

Remarks of Ms. Amal Clooney
Launch of the High Level Panel of Legal Experts on Media Freedom Report on Providing
Safe Refuge to Journalists at Risk
23 November 2020

I'd like, firstly, to thank my colleague Can Yeginsu for a brilliant report. I re-read it last night and although at 95 pages it is not necessarily concise that is because it is packed with detailed information not only about all that is going wrong for journalists, but how to set it right. As the report makes clear, journalists are facing unprecedented threats to their life, liberty and ability to work. I often think, when dealing with clients, that we are asking too much of journalists who must deal with online attacks, surveillance, travel bans, malicious prosecutions, or even violent attacks, just to do their work. Especially as such measures are increasingly – as the report points out – targeted at their family members as well.

I'll never forget one of my clients in Azerbaijan, a female journalist, Khadija Ismayilova – mentioned in the report - who was prosecuted after she uncovered corruption by the President. When I took on her case we were both in our late 30s and she told me she would never have a family because this would give the authorities too much power over her. Then, a malicious travel ban imposed on her prevented her from being with her closest family member, her mother, when she died.

The report also cites the example of a Pakistani journalist who had to flee his country after an assassination attempt and was warned by US intelligence officials that after Jamal Khashoggi's killing, repressive regimes were feeling emboldened about silencing critics through violent means. And as the report also shows, journalists are being unfairly prosecuted, or simply left to languish in pretrial detention, at an alarming rate. It is clear that many states today conclude that they can easily silence a journalist by accusing them of being a terrorist, or spy, or spreader of fake news, and make the trial process so drawn out and complicated that most people will lose interest. And in most cases they are right. They get away with it. The journalist's life is ruined. And the press is silenced. So, as Can's report says, sometimes obtaining a visa to go abroad is the *only* way to keep a journalist safe or keep them alive. And this is why the Panel chose to focus on this issue.

I'd like to use the remaining minutes I have on the Panel to highlight a few points that I found particularly striking in the report and then ask Can some questions that emerge from his analysis.

My first observation is that the fact that this topic required many months of research and that the report runs to almost 100 pages shows that it is very complicated for a journalist (who doesn't usually have an international lawyer) to even know what their options are. And once you have the full picture you realise there are very few possibilities that are realistic. The report clearly explains how the current options for safe refuge abroad are almost without exception too lengthy to provide real protection. It also demonstrates how many of the options that currently exist – from 'regular' work or student visas, to asylum or refugee applications– are also expensive, set a bar that is too high or are simply unavailable to journalists in distress. I would describe the bottom line as: too few countries offer 'humanitarian' visas that could apply to journalists in danger as a result of their work, and even those countries that do offer them do so too rarely or

on terms that limit their protective nature, for instance by requiring a journalist to be outside their home country when they apply.

With that in mind, I'd like to ask Can:

1. What do you see as the main obstacle to states offering a certain number of emergency visas for journalists that they will allocate every year. For instance, if 10 states had offered just 50 visas this year that would cover more than the number of journalists currently believed to be detained *for their work*, as a result of political persecution. Your report also documents chilling cases of journalists who received death threats, but were denied visas, and went on to be killed. ***Why is it so difficult for a leading democracy to offer, say, 50 visas per year to journalists in imminent danger¹***
2. Coming onto one of the challenges identified in the report that I thought was really interesting. You say that one of the reasons visas are denied because the rules make them ineligible for a visa if they have been arrested or indicted in their home country. Of course journalists seeking refuge abroad are often forced to do so because of bogus charges by autocratic states. I remember the case of the Syrian journalist Zaina Erhaim who was denied entry at Heathrow because of a report by Syrian authorities that her passport was invalid; yet she was of course forced to *flee Syria* because government forces were attacking journalists every day. *I know in some cases I have worked on the relevant government has not just taken the fact of charges to be conclusive – where there was a credible basis to doubt the charges they solicited independent legal advice. Can you explain some of your findings and recommendations on this point?*
3. Finally, you mention the possibility of private sponsorship for visas, and cite Canada's system which has allowed over 300k refugees² to settle on this basis over and above the quota granted by the government, without relaxing security requirements and vetting. I've always thought this system made sense because it allows ordinary citizens to help, without adding a burden to the public purse. ***Do you see this as a promising avenue for journalists to be able to resettle abroad, or are the timeframes involved necessarily too lengthy?³***

Thank you so much Can, for explaining some of the recommendations in more detail. I must say I am not aware of any other legal study that goes into this detail or offers such practical advice. And it has been endorsed by the UN, the Inter-American Commission and leading NGOs in the field. So I do hope states will make use of this tremendous resource and I know that we both look forward to hearing their detailed response to each of the recommendations.

¹ CANADA: "Canada is now the number one resettlement country in the world"... "We will introduce a dedicated refugee stream to provide safe haven for human rights advocates, journalists and humanitarian workers at risk, with a target of helping resettle as many as 250 people a year." <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/committees/march-12-2020/immigration-levels-plan.html>

² Over the last 40-ish years

³ See High Level Panel of Legal Experts Report on Providing Safe Refuge to Journalists at Risk, authored by Professor Can Yeginsu, para 144 that minimum time under Canadian regime is 14 months.