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Council of Europe's Partner Organisations on Media Freedom Raise Alarm after Grim Record in 2017 and Urge Close International Scrutiny over the investigation into Daphne Caruana Galizia's Murder

The undersigned organisations, partners of the Council of Europe Platform for the Promotion of Journalism and the Protection of Journalists, are deeply concerned over the lack of progress in the investigation into the murder of Maltese journalist **Daphne Caruana Galizia**. The authorities have announced the arrests of three suspects in connection with her murder, but there remains a widespread belief that those who ordered this crime have not yet been identified.

Daphne Caruana Galizia was murdered in a car bomb explosion on October 16, a few meters away from her home. Her death raised concerns not only about protection of critical journalists but also about the rule of law and corruption in Malta.

More than three months after the journalist's brutal murder there are no public indications to suggest that the authorities have identified the people who commissioned, planned or orchestrated the murder.

We remind the government of Malta and all concerned that Guidelines related to judicial follow-ups to the killing of journalists approved by the Committee of Ministers of the Council of Europe in April 2016 state that *"investigations must be effective to maintain public confidence in the authorities' maintenance of the rule of law and to prevent any appearance of collusion in or tolerance of unlawful acts."* The Guidelines also recommend that *"investigations should be subject to public oversight, and that the victim's next of kin must be involved in the procedure to the extent necessary to safeguard their legitimate interests."*¹

We believe that, given the profile of the crime and the issues of corruption Daphne Caruana Galizia had worked to uncover, the investigation into her assassination demands the continued scrutiny of the international community. We join Daphne Caruana Galizia's family in calling on the Parliamentary Assembly of the Council of Europe to appoint a special rapporteur to monitor the ongoing murder investigation and make an assessment of the contextual circumstances that led to her murder.

¹ Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors. Adopted by the Committee of Ministers on 13 April 2016.



The killing of Daphne Caruana Galizia demonstrated the dangers which journalists around Europe faced last year. The co-signatories of this call to action also express concern regarding several worsening press freedom trends. These conclusions are based on a compilation of cases of serious threats to media freedom and journalists' safety reported on the Council of Europe Platform for the Promotion of Journalism and the Protection of Journalists.

In 2017, we submitted 130 alerts concerning 29 countries, confirming last years' trends of the wide geographic spread of threats to media freedom. In 79 alerts (60%) in 2017, the State was the source of the threat. Fewer than 30 percent of the alerts passed on to Member States in 2017 received a State reply. All Platform alerts have been verified by Council of Europe Partner organisations and they all deserve a reply and, we believe, appropriate follow-up action as well.

The alerts consist mainly of attacks on physical safety and integrity of journalists (23%), harassment and intimidation (23%), and detention and imprisonment (21%).

Impunity remains one of the single biggest challenges to the protection of journalists. It includes 15 cases of murders of journalists and numerous cases of threats and other types of intimidation and harassment which were not investigated by State authorities. We call on Member States to adhere to the Council of Europe's Guidelines on effective investigations to bring perpetrators of such crimes to justice, and wider measures needed to end impunity. We also ask them to continue to support the work of the Platform, in partnership with international press freedom organisations.

Article 19 (A19)
Association of European Journalists (AEJ)
Committee to Protect Journalists (CPJ)
European Federation of Journalists (EFJ)
Index On Censorship
International Federation of Journalists (IFJ)
International News Safety Institute (INSI)
International Press Institute (IPI)
PEN International
Reporters Sans Frontières (RSF)



ANNEX - Main trends for 2017 – CoE Platform

More details online: <https://www.coe.int/en/web/media-freedom>

Safety of journalists. The number of alerts referring to journalists being physically attacked, beaten or killed is alarmingly high. Out of the 26 alerts² that concern physical attacks on journalists submitted to the Platform in 2017, 18 of them are of level 1. In two cases, the attacks pushed the journalists to leave the country, fearing for their life.

Five journalists were killed in 2017: Nikolay Andruschenko, the founder and investigative correspondent for the Russian weekly newspaper Novyi Petersburg, who died in April as a result of two brutal assaults; Saeed Karimian, the founder and chairman of the Persian-language GEM TV company, who was shot dead along with his business partner in Istanbul in April; Dmitri Popkov, the editor-in-chief and founder of Russian local newspaper Ton-M, also shot dead in May; Kim Wall, a Danish journalist killed on a civilian submarine while carrying out an interview with its inventor in August; and lastly, Daphne Caruana Galizia, renowned Maltese investigative journalist, killed by a car bomb in October.

Detention of journalists on terror or trump-up charges. As of 31 December 2017, the Platform reports 126 journalists as under detention in the CoE member states. 108 of these journalists are jailed in Turkey, 9 in Azerbaijan, 6 in the Russian Federation and three in Ukraine (one in the Donbass region). An alarming number of submissions point out to journalists being detained on charges related to terrorism. A significant number of journalists was found guilty, in 2017, of spreading propaganda, aiding and abetting a terrorist organisation or being member of one on the basis of opinions and articles they wrote and published in mainstream media, or on the basis of their social media posts. Several alerts referred to journalists known for their reporting on corruption and human rights violations being arrested and subsequently charged with offences against ordinary criminal law (drug possession, disobeying police orders, tax evasion, extortion and abuse of a position of influence, bribery, etc.), allegedly on the basis of planted evidence. One alert raises the particularly serious issue of journalists being abducted in one member state to be surrendered to the domestic authorities of another in order to be detained on criminal charges. Some alerts highlight serious forms of judicial harassment such as, for instance, journalists' repeated arrests and releases on charges related to the same facts.

Journalists' deportation to another country. In context of the "information wars" and the "fight against fake news", the platform partners increasingly report alerts on journalists being deported or risking of being deported from one of the Council of Europe member states to another state because of their journalistic activities. Often the official reasons for deportation are not directly linked to their professional activities, and other grounds are put forward, for instance non-compliance with the

² In 2017, 30 alerts were submitted by the Partner organisations under the category "attacks on physical integrity and safety of journalists". Four of these alerts concern death threats rather than actual physical assaults. Only the alerts concerning actual physical assault are counted and discussed in this short section; those concerning death threats are analysed in more detail in the subsection dedicated to the harassment of journalists.



domestic regulation on immigration. The most serious cases refer to journalists risking of being politically persecuted, ill-treated or even tortured if deported to a country where such practices are well spread and documented, in particular countries outside the Council of Europe.

A growing number of alerts also pointed out the issue of alleged **abuse of the Interpol ‘Red notice’** mechanism system by some member states with a view to pursue and persecute journalists trying to escape domestic repression. Several journalists who moved abroad to avoid political persecution found themselves arrested, notably at the crossing of borders, on the basis of international warrants issued by Interpol following a request made by another state for alleged non-compliance with its ordinary criminal law.

Harassment and death threats. Since the launch of the Platform in 2015, the number of alerts concerning the harassment of journalists has sharply increased, almost doubling each year. In 2017, several submissions highlight the use of **social media** as a platform for spreading of death threats and hate speech against media workers. Journalists are harassed through social networks like Facebook and Twitter. Sometimes the threats are sent via private message to the journalist’s profile, other times they are typed directly as comments to the journalist’s report, fuelling a circle of public slander. In many of the harassment cases reported, the threats were issued by **government representatives**. Several alerts point to politicians and government spokespersons verbally attacking journalists, often in public settings such as TV interviews or press conferences.

The rise of the **far right** on the global scene is also reflected in the 2017 alerts concerning harassment and intimidation of journalists, with submissions reporting instances of far-right groups threatening journalists covering their rallies.

Denial of accreditation and access to information. Eight alerts in 2017 refer to journalists being denied the possibility of accessing information. Marking an increase from previous years, they point to reporters having their accreditations turned down at public events, party rallies and high level conferences they were trying to cover. Others were denied entry to a member state or placed under year-long country bans on the grounds of endangering national security.

Impunity. The six alerts submitted in 2017 shed light on the alleged failure of authorities to discharge their positive obligations to protect journalists’ life and carry out effective investigations into attacks perpetrated against journalists. Five alerts in 2017 refer to cases of impunity for murder. Crucial evidence not being taken into account, criminal proceedings deprived of concrete result, masterminds remaining unidentified and circumstances of their death remaining unclear – these are the main concerns regarding the alleged ineffectiveness of the investigations conducted by the authorities. None of the impunity cases previously posted on the Platform has been declared resolved and no significant progress has been registered in 2017 regarding any of them. Several alerts, previously categorised as “Physical attacks” (category A) could now move to “Impunity” (category D), given the time elapsed since the attacks and the absence of concrete results in the investigation.

Alleged abusive, inappropriate or disproportionate use of defamation laws. Six alerts covering several CoE member states point out the inappropriate use of defamation laws to silence journalists or bloggers who have brought to light issues of public concern. As reflected in the 2017 alerts, the



libel suits might have severe consequences on journalists and bloggers, who not only face harsh punishment, but also might see their bank accounts and all their assets frozen once charges are brought against them.

Attacks to the independence and sustainability of public service broadcasters (PBS). While in lower numbers compared to previous years, 2017 alerts point to the threats to the independence of PSB and its insufficient funding. The alerts highlight the plans carried out by several CoE member states to strongly reduce the PBS' funding which risks undermining their ability to fulfil their remit and jeopardising their existence. Several alerts point out to political interference into the work of PBS's supervisory boards, through attempts or threats to have their leaders changed or some of their members revoked following accusation of biased news coverage.

Amendments to existing laws and draft laws threatening the freedom of the press. 2017 shows a trend across CoE to restrict the media's ability to carry out its watchdog function, paving the way for political interference. The issues reported on the Platform range from the immediate closure of media outlets by way of decree - to the possibility for a national Parliament to put an end each year, without clear criteria, to the mandate of the Director General of the public service media, or the requirement falling on foreign-funded media outlets to register as "foreign agents". In the name of defending other legitimate values such as hate speech and disinformation online, some member states introduced legislative proposals which allegedly encouraged censorship and endangered freedom of expression through lack of judicial control and ambiguous formulations of the law. One alert indicated that journalists face heavy imprisonment sentences for receiving confidential information from whistle-blowers following a draft proposal which encompassed new ways of defining espionage and lacks safeguards as to journalists' exoneration from criminal responsibility when "obtaining sensitive information".