

## Remarks of Ms. Amal Clooney

### Launch of the High Level Panel of Legal Experts on Media Freedom Report ‘Advice on Promoting More Effective Investigations into Abuses Against Journalists’

25 November 2020

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Good evening. It is a pleasure to re-join this IBA conference and to launch the fourth report of the High Level Panel of Legal Experts on Media Freedom here today. I spoke earlier in the week about the work of the Panel, which is chaired by former UK Supreme Court President Lord Neuberger. I explained that our focus is on one key issue: the *enforcement* of international human rights law. Meaning that we are not trying to *change* the rules, but to attach *real-world consequences* to breaking them. So that the guarantee of press freedom in international treaties actually means something to a journalist at risk. And so that we move from statements to practical solutions.

As many of you know, freedom of the press is in crisis around the world. To cite just a few indicators: more journalists today are killed *outside* war zones than inside them: not hit by crossfire but targeted for what they write. Only 1 in 10 of these murders results in a successful prosecution. And across the world, we are seeing a backsliding of democratic values and record numbers of journalists imprisoned simply for telling the truth.

The Panel has already recommended a number of actions that states can take to improve the **protection** they provide to the press. We recommend a system of emergency visas for journalists at risk of arbitrary arrest or violence who need to seek refuge abroad. And we’ve argued for a robust system of consular support for journalists, overseen by a new International Commissioner. Other advice has focused on **punishing the perpetrators**. A report that I drafted earlier this year proposes a system of financial sanctions against individuals who are responsible for abuses of the press and today’s report is geared towards developing another potential punishment: building a capacity to properly investigate abuses so that perpetrators can be prosecuted in criminal trials.

I’ll be honest: our report today is a frustrating read. We document all the instruments that make clear that states have a legal *obligation* to investigate crimes against journalists. We cite the many declarations, resolutions, task forces, plans, platforms, remembrance days and workshops that conclude, over and over again, year after year, that states must ‘end impunity’; states must ‘tackle violent attacks’ and states must ‘implement the international legal framework to investigate and prosecute crimes’. Yet the conclusion is presented in direct terms at paragraph 22 and it is stark: “there is little or no political cost to governments and officials that attack journalists or purposely block or undermine investigations into such attacks”. You may well have reached this conclusion yourselves when the daytime murder and dismemberment of a Washington Post columnist on foreign soil triggered few meaningful penalties for those involved.

Our report today proposes something new: an International Task Force created by the 40+ states that have formed the Media Freedom Coalition as well as other leading democracies that purport to defend freedom of the press. We argue that these states should put their money where their mouth is by creating a team that can investigate violence against journalists. States that are not able to contribute funds can instead offer personnel who could be seconded to the Task Force when needed. So that when authorities on the ground are too slow, ill-

equipped or politicised to investigate, a roster of pre-vetted, pre-trained experts can be called in instead.

Our proposed task force could assist a state, like Mexico, in which journalists are being targeted by criminal gangs but the state lacks the resources to fully investigate them.

The task force could support UN Rapporteurs who try to investigate journalists' attacks but are seriously hampered by a lack of resources. The UN investigation into the killing of Khashoggi is a case in point given that, as a member of the team that conducted the investigation put it at paragraph 20 of the report, the team was "wholly under-resourced" to investigate such a serious crime and cover-up. And the Task Force could be used to mobilise political pressure on a state like The Philippines -- in which journalists are killed with impunity -- to allow an investigation on its territory.

The report also calls for publication of a list revealing the states with the worst records. This would not only name and supposedly shame but impose specific consequences (such as sanctions) that should attach to inclusion on the list. And specific steps -- including credible investigations and prosecutions -- would be required to come off it.

My fellow panelist Nadim Houry -- a brilliant lawyer who for many years led human rights investigations for Human Rights Watch in the Middle East -- is the principal drafter of the report and he will explain these recommendations in more detail.

Let me conclude by saying that it is clear that *if we do nothing* the international response to attacks on press freedom will remain the same: uneven and rarely effective. And impunity will continue to be the norm. Our recommendations are not the best case scenario or the gold standard: they are realistic, achievable proposals that will help to move things forward, *if* the governments that say they support media freedom actually mean it. The system we describe is not the ideal world. But it would be a very clear improvement on what we have in place today. And states' responses to our recommendations will reveal whether they are interested in *making statements* or *in actually finding solutions* to one of the most urgent threats to democracy we are facing today. Thank you for listening and I look forward to our discussion.