isolate the facts. It goes without saying that what a press office says should never be taken completely at face value. Barefaced lies are unfortunately more common than they used to be but partial truth is the more usual guidance and it is the missing, often incriminating, facts that need to be uncovered to complete a picture.

But, in order for a journalist to have the capability to rigorously research a story, the clinching factor is his or her contacts book. One cannot build a network of valuable and informative contacts overnight so from the very point at which they enter the profession, every journalist needs to start on building an extensive network of contacts in all walks of life. Social encounters often lead to introductions to potentially interesting or useful people so a journalist should make a habit of acquiring contact details and preserving them. That way, over a period of time, he or she will build what is their greatest professional asset and allow them to do their job effectively with fearlessness, integrity and campaigning zeal when it is needed.

As in so many spheres of life, the information technology revolution is transforming the way people get information and the speed with which it is transmitted. Satellite vehicles are now so transportable that live coverage of an incident can be set up quickly. Equally the use of cell-net telephones and digital photography provides journalists with the means to report more quickly and comprehensively than ever before. These advances have already transformed the way news is gathered and disseminated and with the parallel arrival of 24-hour, rolling news channels, which can instantly take live pictures from anywhere in the world, viewers have a ringside seat on every occasion whether one of great importance or triviality.

More importantly is the rise of what has been called ‘citizen journalism’ where information and images are now being instantly circulated – even globally – by such means as ‘Twitter’ with the impact that the news agenda is in-

creasingly being set unfiltered by conventional editorial processes. Journalism, as it has long been practiced, is accordingly facing a fundamental transformation of its own.

How it responds and preserves its role in the face of what is being called 'citizen journalism' is currently fluid and unresolved and the subject of much ongoing debate and heart-searching within the profession.

Television and newspapers have taken an economic battering with the collapse of advertising revenue in the face of the international credit crunch and many prestigious newspapers have been driven to the brink of bankruptcy and beyond. Faced with an overload of free information over the internet, newspaper circulations are declining internationally and the big players in the industry are exploring the feasibility of charging for electronic newspapers.

Events in London during the G20 summit in 2009 perhaps provide a telling glimpse of the way things will develop. The London police controversially corralled large numbers of protestors to prevent them marching and disrupting the international conference. The oppressive tactics outraged many who feared that the principle of democratic peaceful protest was being fatally undermined. These concerns were apparently vindicated when pictures of police assaulting protestors emerged. They had been taken by passersby and participants in the events using mobile camera-phones and were such clear and precise evidence of police misconduct that formal investigations were instituted with criminal charges ultimately laid against at least one officer.

What happened here, public concern and outrage being fostered by citizen images and evidence, re-broadcast over the conventional news media sets a clear new direction but whatever precise form it ultimately takes, a free, unfettered news media exercising freedom of speech must remain one of the most potent and effective tools in protecting ordinary people from the excesses of the state and its various enforcement arms.

Sources of further information about the conflict in Northern Ireland:

Conflict Archive Information Network

(CAIN: <http://cain.ulst.ac.uk/bibdbb/newlinks.html>)

Northern Ireland Office:

<http://www.nio.gov.uk>

Police Service of Northern Ireland:

<http://www.psni.police.uk>

Northern Ireland Policing Board:

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

Police Ombudsman for Northern Ireland:

<http://www.policeombudsman.org>

Royal Ulster Constabulary George Cross Foundation:

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

Linen Hall Library Belfast (Political Collection):

<http://www.linenhall.com>

Public Record Office Northern Ireland:

<http://www.proni.gov.uk>

National Archives London:

<http://www.nationalarchives.gov.uk>

National Archives Dublin:

<http://www.census.nationalarchives.ie>



# The Turkish Media and the Turkish Military

*Lale Sariıbrahimoglu*

Turkey, which is NATO's only Muslim member country and which aspires to join the European Union (EU), has serious shortcomings in the civilian democratic oversight of its security forces, especially the politically powerful, staunchly secular Turkish Armed Forces (TSK). This is despite the fact that the Turkish Parliament adopted several military reforms in 2003 and 2004 that paved the way for increased scrutiny of the armed forces by the civilian authorities. Unless the current Turkish Constitution of 1982 -- dictated by the military following the 1980 military coup -- is rewritten, democratic civilian oversight will not be fully exercised over the TSK.

Since the 1999 Helsinki EU summit decision that declared Turkey a candidate for EU membership, many taboo issues including the military's powerful role in politics have begun to be debated by Turkish media and intellectuals in particular. Civilian knowledge of security affairs in Turkey, although low, has increased over the past several years in parallel with democratisation efforts.

The growing media scrutiny of the armed forces was illustrated by recent revelations of TSK security flaws in the fight against terror. Over 40,000 people have died as a result of Turkey's ongoing fight against the Kurdistan Workers Party (PKK). In 2008 the TSK's 25-year old fight against the outlawed PKK came under the media spotlight for the first time following an attack against a military outpost in Aktütün, in the war-stricken Kurdish-dominated southeast area of the country, resulting in the death of 17 Turkish soldiers. On 13 October 2008, Turkey's liberal daily *Taraf* published evidence that security flaws had played a large role in the deaths of the soldiers.

Aerial infrared images of the Aktütün area in Hakkari province published by *Taraf* clearly showed figures approaching the area through the northern Iraqi border. Images from 3 October, taken from an unmanned aerial vehicle (UAV), showed a group of individuals laying mines about 3,5 hours before the attack.

The terrorist raid was broadcast live on General Staff monitors. According to *Taraf*, this provided concrete evidence that the security forces had been informed in advance about the attack by the PKK insurgents. *Taraf* moreover

claimed that the General Staff possessed intelligence about the plans for the attack one month before it occurred.

*Taraf's* report confirmed initial suspicions about security flaws in the Aktütün attack, which had much in common with an October 2007 attack in the Dağlica region in southeastern Turkey in which 12 soldiers were killed. *Taraf* argued that lessons that should have been learned from Dağlica went unheeded (*Taraf*, 13 October 2008). The Aktütün attack, like Dağlica before it, raised serious questions about how and why the authorised units were slow to act and take the necessary measures to prevent the attack.

The TSK reacted to this media report in a defensive and threatening tone. Turkish Chief of General Staff General Ilker Basbug held a press conference on 14 October, and flanked by four top generals, lashed out at the media for publishing confidential information revealing that the army had known in advance about the deadly attack on a military outpost. In a rare appearance with commanders of the land and air forces, the gendarmerie, and the education and doctrine unit, an angry Basbug said the military would take legal action over the leak of information.

"This is my last word: I invite everyone to be careful and to stand in the right position," Basbug told a hastily arranged press conference in the north-western province of Balıkesir, where he had been attending a routine military ceremony.

Basbug's comment sparked an outcry that media freedoms were under attack. "This is a threat, and we reject such threats," said Ahmet Abakay, who heads the Contemporary Journalists Association. "Such interventions are meant to tell the press not to do its job.... The media have no lesson to learn because we only have the universal principles of independence and objectivity to comply with. Any institution can be praised or criticised," he added (*Today's Zaman*, 15 October 2009).

Despite negative media reaction to Gen. Basbug's threats, the Turkish media has so far failed to adopt a uniform stance against TSK pressure on the media, which has taken the form of denying access to military information or conducting smear campaigns against those journalists critical of the military's intervention into politics.

Due to similar reports by *Taraf* that have revealed the TSK's questionable and sometimes unconstitutional practices, the paper has been subjected to enormous pressure from military-led circles either to fall into line or risk being closed down. But *Taraf* since its creation almost two years ago has played a significant role in shifting the balance of power in Turkey in favour of civilians.

There is, however, a bad example before the Turkish media of how media publications can be closed down when they persistently run TSK-related stories. Turkey's political weekly *Nokta* magazine was closed down in 2007 when police stormed its İstanbul headquarters acting upon the orders of both



military and civilian prosecutors. The closure of the magazine by use of force implemented under prosecutors' orders occurred when the weekly published diaries of the then Turkish Navy Forces Commander and now retired Admiral Ozden Ornek. Ornek's diaries revealed two separate abortive military coups, code-named Sarikiz (Blonde Girl) and Ayisigi (Moon Light), that had been planned by some top commanders.

In April 2007, the TSK released an e-memo to warn the government and the opposition not to elect Abdullah Gül as president of the country because he has an Islamist background and his wife wears an Islamic headscarf. Despite the warning, Gül was elected as president by the parliament following the July 2007 general elections.

Retired Admiral Ornek denied the existence of the diaries. But prosecutors investigating Ergenekon, a clandestine crime network that has alleged links with the state, later confirmed that diaries belonged to him. The EU's Progress Report on Turkey published on 14 October 2009 noted that "the alleged involvement of military personnel in anti-government activities, disclosed by the investigation on Ergenekon, raises serious concerns."

Since 1960, the TSK has staged four different sorts of coups. But with the ongoing Ergenekon investigation and the trials, senior retired generals as well as some active officers are being tried for their alleged involvement in coup attempts for the first time in Turkish history. Several retired top generals including the former Commander of the Gendarmerie General Command (JGK), retired General Sener Eruygur, as well as former Commander of the 1st Army Command, retired Gen. Hursit Tolon, are being tried over charges of fomenting an armed uprising to unseat the government. There are about 200 suspects including active officers, journalists, businessmen, members of the judiciary, academics as well as ordinary criminals accused of being involved in unconstitutional acts such as plotting to overthrow the government through use of force. The Ergenekon investigation and trials have indicated serious difficulties in the transition to democracy in Turkey, and have polarised not only the media but also almost all segments of Turkish society.

### **Turkish military reforms**

The TSK's autonomous and privileged status constitutes one of the most significant obstacles for Turkey on the path to satisfying the EU's political criteria in its negotiations for full membership. Turkey is the only member state of NATO whose chief of general staff is answerable to the prime minister. The EU demands that the Turkish chief of general staff should be subordinated to the minister of defence, as in western democracies.

The second most significant problem regarding the role, authority and position of the chief of general staff is the TSK's tradition of proscribing

elected civilian governments, as witnessed with the three military coups and the “indirect intervention” of 28 February 1997, known in Turkey as the “post-modern coup”. What made the 28 February intervention post-modern was the mobilisation of an army of civilian allies, including the press and many non-governmental organisations (NGOs), who voluntarily defended the military over the issue of fundamentalism.

The TSK carried out the aforementioned coups based on Article 35 of the Internal Service Law. The Internal Service Law, which was accepted after the 1960 coup, gives the TSK the duty of protecting and watching over the Turkish homeland and the Republic of Turkey as defined by the constitution.

The first serious efforts to democratise the civilian and military sectors were initiated in the aftermath of a grave financial crisis that erupted in February 2001. Reforms that paved the way for good governance included diminishing the TSK’s active role in the political domain, and strengthening parliamentary supervision of the Ministry of National Defence (MSB) budget and the extra budgetary resources allocated to defence through the Supreme Court of Accounts.

These reforms were legalised by the ruling Justice and Development Party (AKP) which came into power as the sole ruling party in November 2002. Voters have given a second mandate to the AK Party to rule for another four years following the July 2007 elections.

In 2003 and 2004, three important laws intended to diminish the TSK’s influence in the political domain and pave the way for its oversight by the civilian authority took effect. The first is Law No.4963 of 30 July 2003, known publicly as the 7th Harmonisation Package, which introduced amendments to some articles of the National Security Council (MGK) as well as the MGK General Secretariat’s founding Law No. 2945, dated 19 November 1983. MGK activities and decisions, providing the legal grounds for the influential role the TSK plays in political life, were reduced to the level of “recommendations to the Council of Ministers”, a civilian was appointed as MGK general secretary for the first time, five military members were to remain in MGK, whereas the number of civilian members was increased to seven. As a result of these amendments, the TSK’s membership in the Council of Higher Education and Higher Council of Radio and Television was abolished.

The second significant law is the Public Financial Administration and Control Law, (KMYKK) passed in December 2003 and taking effect in January 2005. This law stipulates the parliamentary oversight of the TSK’s budget—consisting of the military budget allocated through MSB and the extra budgetary resources allocated to defence—through the Supreme Court of Accounts. With a decree that was passed in February 2004 based on this law, the road was opened for the Supreme Court of Accounts to supervise military expenditures

and any extra budgetary defence expenditures by demand of the president of the parliament.

The third regulation that stipulated civilian oversight of military expenditures was realised with an amendment made to the constitution. With the legal adjustment publicly known as the 8th Harmonisation Package, an amendment was made to the last clause of Article 160 of the constitution on 7 May 2004. With this amendment, the principle of auditing TSK held state property through the Supreme Court of Accounts in the name of the Turkish Grand National Assembly, (TBMM) was legalised, which was another step towards lifting the veil of secrecy on this matter. (“Turkish Armed Forces” by Lale Sariibrahimoglu, ALMANAC TURKEY 2005.) However, it is worth noting that the regulatory statute necessary for the Supreme Court of Accounts to conduct this audit has yet to be passed due to the Turkish military’s ongoing objections.

The Turkish Parliament also made an attempt to initiate the democratic oversight mechanism over fraudulent acts in weapons procurement. In 2003, the parliamentary Corruption Investigation Committee launched an investigation with the claim that the state had sustained a loss of USD 180 million in the procurement of Airborne Early Warning and Control (AEW&C) systems.

However, the investigation was terminated and the government approved the purchase of four AEW&Cs worth USD 1.5 billion. The termination of the investigation was yet another example of the parliament and the government’s inhibition and reticence to scrutinise military bids (see “Turkish Armed Forces” by Lale Sariibrahimoglu, ALMANAC TURKEY 2005).

Many of the above mentioned reforms have not yet been fully implemented in part because parliament has failed to do its job and in part because the TSK resisted their implementation.

As criticised by the EU in its Progress Report of 14 October 2009, the TSK has continued to exert political influence via formal and informal mechanisms. Senior members of the armed forces frequently express their views on domestic and foreign policy issues going beyond the remit of military affairs, concerning Cyprus, ethnicity, the South-East, secularism, political parties and other matters. On a number of occasions, the General Staff reacted publicly to politicians and media reports. During a press briefing in April 2009, for example, the Chief of General Staff commented on the Ergenekon case and on the indictment, an act viewed as putting the judiciary under pressure. Other senior members of the armed forces lent their support to military personnel standing trial.

The EU report also noted that “No change has been made to the Turkish Armed Forces Internal Service Law or to the Law on the National Security Council. These define the roles and duties of the Turkish military and grant the military wide room for manoeuvre by providing a broad definition of national

security. The 1997 EMASYA secret protocol on security, public order and assistance units remains in force”.

The same report stated that no progress has been made on strengthening parliamentary oversight of the military budget and expenditure, and extra-budgetary funds are excluded from parliamentary scrutiny. The Defence Industry Support Fund (SSDF), from which most procurement projects are funded, remains an extra-budgetary fund. Further, parliament has no mandate to develop security and defence policies.”

“As regards auditing, according to the Constitution, the Court of Auditors can carry out external *ex post* audits of military expenditure. However, these audits are based on accounting records and take the form of desk reviews. Auditors are not allowed to conduct on-the-spot checks. Moreover, the court remains unable to audit movable assets belonging to the military, pending adoption of the draft Law on the Court of Auditors. Last year, the Court of Auditors decided that it has a mandate to audit the SSDF. However, implementation has not yet started *ex post* audits of military expenditure.

Moreover, the court remains unable to audit movable assets belonging to the military, pending adoption of the draft Law on the Court of Auditors. Last year, the Court of Auditors asserted a mandate to audit the SSDF. However, implementation has not yet started. Concerning internal auditing, the 2003 Public Financial Management and Control Law, which provides for internal audits of security institutions, has not been implemented yet,” EU Progress Report 2009 said.

Since 2005 the government has sought to avoid provoking the military and its supporting elements in the civilian establishment (including the judiciary, some academics and certain journalists), and has slowed down military and civilian reforms. However, it is also noteworthy that while attempting to maintain the existing balance the ruling AK Party has continued its efforts to make the Turkish military accountable and transparent.

#### *Reducing the area of jurisdiction of the military justice system*

Turkey has a dual justice system, one being the military justice whose area of responsibility is not limited to military disciplinary acts alone but also includes issues that normally fall under the jurisdiction of the civilian justice system.

But the Turkish government took an important step in curbing the powers of the military justice system. The Turkish Parliament adopted on 25 July 2009 an amendment to the Code on Criminal Procedure (CMK), which has paved the way for the trial of military personnel in civilian courts. The EU Progress Report noted that the new legislation lifted the remaining powers of military courts to try civilians in peacetime, thus aligning Turkey with EU practices.

The amendment allows the civilian courts to try military personnel in peace-time for anti-government activities, threats to national security, constitutional violations and organised crime. The law also transfers the power to try civilians in peace-time for offences currently under the military penal code.

Still, it is hard for the media to question in depth the military judiciary's decisions when these continue to lack transparency. In the majority of cases, the military judiciary's reasoning in judgements is kept secret even from the government. And military prosecutors continue to influence civilian judicial processes when military-related stories are published. According to Justice Ministry data, by the end of 2009 there were over 3,000 Turkish journalists facing charges for covering stories such as the Ergenekon case (*Today's Zaman*, 23 December 2009).

According to lawyer Engin Cinmen, Turkey is violating Article 10 of the European Convention on Human Rights (ECHR) and Cinmen claims that the European Court of Human Rights (ECtHR) will find Turkey guilty of violating freedom of expression. According to data provided by civil society organisations, there are nearly 15 laws in the Turkish Penal Code (TCK) that limit freedom of expression.

Noting that the court cases on the reporters are clear violations of the freedom of the media, Turkish Human Rights Association (IHD) President Oztürk Türkdogan said the government is the only body that can change the situation. (*Today's Zaman*, 28 December 2009).

Late in December Turkish civilian prosecutors were able for the first time to enter a military headquarters to examine secret documents that were previously hidden from civilian authorities, as part of an ongoing investigation over alleged assassination plot against Deputy Prime Minister Bülent Arınc. The examining of military secret files by a civilian prosecutor has become possible as a result of a critical change in Article 250 of the Code on Criminal Procedure (CMK) adopted by Parliament in late June last year.

Corruption allegations within the TSK are not easy to trace either. In 2005, however, TSK took a historic step in the fight against corruption and fraud within the armed forces and opened the way for a former commanding officer to be tried for allegations of fraud. In TSK, where problems and flaws are concealed from the outside world, then Chief of General Staff General Hilmi Özkök defied the taboos by initiating the trial of former Naval Force Commander İlhami Erdil for allegations of unjustified benefit, together with his daughter, spouse, one officer and a friend of his daughter's in 2004. At the risk of angering other TSK members, Özkök ensured that the trial was open to the public, and thus a commanding officer was brought before trial for the first time for allegations of fraudulent activity.

Erdil served in jail for about a year and stripped of all his titles. But the Erdil trial has demonstrated that without the consent of the top commander i.e.

Turkish Chief of General Staff, no top commanders can be put on trial over corruption charges. ("Turkish Armed Forces" by Lale Sariibrahimoglu, ALMANAC TURKEY 2005)

### *Media intimidation*

According to internal Turkish Armed Forces memos that have been leaked to the media, the TSK has sought to smear journalists regarded as "anti military", and has considered measures such as banning their access to TSK headquarters, thus depriving them from covering military-related events. The memos also outlined measures to publicly discredit journalists regarded as anti-military. The existence of such memos is not denied by the Turkish General Staff (TGS). Those non-governmental organisations, some media members and some government officials cited in the TSK internal memos are categorised as dangerous and as a threat to the "unity" of the nation, and thus against the TSK.

Shortly after assuming his post, Gen. Ilker Basbug, Turkish Chief of General Staff eased long time restrictions imposed on the media in covering military events. Coming under more public scrutiny, the TSK eased accreditation rules against certain media organisations by inviting some of the formerly banned media members to its press conferences. But according to Umit Kardas, a lawyer and retired military prosecutor, the military's relaxation of accreditation rules should be seen as an attempt to neutralise the media and to further bring them into line with military views.

However, both the high-circulation daily *Zaman* newspaper and the liberal *Taraf* continue to be denied access to TSK events: the former is blamed for promoting pro-Islam policies and the latter for being an outspoken critic of the TSK's involvement in politics. As mentioned above, *Taraf* has also disclosed confidential information about TSK activities that were concealed from the public, such as ill-conceived policies during the fight against the PKK as well as internal memos on discrediting both the ruling party and the media. As a result, the TSK has increasingly been losing the media support that it had enjoyed quite widely, for example, when an Islamist-led coalition government was forced to resign in 2007 through what its military architects described as a post-modern coup.

"Thus by easing restrictions on some media organisations, the TSK believes that it has been gifting them and expecting them to write positive stories that are not objective. The aim is to bring them into line with TSK views. If those members of the media do not follow the rule of covering positive stories with no criticism at all then they will be punished again," Lawyer Kardas told the author.

The TSK's attempts to discredit democratic-minded people are not new. This includes NGOs, whom they perceive as internal threats, but also some-

times those who are staunch supporters of the TSK but who may have made a critical comment. Although denigrating another person is a crime in Turkey, some security organisations have positioned themselves above the Constitution. According to Lawyer Kardas the TSK does not have the right to identify either media members or other individuals or groups as potentially dangerous, untrustworthy, or capable of committing the crime of treason.

Such smear campaigns launched by the TSK, as well as restricted accreditation rules, have undermined the freedom of the press as guaranteed by Article 28 of the Constitution. This practice of the TSK is neither in line with the laws nor in conformity with the principle of not violating people's right to obtain information, Kardas said, adding that such practices have also been hurting the honour of the human beings.

Gen. Basbug has illustrated that he has taken an assertive role in the Turkish political life, seeking to take initiative from the political authority. His support to the military suspects implicated in the Ergenekon affair has been seen as an open challenge by the TSK to the civilian justice system. Last year the general visited the two ex-generals in jail and TSK released a statement endorsing the visit.

Thanks to democratic reforms in the past several years the Turkish media has been facing relatively less pressure over their coverage of controversial areas such as the Turkish military. But intimidation of the media through various means is still felt strongly. For example, infamous Article 301 of the Turkish Penal Code makes it illegal to insult Turkey, the Turkish ethnicity, or Turkish government institutions, and is used to intimidate the media in their coverage of controversial areas such as the TSK. Article 301 thus stands as a threat to the freedom of expression in Turkey.

Other threats to journalists have also recently come to light. In late January this year *Taraf* daily disclosed another coup plot code-named Sledgehammer (Balyoz) that had been designed in 2002 and 2003. The plan was allegedly masterminded by the then 1st Army Commander, retired General Cetin Dogan. The alleged coup plot, which is currently being investigated by an Istanbul court, has revealed, that 35 liberal, pro-democracy journalists who support lessened military influence in all aspects of life in Turkey, appeared on a list of individuals who are "to be arrested" in the event of a military takeover. Another 136 journalists, meanwhile, were categorised by the alleged coup planners as those to be "used" in the event of a coup.

In the past, as mentioned above, many other journalists were also subject to a smear campaign by the military that became public when it was disclosed by the now closed *Nokta* weekly magazine and which was confirmed by then Turkish Chief of General Staff, retired General Yasar Büyükanit.

Unlike the practice by journalists who were subject to "filing or smear scandals" and who merely criticised the military's illegal practices, 28 journalists

out of the 35 who were categorised as those to be arrested in the event that the Sledgehammer coup plan would be implemented took the matter to court in late January 2010. The 136 journalists categorised as those to be used by the coup planners say they also plan to take the case to court if the Sledgehammer coup plot is proven to be true by the judiciary. The journalists' decision to file a criminal complaint against those behind the coup plot plan is hoped to deter such campaigns of slander in the future.

The TSK's smear campaign is not limited to journalists, NGOs and businessmen as it has been revealed that 6 million Turkish people allegedly having Islamic tendencies were subject to a smear campaign launched by an infamous unit operating within the TSK. This information contained in an indictment accepted by an Istanbul court late in January this year accusing several navy officers under detention for being involved in coup plots to unseat the government.

The basic reason for TSK's practice of a witch-hunt stems from the military's long-held claim of protecting the secular character of the Turkish Republic. But more importantly, the TSK has actively been involved in efforts to silence its opponents because it is afraid of losing its power.

### **Conclusion: reporting on the military in Turkey**

Since Turkey was declared a candidate for EU membership in 1999, taboos have begun to break down and for the first time the TSK has become subjected to increasing scrutiny and criticism for its heavy involvement in politics and its ongoing alleged coup plans. Some members of the Turkish media have been at the forefront of subjecting the TSK to scrutiny. But life has not been easy for those journalists criticising the military role in politics as well as its lack of budgetary accountability. As mentioned above those journalists have been subject to pressures taking the form of prison sentences, attempts to discredit them sometimes through pro-TSK media, as well as accreditation bans and denial of access to the military headquarters. These practices have also resulted in those journalists losing their jobs while their family members have sometimes been subjected to a smear campaign.

Columnists critical of the TSK have been less affected by the military's smear campaigns compared with reporters. This has been mainly because reporters have to cover the actual military events and are expected to report as the TSK has wished them to. If they do not report as desired by the military, those reporters may lose their jobs through pressures exerted on the media owners by the military.

Foreign journalists based in Turkey have been less affected by military pressures because their military-related articles do not appear in the Turkish media. Plus, due to increased openness in Turkey as a result of slow moving



democratic reforms, the TSK has been more restrained in putting pressure over foreign media organisations based in Turkey out of fear of criticism from mainly Western countries.

In my case, I have been a long time journalist and have managed to cultivate good sources of information in the military field in addition to my personality of not giving up. Therefore I have managed to report military-related stories, including on arms procurement, that have been critical when this was merited.

Thus, in parallel to democratic reforms Turkey has been becoming a more open society with growing criticism of institutions once regarded as taboo subjects. This has put the Turkish military in particular under the spotlight of some members of the media who seek to promote the civilianisation of the society. The TSK no longer enjoys the almost full support previously given to its autonomous status in Turkish society. Despite these advances, however, Turkish journalists continue to experience intimidation, serious pressures and risks in their efforts to report independently on military affairs.



# Reporting on Security Sector Reform

*Henri Myrntinen*

## Introduction

Reporting on Security Sector Reform (SSR) is in many ways as interesting and as challenging as reporting on any other highly technical or highly legal issue – with the one difference that the topic due to its nature has an added aura of mystique, of sexiness or of menace, of titillating secrecy or of supreme boredom, depending on one's view of the security sector. The nature of the issue and the sensitivities linked to it, such as national interest, military secrets or a controversial role played by the security forces in the past all complicate the process of understanding, gathering and analysing data on, and ultimately reporting on SSR in the public sphere.

The security sector itself is often narrowly seen as merely pertaining to the most visible actors of the sector, namely the military and the police forces. The security sector is however a much broader concept, covering also the judiciary, the penal system, border and customs services, intelligence services, private security companies (PSCs) and control and oversight mechanisms. Taking a broad view, the latter can include parliamentary oversight committees but also research institutes, think-tanks, non-governmental organisations (NGOs) – and also an independent and critical media. In areas of limited control and governance by the central authorities, other non-state actors can conceivably be considered to be part of an informal security sector, be it vigilante groups, militias, gangs or guerrilla forces.<sup>1</sup>

The aim of a reform of the security sector can also at times be unclear in the public debate: does for example the upgrading of the navy's frigates, new crowd control weapons for the police or the reorganisation of the army's territorial structure amount to SSR? How about the withdrawal of the military from business conglomerates, naming a civilian head to lead the intelligence agencies, or having universities draft concepts of national security? For the purposes of

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<sup>1</sup> Hänggi, Heiner: 'Conceptualising Security Sector Reform and Reconstruction', in Hänggi, Heiner and Bryden, Alan (eds). *Reform and Reconstruction of the Security Sector*, DCAF: Geneva, 2004, p.3

this article, I will use a relatively general definition put forward by Heiner Hänggi:

*'[an] SSR [process] is essentially aimed at the efficient and effective provision of state and human security within a framework of democratic governance.'*<sup>2</sup>

This general definition of course still leaves a lot of room for debate about what exactly is SSR, what 'security,' what 'democratic governance' will mean in any given national or regional context. In a sense, however, this debate about what these terms mean and in which the media can and should play a central role, is in itself a central part of the concept of SSR as a process of democratising the sector.

In this article, I will first discuss a bit about my background on the issue before outlining five challenges and opportunities of reporting on SSR issues. The five I will cover are by no means exhaustive, but sum up some of the main issues I have run into in my work on SSR: technical issues, questions of access, problems of reporting SSR, issues of neutrality and ethics as well as the risks involved. These will then be followed by some lessons learned and recommendations as well as a list of additional resources.

#### *My personal background*

This article is based mainly on my own experiences in working with SSR-related issues, mostly in transitional societies in southern Africa, Central and Eastern Europe and Southeast Asia. I have however also used the opportunity of discuss with various colleagues who have been working on these issues in media, academia and civil society organisations and their inputs have flowed into this article as well.

I initially came in touch with SSR issues through a somewhat circuitous backdoor route, initially working on the physical reuse of former military bases, moving on to the reintegration of former military personnel into civilian society and from there to SSR. Much of my work on these topics has been academic or semi-academic, which on the one hand reduces the size of the audience but on the other hand ensures that this audience is actually at least somewhat interested in and knowledgeable about the topic. In fact, as I will discuss later, I have had relatively little success in selling SSR stories to non-specialist media, especially mainstream ones, due to the complexity of the matter. Much of the

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<sup>2</sup> Hänggi, 2004, p.1

writing I have done on SSR issues has looked at the issues from a gender perspective.<sup>3</sup>

In my journalistic work, I have acted in the belief that the role of the media is to engage with socially and politically important issues as the ‘fourth estate’ within society. Though I believe that there is no absolutely value-free reporting possible (as already the act of deciding on what topic to cover and what not to cover is a value-laden choice), this does not free the media from the obligation to be as objective, balanced, and verifiable as possible. As discussed below, in working with security issues these questions may become very pertinent in one’s work.

### Challenges and opportunities

Working with and reporting on issues of SSR can be exhilarating, exhausting, or excruciatingly boring – or all of the above. In transitional and/or post-conflict societies, SSR processes are often an important part of the respective democratisation and peace-building efforts, especially if the security sector previously was more part of the problem than of the solution. Following the often radical transition from one role that the security forces played to an entirely different one, say that from being the guardians of the South African apartheid regime to that serving the ‘rainbow nation’ can be an electrifying experience. However, given the unstable nature of transitional and/or post-conflict societies means that working on SSR issues brings with it both more rewards but also higher risks and requires a higher degree of responsibility from the media. In these situations, it is also often easy, especially for outsiders, to lose sight of the historical and regional context of the processes. Security sector institutions, like any other institutions, have grown into what they are over years and decades, developing their own institutional cultures which can not be expected to change overnight.

In this section I will address five issues which I have often encountered in my work on SSR issues. These issues are:

- the highly technical and legal nature of the topic,
- accessibility and difficulties of gathering information,
- problems of ‘selling’ the topic,
- issues of neutrality and ethics, as well as
- risks of working with the issue.

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<sup>3</sup> An excellent source on the intersections between gender and SSR is Bastick, Megan and Valasek, Kristin (eds.), *Gender and Security Sector Reform Toolkit*. DCAF, OSCE/ODIHR, UN-INSTRAW, Geneva. Also available as a CD-ROM version and downloadable at <http://www.dcaf.ch/gssrtoolkit>

### Technical and legal nature of the subject

Working with security sector institutions, as with any other specialised community, involves learning a new language. The various security sector institutions have, over the decades or even centuries of their existence, developed their own intricate vocabularies. By way of example, a recently-published dictionary of acronyms and abbreviations used by the Indonesian security forces (i.e. not even including other security sector institutions such as the judiciary) alone runs at almost 250 pages.<sup>4</sup> Also, the field of security sector reform, even though it is a relatively new field of study, has already developed its own jargon and dazzling alphabet soup of acronyms.

For an outsider reporting on these issues, it is therefore necessary to be both able to speak and understand the language of SSR in order to be able to communicate with the various actors, to gain access and to engage with the debate. Though one does not need to become a student of security studies or legal sciences to be able to report on SSR, some degree of a learning process is necessary, both for the journalist and for the media she or he represents. This is all the more true given the sensitivities around security-related issues but also important in terms of building up a rapport with security sector personnel who might be initially disdainful of civilians in general, journalists in particular, and unfortunately most of all of educated, young and impertinent journalists. Speaking and understanding the terminology helps building and maintaining access and importantly also reduces the risk of getting the issues wrong in the reporting.

Gaining a better understanding of the security sector and the reform processes can often be initially achieved through secondary sources, such as literature on the issue or approaching those actively involved with the issue from outside the security sector institutions. From my personal experience, the most approachable secondary sources tend to be academia, civil society organisations, other media representatives and parliamentarians working on SSR issues.<sup>5</sup> It goes without saying that one should not uncritically merely adopt the information of these secondary sources as the be all and end all of the current state of affairs in SSR. Rather, it should be double-checked and preferably confirmed through sources in the security sector.

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<sup>4</sup> Wandelt, Ingo, *Dictionary on Indonesian Comprehensive Security: Acronyms and Abbreviations / Kamus Keamanan Komprehensif Indonesia: Akronim dan Singkatan* (Jakarta: Friedrich Ebert Stiftung, 2009).

<sup>5</sup> See final section of paper for additional resources

### Issues of access

Traditionally and across the planet, security sector institutions, be they formal or informal, have not cultivated strong cultures of openness, debate and critical thinking. Especially to people coming from more liberal social backgrounds, such as the media, security sector institutions can often strike one as being exceedingly protocol-minded, hierarchical and obsessed with secrecy. Especially in the initial phases of building trust, it is often crucial to respect these differences of institutional culture before a working rapport can be established. This is especially true if, as often is the case in SSR processes in transitional and/or post-conflict societies, the security sector actors feel that they are being put on the defensive. As mentioned above, an important element in building trust is ‘speaking the language,’ i.e. mastering the jargon to a degree where one can have an informed discussion on the topic.

A difficult yet common situation in which journalists working on security sector issues can find themselves is that sources are not willing to go on the record; not willing to talk openly or critically about SSR issues or are not willing to talk to the media period. The first problem can be overcome by offering the source to be quoted anonymously or having background talks. Background discussions can also act as a confidence-building exercise between the media representative and the security sector source. It is however of utmost importance to not betray the trust of the informant by breaking the rules that have been agreed to. The second problem is more delicate, as it is in the interest or even duty of journalistic work to press critical questions but on the other hand this also risks antagonising the source to the point where no further information is forthcoming. The opposite problem arises if journalists are derelict in their job of being critical and independent investigators if they uncritically do not question the statements of their sources. This is not uncommon in situations where members of the security forces, especially officers, are traditionally handled with deference. In both cases, a medium needs to be found which allows for critical questioning but does not alienate the counterpart. If the security sector sources are unwilling (or in some cases, unable) to talk to the media, then other secondary sources need to be found, such as academia or civil society organisations. Secondary sources can also serve as conduits or as door-openers to gain access to security sector sources.

While having to work through often tedious official bureaucracies and hierarchies presents a certain challenge of its own in dealing with formal security sector institutions, working with the informal security sector, i.e. militias, gangs, vigilante groups, guerrillas and the like, often demands an even longer and difficult process of building trust, beginning with the difficulties of contacting the groups in the first place. Care needs to be taken to ensure the safety of both parties and also to check the credentials of the informal security group –

who will in all probability also be double-checking your credentials. Often, intermediaries need to be used in these processes.

Once the rapport and trust have been established, it can be necessary to test the reliability, possible biases and overall objectivity of the source, by double-checking the information gathered against other sources and looking at consistency over time. This is obviously only possible over time and unfortunately there are often not many other sources one could switch to. A further challenge, if one wants to continue with working on the topic, is maintaining the trust of the sources and interviewees. This entails sticking to the rules that have been agreed upon, not mis- or over-representing or misquoting the sources – in short, basic, good journalism. Given the nature of the topic, the stakes, however, are often higher when dealing with security sector issues than in other fields of journalism.

### Selling the topic

While security sector issues, especially in transitional and post-conflict societies, hold the potential for high drama and riveting stories, the actual reality of reporting on SSR is often much more mundane. The ‘big issues’ often get bogged down in technical and legal minutiae of the process – which are often the crux of the issue, but due to their complex nature do not make for good news. Also, unfortunately, good news seldom make for good news: moderately well-functioning, routine overall parliamentary control of the border and immigration services is far less ‘sellable’ as a news item than a single, unrepresentative case of a border guard involved in petty smuggling. Thus, the real issues of importance to SSR processes are often too complex to fit into short articles or are too mundane while the easy and scandalous stories ramp up publications sales. I have personally also often found it hard to interest mainstream media in SSR issues, unless it is about blatant corruption, abuse of power or an impending crisis. This is unfortunate as the media can and should in my opinion play a role as a societal watchdog and though the issues may be complex, oversimplification and ‘dumbing down’ of the quality of the reporting should be avoided.

In reporting SSR issues, a common mistake is to rely too much on jargon and, worse, on the inevitable acronyms. While this is not as problematic when writing for expert audiences, it can make a text unreadable for a lay person. Unfortunately, however, writers do often succumb to the temptation to try and increase one’s ‘expert’ status by doing precisely that, making the text unreadable to the uninitiated. This temptation should be avoided, though some degree of use of jargon and acronyms can not.

Both for the sake of balanced reporting and for keeping up a working rapport with security sector institutions, I believe it is however also important



to give credit where credit is due in addition to being a critical watchdog, i.e. also praising security sector institutions for past reforms instead of merely criticising for the lack of progress.

### Neutrality and ethics

The ethics of journalism are a much-debated and often publicly lamented issue. Given the sensitivity of the topics that research on security sector issues touches upon, ethical considerations can play a heightened role in the collection and analysis of the research material. In an example drawn from the more extreme end of the scale of ethical considerations Malcolm Cowburn in discussing his research on sex offenders who he interviewed in prison refers to

*‘the tensions in seeking to obtain as uninhibited account as possible of criminal behaviours whilst not appearing to be colluding with the ongoing harm done to known victims by taking no action to stop that harm. Essentially this relates to managing the boundary between confidentiality and public protection.’<sup>6</sup>*

Furthermore, Cowburn proposes that traditionally,

*‘...research has held as sacrosanct the confidential nature of the relationship between the researcher and the researched [...] and breaching such a trust has been considered to be ethically unacceptable. However, the issue of undisclosed harmful behaviour is problematic. To know of unreported offences and to take no action may leave victim(s) at risk of further abuse. To know of an offender’s intentions to harm someone and not to take action because of the confidential context in which the information emerged raises many issues. Potentially, the researcher can be seen as knowingly colluding with behaviours that are harmful to other people and thus failing to protect members of the public.’<sup>7</sup>*

For journalists, the ethics of the job have often been much less ambiguous: the role of the journalist is to act as a messenger, not as a judge or as a law-enforcer. And while the choice may not be as stark as Cowburn’s example of protecting source anonymity vs. protecting society from sexual offenders, maintaining the stance of the mere messenger can still become difficult when dealing with security issues. Pressures may be brought to bear on the media from one

<sup>6</sup> Cowburn, Malcolm, 2005. “Confidentiality and public protection: Ethical dilemmas in qualitative research with adult male sex offenders,” *Journal of Sexual Aggression*, Vol. 11, No. 1 (January 2005), p.49

<sup>7</sup> Cowburn, Malcolm, 2010. “Principles, virtues and care: ethical dilemmas in research with male sex offenders,” *Psychology, Crime & Law*, (forthcoming), p.10

side or the other – to not report on certain SSR-related issues for the sake of national or state interests or on the other hand be pressured into reporting at the risk of criminalising one's sources.

As for example the recent KPK case in Indonesia has shown, the security sector institutions are not monolithic and institutions (or factions within institutions) can be locked in power struggles. Media representatives can easily become actors rather than bystanders in these power struggles, as information is selectively leaked to the press. In addition to leading to potentially biased reporting, becoming involved as an actor in the power struggles also brings with it the risk of potentially becoming involved in criminal acts, such as libel. Therefore it is necessary to have a clear consideration of possible ethical issues beforehand. For the sake of reporting and maintaining a good rapport with various sides involved, keeping up a position of critical neutrality tends in my experience to be the best, if not easiest, course to follow.

### Risks and hazards

One of the risks inherent with working on security issues I have already alluded to in the previous section, the issue of making ethical choices. This is especially when crossing lines between formal and informal (or non-state) security institutions or dealing with information considered sensitive from the point of view of national security. Journalists can be accused of spying or of treason, they may be coaxed, pressured, intimidated or bought to divulge information, appeals may be made to their patriotism or to their ethnic or religious background. Both compliance and non-compliance with these demands can, on the more lenient end of things, lead to social ostracising or to diminished career opportunities. Charges such as these have however often also led to the imprisonment or deaths of innocent journalists and had consequences for their families. While there is no guaranteed way of avoiding ending up in difficult situations, openness about one's motives and values as well as abiding by them tend to be a relatively good safeguard.

A further risk than can be encountered in dealing with security-related issues is that of post-traumatic stress disorder (PTSD). While covering an interminable session of a parliamentary sub-committee debating the latest police budget, traumatic as that may be in its own right, probably will not lead to PTSD, other aspects of covering SSR processes in transitional or conflict/post-conflict societies can – such as witnessing or documenting torture or being exposed to direct violence oneself. As outlined for example in the analytical work of Anthony Feinstein or the autobiographical novels of war correspondent Anthony Loyd, PTSD has long been with the journalistic profession but has often

been viewed disparagingly by the professionals as being a sign of weakness.<sup>8</sup> One of the trickier aspects of PTSD is that it can strike at unexpected moments. In my own case, for example, it was not the witnessing of or being directly exposed to lethal violence which triggered a relatively mild but relatively long-lasting PTSD but rather it was a much more innocuous scene some time later that pierced my protective emotional armour, that of handing water to a man suffering from heat exhaustion in a refugee camp. Thus, while the majority of journalists working on SSR issues will probably not run any risks in this regard, one should however be aware of its existence and possibility.

### Lessons learned and recommendations

Reporting on SSR brings with it many of the same challenges that journalists run into in other areas that are both legally and technically complex. Both the challenges and opportunities are however heightened in the SSR field due to the fact that the issues at hand are usually regarded as being highly sensitive and linked to greater national interests.

With respect to the first point raised, that of dealing with the technical and legal complexities of the issue, my own lessons learned are literally just that – reading up on the issues and talking to experts on the topic. One point of caution though, and where I myself often fail, is that one should avoid using the security sector jargon that one has just learned in the actual reporting. It is a temptation that is easily and often succumbed to, be it out of a habit of using the particular jargon to discuss the issue or, more lamentably, out of a desire of the author to increase her or his own standing as ‘expert’ on the issue in the eyes of the audience.

As far as accessibility is concerned, openness about one’s motives is always preferable, though it is not always a guarantee for gaining the information that one is looking for. Finding reliable sources and cultivating them takes a long time, which is often a scarce commodity in the media industry. Nonetheless, it is often indispensable for building a good rapport, which in turn is often the key to access to information. Maintaining the good rapport is often essential but so is maintaining a clear sense of where one’s own limits for engagement lie.

One of the ways of making SSR processes more accessible to the media audience is to try and personalise these processes which often seem highly abstract. The complex technical and legal texts have actual, real-life ramifications on the lives of community members as well as of the members of the security

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<sup>8</sup> Feinstein, Anthony, *Journalists Under Fire – The Psychological Costs of Covering War* (Baltimore: The Johns Hopkins University Press, 2006); and Loyd, Anthony, *My War Gone By, I Miss It So* (Peterborough: Anchor Books, 2000).

forces and their families. Personalising the issues by showing the impacts of the policies on actual peoples' lives also serves to add an additional and important layer to the SSR debate, often with the potential of showing unwanted or unintended consequences of policies.

Another possibility is to find new, hitherto unexplored angles of the security sector debate, say for example by examining the role of gender in private security companies. Seeking out new approaches not only hopefully will help to bring about an interesting article but can ideally also contribute in a constructive way to the security sector reform debate as a whole.

As far as ethical choices are concerned, it is from my personal experience crucial to make sure to be aware of these possible choices and to play through how to react to them before hand, in as far as this is possible. On the whole, what a colleague interviewed for this article termed a 'doctor's approach' to journalism, of dealing with the issues as professionally as possible but leaving them out of one's personal life, can be the best approach. Lastly, without wanting to sound too alarmist, one should be aware of the risks, be they physical, social (career, finances, access) or mental, but also of the immense and rewarding possibilities of being involved with the creation of more responsive, transparent, service-minded security sector institutions.

The media can and should, in my mind, play a key role in SSR processes and even though it can be a tough sell to editorial boards (latest soap opera celebrities' gossip vs. latest session of the parliamentary oversight committee), it is work which is valuable and in the interest of a democratising society.

### **Additional resources**

Centre for Strategic and International Studies (CSIS): <http://www.csis.or.id/>

Friedrich Ebert Stiftung Indonesia (FES):

[http://www.fes.or.id/program\\_ssr.php?lang=1](http://www.fes.or.id/program_ssr.php?lang=1)

Indonesia Policewatch: <http://indonesia-policewatch.com/>

International Committee of the Red Cross (ICRC): <http://www.icrc.org/>

International Crisis Group (ICG): <http://www.crisisweb.org>

Lembaga Ketahanan Nasional (Lemhamnas)

OECD/DAC Handbook on SSR: [www.oecd.org/dac/incaf/ssr](http://www.oecd.org/dac/incaf/ssr)

Pro Patria Institute: <http://www.propatria.or.id/profiles/about/article.php>

The Geneva Centre for the Democratic Control of Armed Forces (DCAF): <http://www.dcaf.ch/>

The Global Facilitation Network for Security Sector Reform (GFN-SSR): <http://www.ssrnetwork.net/>

# Covering International Justice: Notes from a Correspondent

*André-Michel Essoungou*

In October 2003, for reasons other than professional motivation, I took a foreign correspondent position with Radio France International (the French equivalent of the BBC World service), covering the United Nations International Criminal Tribunal for Rwanda (UNICTR), based in Arusha, Tanzania. Strikingly, for more than two years, I was the only foreign correspondent covering the many trials taking place at that tribunal almost on a daily basis. In fact, from its inception in the aftermath of the genocide in Rwanda in 1994, foreign correspondents had come to the UNICTR and left shortly afterward, partly because – as one colleague put it – covering long trials in far away countries years after massacres have stopped, was not “sexy enough” and “lacked commercial appeal”.

Indeed, at the time I was leaving Paris my editor’s surprise and disbelief were rooted in a similar thinking. For him too, it made no sense covering lengthy proceedings related to horrible killings that people have heard so much about. They would not care much anymore, he argued. It is worth noting that such a belief was in stark contrast with the UN Security Council resolution setting up the tribunal in November 1994. Among other things, the body tasked the jurisdiction with the lofty goal of contributing to reconciliation among the people of Rwanda, following a genocide perpetrated by an extremist regime against the ethnic Tutsis minority, killing around a million people. Apart from the practical challenges it poses, from a journalistic perspective, such an ambition begs a question: how would a tribunal, located outside the very country where the crimes it is judging were committed, contribute in reconciling a divided community without extensive media coverage? Obviously, neither at the UN nor inside newsrooms was the issue of international tribunal media coverage thought through.

As a result, while covering this almost unique institution, I had to figure out answers to pressing questions. One of the very first to come up was related to my role and that of news media in covering an international transitional justice mechanism. Admittedly, having been a journalist for a little more than six years prior to my stint at UNICTR – including a year covering the United Nations in New York and two more as a correspondent in Canada – I had some

notions on what the role of the media is. Once in a while, I did cover justice related issues and could argue that I knew more or less what my role as a journalist in that context was. But for all that experience, I was simply not prepared in terms of knowing how to report on a daily basis on international justice in a transitional setting. “We will keep in touch and see how it goes”, my editor said before I left, seemingly unable to provide any useful advice.

Quite early during my time as a correspondent in Arusha, I came to realise that in the context of transitional justice one should not only expect media to play the same role they have in a normal setting (including supporting due process and rule of law by favouring fair trial through balanced reporting; helping people – culprits and victims – come to closure by showing respect to victims suffering while refraining from judging those indicted). In addition journalists have to be mindful of the particularly sensitive dimension, at this juncture and for the whole social fabric, of the issue of justice. Because transitional justice takes place in a time of mourning when people try to cope with awful memories, the journalist’s contribution is pivotal in helping get through those difficult times.

#### **United Nations International Criminal Tribunal for Rwanda (UNICTR)**

The International Criminal Tribunal for Rwanda (ICTR) was established by the United Nations Security Council resolution 955 on November 8<sup>th</sup> 1994 in order to judge people responsible for the Rwanda Genocide and other serious violations of international law, including war crimes and crimes against humanity that took place between April and July 1994. In 1995, it was located in Arusha, Tanzania. By the end of 2010, the tribunal is to complete its work. The first trial began in 1997. As of December 2009, a total of 48 accused have stood before the ICTR.

Therefore, it goes without saying that there are important challenges arising from this particular position. Two challenges in particular have been the most important of all while covering transitional justice processes: keeping in mind the particular context I was working in and trying to get stories whose focus were on the very people affected by the tragedy Rwanda went through.

#### **Covering transitional justice: two challenges for a journalist**

##### *Transitional justice, transitional context*

Arguably, the main challenge for a journalist reporting on transitional justice is posed by the particular context in which this exercise takes place. The *transi-*

*tional* context in which he operates reverberates on his work. Contrary to trials taking place in a *normal* context, issues at stake during trials in a transitional justice setting do not involve merely a score of actors. These are directly linked to almost any particular individual living in the society that serves as its scene. Surely, trials are always about criminal individual responsibilities and since the Nürenberg trial following the Second World War, they have most often dealt with limited numbers of accused at once.

Nevertheless, while those indicted for massive human rights violations stand trial alone (or in small groups) for actions they might have committed or abetted, outside the courtroom their (former) followers and sympathisers as well as their (former) enemies and victims would be closely following proceedings with a degree of anxiety rarely felt before. For these people in particular, but also for the society as a whole, which has been affected by the conflict, transitional justice trials are of interest not least because they too expect these trials to help them come to terms with the losses they might have endured or atrocities they might have committed.

One should think of a post conflict context like an unstable and fragile fabric where actors look for ways to recover from terrible events, including serious crimes and genocides, and where past grievances have been compounded not diminished, partly because of the horrible crimes which justice is faced with.

In such contexts, while efforts are sometimes made to address the root causes of the conflict and rebuild bridges between former enemies, potential for setbacks are enormous. The causes of the conflict that led serious crimes to take place are usually not yet addressed. Even when the conflict has ended with a peace agreement and warring parties have planned to be part of an inclusive power sharing mechanism, a long lasting and stable peace is not yet at hand.

Tellingly, it is because of its potential incidence on security that the trial of Charles Taylor, former President of Liberia at the Special Court of Sierra Leone located in Freetown was transferred to The Hague, Netherlands. Security concerns and potential for social and political crises were also at the heart of the decision, by the United Nations, in setting up the UN Criminal Tribunal for Rwanda in Arusha, Tanzania.

The particular sensitiveness of trials in a transitional justice setting, in terms of its potential to trigger social and political crisis, represents a challenge for journalists and an opportunity to contribute to a much-needed and larger social conversation on the stakes in a conflict or post conflict situation. Because of this particular context, journalists will need to be extra careful not to hurt further those who have already been victims of terrible suffering. Likewise, they should refrain from judging the accused on trial before the trial's end.

*Protected witness, unheard stories*

A second challenge in covering proceedings and reporting on them has been the witness protection system put in place by the jurisdiction. At the UNICTR, most witnesses testify under stiff protection measures. Their names are not made public and when appearing in court, they are hidden from those attending except from the judges, attorneys and the accused. Journalists know them only through nicknames and by the tone of their voices. It is common practice, as some of them take the floor, for journalists to be required to leave the trial rooms.

There are good reasons why witnesses would testify “privately” in a public court, especially in a transitional setting. The main justification behind these measures is security. In a post conflict setting such as in Rwanda, testifying for or against any accused in the context of a judicial process can prove a deadly undertaking. Many witnesses have been killed before as a consequence of coming forward in a courtroom.

Unfortunately for journalists, these rightly placed security concerns are a big challenge for their reporting. Coverage, be it of a judicial process, of a war or about politics or the economy is first and foremost about people and based on their experiences. In fact, as most journalists know, our job is about telling people’s stories. Even when reporting on processes, institutions or events, a reporter will care first about the human angle and rightly so. Therefore, since access is virtually denied to many witnesses’ stories, journalists covering the UNICTR, and some other transitional mechanisms, are somewhat deprived of their best hooks. This already bad situation is compounded by the fact that at this particular tribunal, prosecution and defence teams rely massively on witness testimonies. Rarely will they use documentation or recordings and even then, so-called expert witnesses will be brought in to support or deny their admissibility to the debates.

Faced with the challenge of reporting on trials with limited access to the primary sources of prosecutions or defence strategies, I had to figure out other ways of getting and telling stories. Luckily, by gaining access to other actors involved in the judicial process and to public documentation, including witness testimonies, this challenge can be overcome. Contacts with and within prosecutions and defence teams and with judges’ aides proved helpful on many occasions. In other words, to overcome the main challenges posed by the particular issues I was covering, I relied on techniques and approaches well known to journalists and whose use proved more efficient than ever before.



## Covering transitional justice, a journalist tool box

### *Keep contact and distance*

There is no journalism without contacts. Talking to people involved with the judicial process, on all sides, is the basic rule. As usual, it is fundamental for the journalist to remain aware of the boundaries he should not cross. While this advice seems easy, it is worth noting that covering transitional justice, reporters are confronted with horrible acts and suffering. They would rightfully feel the pain endured by victims, listen to the tragedies of those who have lost loved ones and hear about the madness of others who directed or committed those crimes. This could lead them to be legitimately angry. Yet, as journalists, regardless of their sympathies and repulsion towards certain actors, they must maintain contact and distance to be able to report in a balanced way.

### *Know the issues, the conflict and the actors (background)*

Obviously, there is no escape for journalists covering any beat in terms of knowing what they report about. At the same time, this is even more fundamental when covering sensitive issues such as transitional justice mechanisms. Due to the potential for further social disruption that these processes can contribute to, journalists would need to be fully knowledgeable of the issues, the conflict that sparked them and the actors involved. Courtroom debates in a transitional context are about past and present grievances and injustices. These debates speak volumes about how some actors would like the past to be written. It is therefore useful for journalists to understand the connections these actors are trying to make.

In October 2005, testifying for his defence at the UNICTR, Col. Theoneste Bagosora, the presumed mastermind of the genocide that killed 1 million people in Rwanda in the space of a hundred days, spent a fair amount of time accusing western powers of abandoning his country during those terrible days. While denouncing the US, Belgium and the UK, he would say nothing about France, a permanent member of the UN Security Council and the single most influential country in Rwanda for decades. Reporting on his testimony, a journalist would need to know that France had in fact supported the regime in place in Rwanda (which Col. Bagosora was part of) before and during the genocide. He would also need to know that while western powers abandoned Rwanda as genocide was unfolding, Col. Bagosora and those in charge in Rwanda at that time opposed any intervention by foreign actors, explaining to the world they were in control.

*Know the procedure and how the jurisdiction is organised*

Every judicial institution works according to certain rules and procedures. Generally, there is a rulebook that regulates interactions between actors in the courtroom. Any transitional justice mechanism has one too. The journalist should know these rules and spare no effort in understanding them. During proceedings, knowing the rules should always prove helpful for a journalist. Furthermore, the journalist needs to know who is who among all those involved in the judicial process. He needs to know their role and responsibilities.

*Don't judge, tell the stories, contextualise*

When covering any trial, the most tempting mistake, especially after listening to a compellingly heartbreaking testimony for example would be to believe that the accused's culpability is established. First, this is far from certain as a trial involves many testimonies and elements. Second, and most importantly, the decision about the accused's criminal responsibility is not a journalist's to make. Only the judges are entitled to decide. Journalists are reporters whose insights and analysis should not cross this line. Try to tell stories people can relate to.

*Be careful of what lawyers say. Know their strategy.*

In most legal systems, contrary to prosecution attorneys, for defence lawyers, speaking to journalists is both part of a routine and a strategy. Considering that public sympathy is usually directed at victims, not at the accused, defence lawyers would try to portray their client in a more positive light. While journalists should be talking to these lawyers as part of their coverage they should be aware of the framing efforts taking place.

For example, at the UN ICTR, during interviews and informal chats with journalists, some lawyers would convincingly put a particular emphasis on crimes committed by one warring party in the 1994 conflict and point to the fact that no one from that side is on trial. Other lawyers would dispute that genocide actually did happen in Rwanda in 1994, suggesting instead that there was a burst of random killings no one could be accused of. While the former claim is serious and substantiated by different actors, defence lawyers usually used it as a diversion. The claim related to the reality of the genocide for its part is a continuation of a strategy developed before and even more so during the conflict. Reporters had to listen carefully.

*Remember that the conflict may be over but battle lines persist somehow*

While in transitional settings armed groups and actors might have laid down their guns (or would have embarked on a process aimed at doing so) people's minds must be disarmed too. Through framing strategy, the attempt to rewrite history, efforts are made on all sides to win the war of words that takes place without guns. These new developments are visible inside and outside courtrooms. Journalists should try to identify them as often as possible since these are the contentious issues around which battle lines continue to be drawn.

*Listen, observe and note accurately*

An important part of a journalist's work time covering justice is spent attending trial. The good news is that that is where much of the news is generated and unfolds in front of the reporter. "A good reporter, writes Maurice Possley, is part historian, part critic, part transcriber, part observer – and always a good listener, accurate note taker and critical thinker".

*Remember what transitional justice's objective is: judging people not writing history*

Having said before that these trials are of interest for the society as a whole, it may sound contradictory to stress that judging only the persons indicted and seated in the accused boxes is the reason why transitional justice mechanisms exist. In fact, in many ways despite a lofty proclamation according to which transitional justice should be a healing mechanism, it has to be said that ultimately, its purpose is much more a practical one, namely that of punishing criminals. The whole point of the justice system is to make things right when everything else has failed.

In fact, as a former UN tribunal's prosecutor and once UN High Commissioner for Human Rights, Louise Arbour put it when talking about her role as prosecutor: "we are criminal lawyers, not historians. Our job is to try criminals not write history". Similarly, justice processes are about establishing a limited truth (albeit an important one), through a procedure whose focus is determining culpability or innocence. While experts, including historians and political scientists, are sometimes asked to testify in order to bring light to the debates, they are merely witnesses of a different kind. Their views will be part of a final blend prepared by the judges. Ultimately, when analyzing trial outcomes, be careful not to imply that a trial judgment is an authoritative history book. It is not.

**Local vs. foreign journalists**

In theory, the former would face more challenges while covering transitional justice since they are, in one way or another, involved in the conflict, making it difficult for them to be objective. In reality being foreign does not necessarily mean that a person is not involved.

We are all, at least in most cases, inclined to favour the victims, especially when dealing with mass atrocities. Hence, for both local journalists and international correspondents, the challenge is the same in terms of keeping the balance between empathy and distance. To do that, one needs to know and understand his/her feelings and use those in reporting (while keeping the balance). It's important to report the facts on which the accused is being judged. In so doing, despite their incredibly barbarous character, one must not jump to conclusions about the accused's responsibilities'. He is an accused until proven guilty.

**Journalist roles' in reconciliation and in rebuilding trust following conflict**

Often, journalists will argue that we are not peacemakers, adding that we actually look for and report mostly on conflict situations. Presumably, that is what readers, listeners and viewers look for, what they want and ask for. So we feed them. Conflict is exciting, whereas peace is (or rather sounds) boring. Or so the wisdom goes. As journalists we feel uneasy when asked to be advocates for reconciliation or trust rebuilding. Surely we do not see ourselves as arsonists, but neither as fire-fighters. In a sense, we feel our independence is at stake when we are asked to help. Supporting reconciliation can therefore be seen as de-emphasizing conflict issues.

I would argue rather that supporting reconciliation is mostly putting the focus on tone of coverage and framing of issues. Covering conflicts and disagreements in the context of transitional justice does not mean avoiding disagreements but rather presenting them as hurdles that can and should be overcome. Thus, exposing judicial shortcomings, reporting on miscarriages of justice, denouncing negationists' narratives is certainly focusing on conflict filled issues. But it is for the good of the judicial process and of the society as a whole. Calling for reform in a transitional justice given mechanism or for a replacement by a better one might be warranted. Rejecting it all along is dangerous.

Furthermore, as much as there is corporate social responsibility, it is my view that there are and always have been something like journalists' social responsibilities. Somewhere along the way we became cynical. Journalism has certainly not always been about reporting on human distress. In any case, in

post conflict situations, what is needed the most is not distress. People have already had a lot of that.

### **Audiences and transitional justice reporting**

Working for an international radio with listeners around the world, although most of them in Africa, there was never any issue in my mind about who my audience was: first came Radio France International listeners from and/or in Rwanda, then those in other African countries, and lastly those interested for various reasons.

For obvious reasons, listeners in Rwanda have been at the receiving end of most of the reporting about the UNICTR. As the saying goes, for those victims of criminal acts, “justice should be done and should be seen to be done”. In other words, those affected most by the conflict should be the primary target of most reporting on the trials. The stakes are higher for them than for anyone else. Furthermore, if justice is to be helpful in reconciling, making its achievements visible to those in need of reconciliation is pivotal.

Unfortunately, while my reporting has been targeted at these audiences, not often did I have a chance to listen to their views. On a few occasions, I had a chance to interview some victims and other Rwandese, including young college students from Rwanda about UNICTR trials. But never on a regular basis was I able to provide access for them to voice their perspectives on the proceedings or on my reporting. Years after, I feel they would have been useful and informative insights to have.

That is precisely the reason why, a few months later, while I was a correspondent based in Uganda, most of my coverage of issues of transitional justice – mainly related to the International Criminal Court (ICC) indictment of five rebel leaders – focused on people’s views. In the context of an ongoing peace process between warring parties a heated debate was taking place opposing the need for peace to the calls for justice. Contributions from internally displaced people, primary victims of the war in Uganda, were rarely sought after until numerous media reports made it obvious that they had the single most comprehensive perspective on the issue.

### **Coverage and implications for reform of state’s security institutions**

In the two cases I am more familiar with, journalistic coverage was uneven in addressing implications for SSR.

In the case of *Rwanda*, around 2004 a heated debate started following the government request to the UN ICTR for the jurisdiction to transfer some of its accused in the country so that they could serve their sentence there. Addi-

tionally, the government of Rwanda wanted case files concerning those accused who were still at large to be sent to Kigali, making it possible for persons indicted by the UN tribunal to be judged by a particular country. Both requests generated two sets of reactions that were widely reported by journalists.

First were the accused's reactions, mostly on political grounds and presenting the transfers as a way of sending them to death since the regime in Rwanda since 1994 consists of their former enemies. Second were the reactions by different actors, including human rights groups, claiming that Rwanda's judicial system and records did not meet international agreed standards, hence calling for reforms if any transfer from a UN tribunal was to take place. Amid these critics, Rwanda considered repealing a provision related to the death penalty in its criminal code. Projects to upgrade old prisons and build new ones were launched as well as a comprehensive review of its judicial and correctional institutional infrastructure took place. Finally, the UN tribunal did not transfer any of its accused to Rwanda. Nonetheless, it is obvious journalistic coverage of the debate triggered by Rwanda's request to the UN tribunal was critical in shedding light on important SSR related issues.

In the case of *Uganda*, where the International Criminal Court (ICC) got involved by indicting five rebel leaders and later sparked a heated debate between those who defended and those who opposed the jurisdiction involvement, much of the conversation was about the ICC being an obstacle to the peace process between the rebels and the Government. Not much energy was spent in discussing how effective could the Ugandan justice system be in handling the rebel leaders' cases. Yet providing that it could convincingly do just that, ICC involvement with Ugandan would not even have been an issue. Unfortunately, that option was never seriously raised during the debate. Indeed the fact that it did not happen could be seen as a testimony of how little is the faith put in it by most people in the country. Still, it is unfortunate that an opportunity to address truth seeking exercises' implications for reform of the state's security institutions was lost.

### **One lesson I have learned**

Covering international/transitional justice mechanisms has been the most exciting moments of my over a decade long journalistic career. It has also been the most challenging. Caught between the unique character of this somewhat emerging issue and the lack of preparedness inside newsrooms, it was not easy to figure out what my particular position and contribution could be.

At the UN tribunal for Rwanda in Arusha, after months filing court-side reports, colour pieces and occasionally some features, I came to a point where I felt the need to say more. I wanted to share a more reflective perspective, to go beyond what was happening in the courtrooms, to assess what was being done.

I felt a need to do more than a factual coverage, to comment and analyze what was going on in Arusha in the broader context. On numerous occasions, my editor would have the same answer: “not sexy enough” or they would say: “there is no place for that”. As a result, I started a blog. But I did not write much. Probably because I came to believe what I was so often told, that no one would read.

As a matter of fact, although news media are pivotal to accountability and transparency of international justice, in recent years as international justice was becoming a feature of transitional context, media failed to capture their critical role in going further than reporting on trials and their outcomes. They are yet to acknowledge that effective reporting on these issues delves more deeply into the how and why questions. This is one of the most important lessons in my experience.

On a more personal note, the morning I was leaving Arusha, going through my notes, I realised it would be a waste not to do something more. Many stories, I thought, needed to be told. Ultimately, most of them ended up in my book, published in September 2006 by a French publishing house.

### **Useful links and websites**

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

Published by the Institute for Justice and Journalism of the University of Southern California this website contains a guide to journalist on covering basic issues in crime and justice, including chapters on court coverage.

[www.journalism.org/resources/j\\_tools](http://www.journalism.org/resources/j_tools)

These pages, from the Project for Excellence in Journalism, offer links to a tool box of ideas, strategies and techniques on journalism.

[www.iwpr.net](http://www.iwpr.net)

The Institute for War and Peace Reporting (IWPR) works in the area of peace-building by helping media improve their skills.

[www.iwpr.net/pdf/reporting\\_justice\\_en.pdf](http://www.iwpr.net/pdf/reporting_justice_en.pdf)

On these pages, you will find a Handbook on covering war crimes courts published by the Institute for War and Peace Reporting.

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

Website of the United Nations Criminal Tribunal for Rwanda (UNICTR)

[www.icc-cpi.int](http://www.icc-cpi.int)

Website of the International Criminal Court





# The Mexican Media and Security Issues

*Benjamin Fernández Bogado*

The state of the Mexican media also provides a clear description of the country: unequal and unfair in most cases, fair and good in some of them. People get their information more from radio and TV and both are controlled by two giant companies (Azteca and Televisa) with 80% of licenses in their hands. Their programs focus on entertainment with soap operas as the main product.

News programs focus on official news (the president or governor's activities) and talk shows where politicians argue with each other on issues, such as strategies to control power, which are far from public concerns. Some define the Mexican media as something whose main purpose is not serving people but speaking with political power. More than 70% of media revenues come from public money. And in the last national election (in 2006), 400 million dollars were spent only on television advertisements.

Print media is very diverse with many local and regional newspapers whose circulation is very low but many owners do not care too much about that because "its business came from its relationship with the political power rather than readers' loyalty" as a journalist has described this strange situation. For example, Mexico City with 25 million inhabitants and probably 8 million potential readers has newspapers such as *Reforma* and *El Universal* which together do not sell more than 100,000 copies daily. There are many publications but as an editor has said clearly: "Mexico is a country of books and newspaper but not of readers." An explanation could be found in the close relationship built during almost a century by the political power with the media. The change in control of federal power did not change the situation. PAN (the official party) continued running business as usual.

Although the media have more opportunities now to publish good stories, lack of training, low salaries for journalists and the permanent harassment by criminal cartels has made it very difficult to have good journalism in Mexico. Some critics complain that the media is the political mirror of this country, reflecting the fears and anxiety of the people. Universities and some centres devoted to studying the media often write extensive reports about this problem but the solution is not seen clearly ahead. Probably a solution will come as a combination of measures such as better curricula in universities, print media funded by the commercial sector rather than the government, control of public

advertisements and more investigative reporting which sometimes triggers action from the judicial branch. Impunity is the other side of the corruption coin, and some journalists are tired of publishing good stories without any consequences for the corrupt officials who are uncovered in their stories.

### **Too close relationship with power**

But perhaps the most important step that needs to be taken is putting a distance between the political power and the media in order for the latter to build a closer relationship with the society. If we analyze why Mexican people do not complain louder when a journalist is killed or a newspaper is harassed, it is because they do not see media as close to them, as a part of them that needs to be defended under any circumstance. It is thus necessary to build a social coalition between media, journalists and the society as a whole.

Regional media is even weaker because circulation is low and revenue comes largely from public money, creating a strong dependency. Developing good journalism under such circumstances remains a distant aim. In many workshops in which I took part, journalists complain about low salaries and lack of legal defence by the owners when they encounter legal problems. Many of them are also disenchanted that some of their colleagues do not find any ethical or legal problems in working as a journalist in the morning and serving as a consultant for a politician in the afternoon.

Nevertheless, it is possible to say that Mexican media is in a better position than before 2000 when receiving bribes from the government was usual and common. Some newspapers are also developing ethics codes that are observed by journalists and editors.

An important step towards a more professional and investigative journalist came with the “Transparency law” passed in 2003 that gave an opportunity to ask for public information regarding federal institutions. The law spurred the development of investigative units that started asking for information on different issues, including security. One case was about the so-called “Matanza de Tlatelolco” (1968), in which many student demonstrators were killed by police and military under the authority of the minister and president. An investigation made by the magazine *Proceso* reopened the case based on information received from public archives. This case is paradigmatic for Mexico because it happened under the PRI regime, defined by Mario Vargas Llosa, a Peruvian writer, as the “perfect dictatorship” because it gave the impression of democracy to overseas observers while maintaining tight control of its own people. Publications on the student killings demonstrated the responsibility of the former minister of security, Luis Echeverría Álvarez, who was subsequently called to testify. Echeverría later became President and one of the key political figures of the so-called non-aligned countries.

The new transparency law passed under Fox presidency (2000-2006) was a big step towards a more open society and professional media, forcing the state to organise its archives and to provide information to people in general and journalists in particular. This was an opportunity for newspapers such as *Reforma* and *El universal*, which started to publish more frequently articles based on information received under this federal law. The other 31 states were forced to pass their own transparency laws too, which gave to the regional media the possibility of scrutinizing state governments. But if it was possible to see how the big media and especially newspapers took advantage of this new political situation, the regional process was very slow due to the regional media's close commercial relationship with the government as a result of advertising revenues.

Security issues became one of the favourite topics at the beginning of this process, especially the state role in dealing with criminality. Mexican people believed that police forces, and to a lesser extent military forces, were closely related to criminal gangs. Some investigations showed effectively how close this relationship was. Again, it was easier to do that job in big cities such as Mexico City, Monterrey and Guadalajara, but it became very dangerous in other provincial cities, especially those close to the border with the United States. More and more cases were published showing corruption in the police forces and how close people were to drug gangs. This situation led President Felipe Calderon last year to say that "less than 50% of the police are trustworthy". A new security law was passed last year as a result of the so-called "war against drugs" which began a very difficult time for journalists. In the last 10 years more than 50 of them have been killed, making Mexico one of the most dangerous places in the world to be a journalist.

This situation affected news related to the narcotics issue and raised a dilemma in terms of legalizing drugs or going ahead with the "war" that made security a number one concern among Mexicans. Now much news relating to these issues are coming from official sources and criminals are also using the media as a channel to spread fear among the population. The media is a battleground for government and criminals and sometimes journalists have paid with their lives in these difficult circumstances.

Places such as Ciudad Juarez, Chihuahua or Tijuana on the Mexican-American borders are considered the worst and most dangerous places for covering news on security affairs. This situation provides an opportunity to see the problem from a broader perspective. Some media investigations have shown that the US is one of the most important sources of weapons for the Mexican gangs, which provides some indication of how difficult it will be to fight the "drug war" because of the nature and extent of involvement of the US – a country whose citizens are the biggest consumers and at the same time whose

businesses are making profits in different economic sectors such as banking, weapons, drug trafficking and other areas.

This so-called war against drugs gave journalist the opportunity to see the problem from a different perspective. At the beginning they simply referred to it as the American problem and assumed that Mexico did not have any role to play. But after realizing how infected Mexico's political, social and economic institutions were by this business, people now tend to see the situation from a different perspective. In this case, media played an important role because it situated the problem within a broader frame and forced people to see how politics and politicians were playing important roles in the drug business. Many people know that but never before had the media pointed out who was involved and how big their influence was on political decisions. Journalists did a very courageous job pointing out the extent to which political campaigns depend on money coming from drug cartels and how this situation has deeply affected internal security. As I mention above Mexicans tended to believe that the drug problem was basically a US consumer problem, but only now do they realise how strongly affected are their own democratic institutions and its decision-makers and stakeholders.

The police were the main target for investigative reports on security affairs. Journalist started showing different kinds of corruption and how some of them, who receive a low salary, live in conditions of luxury. They exposed their salaries and pictures were taken of houses and properties that strongly indicated police corruption.

The transparency law was a key factor behind investigative reporting. I would say that the law marked an important moment in Mexican democracy. It showed that citizens and journalists could demand information regarding public money and how the government is spending it. Also, it showed how widespread corruption was among public officials who for the first time gave information regarding their salaries. (These are among the highest in the world.) People tended to ask more and more and in spite of the slow spread of the Internet and the high level of illiteracy, people knew for the first time that they have a right to public information. Media was forced to abandon the comfortable situation of providing news based on official declarations without digging into the issues. Now journalists know this as a tool and people are expecting a more professional media too. So this law was a beneficial to the state, citizens and media in particular. It was an opportunity to do investigative journalism based on facts and data, not just on rumours, as was very common before the law. Certainly it is not enough to have a law; it is also necessary to change the culture of secrecy, which will take more time. But Mexico is on the right track in spite of the environment of fear and violence that it is suffering right now.

### **Access to public information an important legal tool**

Mexican journalists learned a lot in the last 7 years about how to produce serious investigative reporting. They took their time. Sometimes a good story takes three months to develop. Editors realised how important good investigative journalism is for both social prestige and for commercial revenues. Some civic organisations also supported this kind of work, giving awards to the best pieces. I consider this a key element in terms of promoting good journalism. An example of how Mexican perspectives have changed about the media and its relationship with political power is that it used to be common for Congress and other public institutions to give awards to the best journalists. Now the situation of the watchdogs being rewarded by those they presumably kept watch over is poorly viewed in Mexican society, and civic organisations are starting to organise the delivery of these awards.

A good story written in a magazine called *Transparencia y Corrupcion* in 2008 by Marco Lara on the salaries of judges sitting on the Federal Election Tribunal led to a public debate on the poor quality of justice people were receiving from highly paid members of the judiciary. That debate was so fruitful that it forced government to pass a law restricting salaries and ordering the Supreme Court and other affected public institutions to become organised in a more professional and rational way. This story was based on public information and won its author the National Award on investigative reporting in 2008. People discussed not just how much the public servants earn but more than anything else about the quality of justice people received. This is a good example how a professional investigative report on public sector salaries can empower people to ask for a better government, including salary levels appropriate to the economic conditions of the country. Besides all these opportunities that the transparency law offers to develop better journalism there are many steps that need to be taken in order to train journalists, especially those living in the provinces, on the law and how to use it in investigative journalism.

Some organisations are doing that job but it is necessary to work with both public and civic organisations in order to transform the law into a political tool that changes the way that people perceive state and media. The Internet also provided bloggers with the opportunity to publish stories that they cannot print via the traditional media. This sector is growing and shows how dynamic changes are happening in Mexican society. Also this situation is forcing traditional media to see new competitors in the intermediary news market, which is a good indication of how new technologies are changing the way people are seeing themselves and how they see the state and media in particular. Readers and viewers are demanding better media and if they do not get what they want they are able to develop their own through the Internet. It is possible to read many good stories on security affairs on the Internet right now which over-

come the limitations of fear that still feature in some media organisations. The impact of such stories is certainly limited but Internet coverage is growing and it could be an important change in the way that sensitive and difficult issues are covered.

The judicial system remains weak in Mexico but there are some positive signs. Two years ago, the Supreme Court rejected a law passed by the congress that gave too much power to Televisa and Azteca (the two biggest TV and radio station owners). The licensing process needs rethinking about terms such as democratisation, pluralism and monopoly. An important discussion in the media attracted the attention of people on communication and the way that the two big companies almost monopolise business. In the provinces it is typically very difficult to get stories on corruption published. A book called *La Sosa nostra* published in Pachuca on corruption involving the president of the largest public university led to lawsuits being launched against the author, the print company, the cover designer, the editorial company and so on. This case is still before the court and it is paradigmatic of how sensitive and difficult it is to publish stories on public figures in the countryside. Journalists often need to be advised by lawyers on how to deal with cases where they can be in danger. There are an increasing number of lawyers in the newsroom who give advice on legal matters in order to avoid judicial cases. The tendency to separate private life from public one is growing and some decisions showed that, when there is conflict between them, the public interest should prevail. This is an important point that journalists supported by professional organisations, universities and civic organisations are learning day by day.

As Knight International Journalist Fellow (2008-2009) in Mexico, I developed a website ([www.caiplex.org](http://www.caiplex.org)) where an expert Dra. Perla Gomez responds to legal questions from journalists. She is a very well known Mexican lawyer who used to defend journalists in court and gives advice on legal matters on the web. This website, supported by the Fundacion para la libertad de Expresion (Fundalex), the Knight International Journalism Fellowship and the International Centre for Journalism, is a valuable resource for media professionals and communication students. We receive more than 30 requests monthly and respond to each question based on Dra. Gomez's legal experience. This site is very useful for journalists and professional media organisations by advising them on how to deal with sensitive topics, including security issues. Questions on libel, privacy, security issues are common and it was interesting to realise how poorly educated many Mexican journalists are on legal issues. It could also be interesting to emphasise legal and ethics issues in order to avoid lawsuits against journalists and elevate journalism standards.

Caiplex (Clínica de Acceso a la información pública y libertad de expresión) demonstrated within three months of its founding in September 2009 the high level of curiosity of Mexican journalists regarding legal issues and how

much needed to be done in order to inform them on such issues. The website also provides information about the transparency law and informs journalists how to access public information. As I mention above, there are still problems with many media professionals who do not know how to use this legal instrument in order to write good stories on issues where public information is key.

### **Security number one concern**

Military deployments to combat drug trafficking are perhaps one of the most sensitive and difficult security issues for Mexican journalists. After several stories on related human rights violations were published, local and international organisations denounced (December 10, 2009) the way that the military has dealt with suspects and family members. Journalists focused on the military capacities to fight this “war” and the resulting public debate showed the need to reform state security organisations, which many people view as highly corrupt and inefficient. It is clear that the government believes that the war against criminality and especially drug trafficking can be won by the military, who were however trained for a different kind of war. From the government side came some complaints against journalists who exacerbate criminal messages by showing photos of assassinated people on the front page and on the TV news. This situation shows how necessary it is for journalists to examine the government’s security and crime policies.

Mexico is facing a very delicate moment in its democratic history. Some analysts fear the possibility that the military could take control of the state in an authoritarian way due to the current situation, which is considered illegal by some of them. But more than anything else some journalists do not see any possibility for the state to win this “war on drugs”. For many years under the prior regime, security issues were far away for people and journalists. The government consequently needs to explain the complexities of the drug problem and how this situation could jeopardise sovereignty in the long term.

Journalists need to be careful about legal attacks from some officials in government on the one side, and suffer harassment by criminals on the other. Certainly Mexico’s situation could not be defined as a normal one. Understanding the difficulties in the process of democratic transition especially on issues related to the state and its relationship with society and the media is one of the key factors to understanding Mexicans’ feelings of disillusionment about their country. According to a recent poll taken by a Chilean company called “*Latino-barometro*”, more than 50% of the population do not support this kind of democracy because government is not able to cope with insecurity and the poor economic conditions. The year 2009 was one the worst in the Mexican history in terms of economic and social conditions. The economy suffered the lowest figures due to the global financial crisis and especially the impact of the crisis

on the US, its main commercial partner and the country where more than 15 million Mexicans live. The money or remittances these individuals send to their relatives in Mexico is one of the most important sources of revenue after oil and tourism. This situation is reflected in the pessimistic outlooks on several issues and security is one among them. People do not see advances in the fight against the drug cartels, and in spite of government optimism, they do not believe that this war can be won in the short term.

From my experience I would say that the following are important for journalists:

- To learn more about legal issues in order to understand how far they can go in investigative reporting while avoiding legal traps. For this purpose it would be interesting to build an alliance with universities which include legal studies on their curricula. In spite of the growing importance of media and communication, it is still not common to find classes on public access to information or the penal sanctions for libel.
- To receive legal advice from lawyers. Probably in the city or country there are some bar associations which could be very useful for creating an alliance in order to defend journalists who are under threat by public figures or by covering sensitive issues. It is important for the public to be made aware, via the media, of what the state is doing on its behalf.
- To create a civic umbrella organisation where universities, NGOs and other civic organisations can support the media if they encounter problems and troubles. In my experience I found it very useful for journalists to discuss their role with other civic organisations and to be part of them. For instance, some people believe that freedom of expression is a journalist's right, when in fact that right belongs to the whole society. It is important to understand media's role in society and how its work helps to strengthen democracy.
- To develop a website where they can get information on legal issues led by an expert. Certainly many legal and security issues are unknown to journalists. New technology enables the creation of an online legal clinic capable of providing quick responses to questions on legal and ethical questions. It could also be very useful to work with a legal expert who can give answers and advice on some specific points related to security issues.
- To set professional and ethical standards. The best way for journalists to be protected by society is to promote awareness among journalists of the importance of the media as a public service and consequently the importance of professional and ethical standards. Ethics codes are a particularly useful tool for setting out to journalists clearly the importance of their role in society and democracy.



- To work on strengthening democratic institutions and avoiding pessimism that leads people to have nostalgia for the “old times” when they believe they were living in a more secure world. Sometimes without being completely conscious media and journalists in particular tend to be pessimistic about democracy’s ability to deal with so many complex issues. Without thinking about the consequences, journalists reproduce the idea that dictatorship was better on security than democracy. However all elements need to be put in context in order to avoid simplification and the encouraging of pessimism.
- To help journalists understand how they can avoid being manipulated by any side in a conflict. It is often said that “in war the first casualty is the truth”. It is important for journalists to maintain a distance among people in conflict and maintain a broader perspective in order to understand what is going on.
- To help journalists avoid the tendency of exacerbating public fear. Journalists need to be conscious that in security matters there is a clear tendency to use the media as a propaganda tool.
- To put security matters in context, i.e., their social, economic and political contexts.
- To get information from public archives if there is that legal possibility, and if not, to attempt to get a law passed in that direction. As Mexican experience has shown, this kind of legal framework has a positive impact on professional journalism and a better organised state. The access to information that this law enabled forced journalists to work harder in investigative reporting. Just by asking about salaries in the public sector they found that almost a million people were on the pay roll without actually working. Their reports enabled a clean up of the administration and better use of public funds.

In addition to the above, journalists will need other professional skills but it is critical that they remember that the public interest lies behind good stories. Democracy is a medium to give people a better quality of life and journalism plays an important role in building a sense of belonging to this political system. It is also a cultural challenge that needs to be learned daily. And people are always the most important element in good stories. How we approach issues define clearly in what kind of world we would like to live. In society that is emerging from a long period of dictatorship, careful attention to democratic values is important. Respect for human rights and the struggle for good stories are part of journalism’s daily challenges that need to be won with knowledge, compromise and responsibility.

They way that we cover stories also reveals our approach to democratic values. It is necessary to fight for more access to information but also it is im-

portant to understand how vital is communication in context in a world with such large amounts of specialised information available that often only a few have the time or expertise to understand.

In Mexico as in many Latin American countries security is the number one concern among people and many of them feel a kind of nostalgia for the autocratic regime because they feel democracy is not doing enough to combat crime and insecurity. They complain about media coverage and some people have decided not to buy newspapers or watch TV because the amount of crime featured in its pages and on news program is so overwhelming. That demonstrates the importance of how we portray a problem, how professionally we approach it, and how sensitive we are about the social effects of our coverage.

The most important Mexican writer, the Nobel laureate Octavio Paz, wrote a book called *The Labyrinth of Solitude* in which he gives some clues about culture and how myths, fears, lies play an important role in shaping Mexico's way of life. Probably this country is still making its way through the labyrinth but certainly there have been many areas of progress in the effort to build a more stable democracy. There is long way to go on this road towards democracy but certainly security is one of the most important issues that needs to be dealt with in a professional way if we want to avoid experiencing setbacks and a return to the dictatorial times.

## About the Authors

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Having previously served as the Reuters and Economist Intelligence Unit correspondent in Port-au-Prince, Haiti, he has been a featured commentator on international affairs on the BBC, Al Jazeera, Channel 4, National Public Radio and WNYC New York Public Radio. In 2008, he was selected as a finalist for the Kurt Schork Award in International Journalism, sponsored by the Institute

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Mr. Deibert's first book, *Notes from the Last Testament: The Struggle for Haiti* (Seven Stories Press, 2005), was praised by the Miami Herald as 'a powerfully documented exposé' and by the San Antonio Express-News as 'a compelling mix of reportage, memoir and social criticism' and has become required reading for diplomats seeking to understand that country's complex 1994-2004 era.

**André-Michel Essoungou** has been a journalist for almost 13 years, working for various national and international media.

His career started in 1997 in his native country of Cameroon where he was a political reporter for a weekly named *Generation*. In 1999 he moved to Montreal, Canada, and became a correspondent for various outlets, including Radio France Internationale (RFI).

In 2002, a year after the terrorists' attacks of September 11, 2001 in New York, he became a correspondent for the BBC radio in French in the city, based at the United Nations. A year later he was back at RFI, first as a reporter in Paris, and shortly after as a correspondent in Arusha, Tanzania. For two years, he would be the only foreign correspondent covering the UN war crimes tribunal for Rwanda. From 2005 to 2007, he was based in Uganda for the BBC radio, covering the long-running conflict in its northern region and in neighbouring countries (Sudan, DR Congo). From 2007 to 2009, he moved to Geneva, Switzerland, for one last assignment as a correspondent for RFI.

His work has been published in The New York Times, the International Herald Tribune and Le Monde Diplomatique. He is the author of a book (in French) on the UN war crimes tribunal on Rwanda published in 2006 at l'Harmattan in Paris and titled: *Justice à Arusha*.

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**Chris Ryder** is an author, journalist and broadcaster who has worked for British national newspapers, published several books and been involved in the production of a number of television documentaries. From 1972 until 1988 he was

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**Lale Sariibrahimoglu** (Pen name Lale Kemal) is Ankara Representative of *Taraf* daily. In addition, she has been writing weekly columns for *Today's Zaman*, an English daily published in Turkey. She has also been Turkey Correspondent for the U.K.-based *Jane's Defence Weekly* (JDW) since 1991. Starting her journalistic career in 1979, she has been covering wide range of issues while her expertise has focused on military as well as foreign policy issues. Her yearly surveys on the Turkish military and Turkish defence industry have been published in JDW. She is a fellow of the UK-based 21st Century Trust, a think tank. She earned Diploma in World Politics in 1991 from the U.K. based London School of Economics and Political Science. She has two books published. She received a national journalism award for her book on Baku-Tbilisi-Ceyhan oil pipeline, published in 1997. *Turkish Defence Procurement, Joint Ventures and Offset Agreements...The International Guide to the Turkish Defence Industry*, was published in 1999 by the UK based SMI. She also contributed with three topics --Turkish Armed Forces, Turkish Gendarmerie General Command, and Coast Guard Command -- to *ALMANAC TURKEY 2005, Security Sector and Democratic Oversight*, published by the Turkish Economic and Social Studies Foundation (TESEV) and Geneva Centre for the Democratic Control of Armed Forces (DCAF).