

## Chapter 12

# Human Rights and Journalism

MEDIA IS AN ESSENTIAL CHECK on power, and as such it is an essential pillar of human rights protection. Yet the media also depend on human rights in order to operate effectively.

By virtue of their profession, journalists are often witnesses to human rights abuses. They have an ethical obligation to report on such abuses, whether it is the unlawful detention or mistreatment of prisoners, deportations, illegal executions or massacres. The spotlight of the media is a primary mechanism for mobilising the political will to obtain redress.

Because they are often the first to bear witness to and report serious human rights abuses, it is frequently their work that provokes legal authorities to investigate. In recent years, prosecutors have cited press reports as evidence in their efforts to try war crimes suspects from Rwanda and the former Yugoslavia. With the establishment of the International Criminal Court in The Hague, the importance of human rights reporting will continue to grow.

At the same time, journalists, especially those reporting in conflict areas, depend themselves on human rights protection. Journalists are not singled out for special treatment under



*The spotlight of the media is a primary mechanism for mobilising the political will to obtain redress*

*Journalists are often imprisoned or harassed by parties to a conflict*

humanitarian law. However, human rights conventions accord all civilians certain protections. In theory, parties to a conflict should allow journalists to work freely in conflict zones and refrain from harassing or detaining them.

In reality, however, this is often not the case. Journalists are often imprisoned or harassed by parties to a conflict. But when this occurs, news organisations, governments and human rights organisations can apply pressure under these rights to seek a journalist's release or protection.

### Human Rights Agreements

Human rights have evolved as a concept over many years in many cultures. In the sixth century BC, the Chinese warrior Sun Tzu suggested putting limits on the way that wars were conducted. In 1215, King John of England was forced to sign the Magna Carta granting his subjects the right to own and inherit property and established principles of due process and equality before the law.

In the eighteenth and nineteenth centuries, several European philosophers proposed the concept of "natural rights", rights

belonging to a person by nature and because he was a human being, not by virtue of his citizenship in a particular country or membership in a particular religious or ethnic group.

At the same time, the founder of the Red Cross, Henri Dunant, began expressing concern for the plight of the sick and wounded in war time and worked to establish the first Geneva Convention, which was signed in 1864. In the late nineteenth century and into the twentieth, these rights progressed further as political and religious groups worked to end slavery, serfdom, and exploitative labour practices.

These values - what we now call human rights - were enshrined in the Charter of the United Nations, just after the Second World War. In its preamble, the charter stated that the UN aimed to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” It entered into force in October 1945.

The international human rights movement grew quickly in the second half of the 20th century. In 1946, the Nazi military and political leadership were put on trial in Nuremberg for the

crimes they committed against civilians and a new legal concept was born: crimes against humanity. These proceedings would lead to the expansion of the Geneva Conventions in 1949 to protect civilians during wartime, specifically outlawing attacks on civilians and civilian property.

In 1948, the United Nations established the Universal Declaration of Human Rights, enshrining respect for basic human rights as a necessary condition of any country seeking to be part of a modern international community. Article 19 of the declaration specifically addresses press freedom by guaranteeing the freedom of opinion and expression, including the right to “seek, receive and impart information and ideas through any media and regardless of frontiers”.

The Cold War slowed down the development of international human rights institutions, although it was human rights conventions that helped open up the Soviet Union. Out of this effort, leading independent international organisations committed to human rights were established.

Following the UN’s lead, other organisations established their own human rights agreements. For example, in 1990, the Islamic

Conference Organisation declared, “Human beings are born free and no-one has a right to enslave, humiliate, oppress or exploit them and there can be no subjugation but to Allah the Almighty.”

In 1993, the United Nations created the office of the High Commissioner for Human Rights to monitor and enforce human rights worldwide. It also established war crimes tribunals to prosecute crimes against humanity, war crimes and genocide in the former Yugoslavia and Rwanda. Subsequently, the UN has aided Cambodia, East Timor and Sierra Leone in their efforts to establish tribunals to try war crimes suspects.

In July 2002, the Rome Statute of the International Criminal Court entered into force, establishing a permanent court to try those accused of serious crimes such as crimes against humanity and genocide.

### Reporting on Human Rights

Reporting on human rights requires the same adherence to high standards as reporting on any other subject. But because of the great sensitivity, journalists need to be especially careful and sensitive to the possible dangers and pitfalls.

*Journalists must be ready to report any human rights violations by any group*

In most conflicts, any side may commit violations and journalists may simply only have access to a violation against one group. Although journalists must take care to distinguish between a policy of human rights violations with and an isolated act, journalists must be ready to report any human rights violations by any group.

The underlying principle of human rights is universality: everyone is entitled to protection of life and freedom from abuse, regardless of ethnic origin, religion or gender.

Those who have sought to challenge the legitimacy of international courts, such as the UN tribunal for the former Yugoslavia, have questioned its “balance”, although the court has prosecuted individuals from all parties to the conflict

Reporting violations means getting the maximum amount of evidence possible without disturbing any evidence at the scene. Ask everything several times and check all the answers. Take video or sound recordings, if possible, but do not remove anything such as identity papers, photographs, or other material from the scene. Verify facts as much as possible through the use of multiple sources - human rights groups will often interview

dozens and dozens of people before releasing an in-depth report.

Often, human rights abuses become a banner that one party will raise against opponents, government or any other dominant power in a region. As such, journalists must avoid being identified with any particular group involved. Take precautions not to be used by one party or another and make sure that your reports are based on sound evidence.

Journalists must be cautious in blindly accepting allegations about human rights abuses because they are often part of the propaganda battle. During the Kosovo war, several seasoned journalists from prominent news organisations erroneously reported massacres that did not happen because they were misled by their sources. When the fighting ended, they discovered that several of the people they reported killed were still alive.

On the other hand, journalists must not be too quick to dismiss allegations of atrocities. In the late 1970s, when Cambodians began fleeing across the border into Thailand with stories about the Khmer Rouge's atrocities, journalists were reluctant to take their accounts at face value because they were so horrific. It

*Allegations about human rights abuses are often part of the propaganda battle*

took several years to verify that such reports were true.

Journalists need to be aware of the sensitivities in seeking information in such a charged atmosphere. Both outsiders who are unfamiliar with the history and politics of different ethnic and national groups, as well as reporters who are members of one of the groups, may be deliberately used to spread false information.

Also, always remember that while the reporter might be able to leave a region (and fly back to a base in another country), many of the people interviewed cannot and this has an impact on how willing they are to talk or to what extra danger they may be exposed. Journalists must take all possible precautions not to jeopardize the safety of their sources, translators, drivers and fixers.



## Interviewing Victims and Witnesses

*Try to interview people separately.* Group pressure can easily influence and exaggerate a story.

*Clearly identify yourself as a journalist.* Say exactly who you are working for and why. Do not raise unrealistic expectations with those interviewed. Does the person think you can help them in a practical way? Make sure the interviewee understands you are not with a human rights organisation.

*Explain why it is important to report incidents.* The goal is to expose abuse to the world but the victims may be afraid of this. You should respect their wishes and look for alternatives. Agree at the outset with anyone interviewed whether you can use their name, or if they need to be anonymous for their own safety.

*Confirm basic details.* Get the full name, occupation and age of the person being interviewed, even if they are not to be used in the story, as a means of establishing credibility. Where can they be contacted later if necessary? Assume this may be the only chance you have to meet this person, and the only opportunity to get his or her personal details.

*Confirm supporting details.* Get clear descriptions of places, names of those present, their positions, ranks if appropriate, as well as any recognisable uniforms or insignia of alleged perpetrators. What weapons were seen or used?

*Ask repeatedly about timing and the sequence of events.* Most human rights violations take place in chaotic conditions. Remember victims and many others involved may become very confused about the order of events. Those interviewed should be asked sensitively to repeat their story to expose inconsistencies. Do not be afraid to say: “I know this is difficult for you, but could you describe the whole incident again?”

*Compare the stories of different witnesses.* While looking for inconsistencies, also be aware that if everyone is telling exactly the same story, it may indicate that it has been concocted for the media. You can avoid falling for this by gleaning as much detail as possible and looking for holes witnesses’ stories.

*Appreciate the degree of stress for victims.* Take breaks if possible, and don’t be afraid to be human. Offer your interviewee a tissue or something to drink (or smoke). Remember such interviews can be very traumatic.

### Interviewing the Accused

Where possible, seek to interview the people accused of human rights violations. This depends on the risk. But the story will be stronger with comment from all involved.

Be open and honest with those accused. Never pretend you are asking about something else – this is unethical and dangerous if found out. Explain that it is an attempt to establish the truth.

Make sure that you have researched the situation in great detail, and build up your questions carefully. Wild or unsupported accusations will result in a shouting match (or get you in serious trouble) but will not advance your search for information.

The underlying basis of the criminal justice system is innocent until proven guilty. Remember to undertake your journalism with a cautious and precise mind, sceptical both of the justifications of the accused and of the claims of the accusers.

*Remember the foundation  
of the criminal justice  
system: innocent until  
proven guilty*

### EXERCISES

Being a good journalist means being aware of what is going on in your own country and on the international stage.

Discuss with your colleagues the two following questions:

1. What human rights trials are going on internationally at present?
2. Are there human rights issues in your own society that should be reported?

Try to write the outline for an article on each, taking account of various viewpoints. For question two, whom would you like to interview and how you would prepare for these interviews?

### ADDITIONAL READING & REFERENCES

This chapter provides an overview of a topic of critical importance, and further reading is highly recommended.

*A Problem from Hell: America and the Age of Genocide*, Samantha Power (HarperCollins).

*Crimes of War - What the Public Should Know*, by Roy Gutman and

David Rieff (W.W. Norton). The book spawned an organisation with further resources: [www.crimesofwar.org](http://www.crimesofwar.org)

The International Committee of the Red Cross includes the text of major treaties on its website: [www.icrc.org](http://www.icrc.org)

The United Nations also has details of major treaties, courts and tribunals on its site: [www.un.org/law](http://www.un.org/law). See also the UN High Commissioner for Human Rights: [www.ohchr.org/english](http://www.ohchr.org/english)

Human Rights Watch ([www.hrw.org](http://www.hrw.org)) and Amnesty International ([www.amnesty.org](http://www.amnesty.org)) are the leading international human rights groups, providing a wealth of reports and alerts.

The International Criminal Court is a new multilateral institution set up to prosecute war crimes internationally. [www.icc-cpi.int](http://www.icc-cpi.int).

Columbia University School of Journalism has a human rights reporting course with the curriculum and a useful bibliography available online. [www.humanrightsreporting.com](http://www.humanrightsreporting.com)

The Dart Center for Journalism and Trauma offers ideas and resources for sensitive reporting on victims of trauma and crimes. See [www.dartcenter.org](http://www.dartcenter.org)