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**INTERVIEW FOR THE POLITICAL ASPECTS STUDY OF THE INITIATIVE ON IMPUNITY AND THE RULE OF LAW, 14/5/2011**

***Highlighted in bold are passages cited in the Political Aspects Study***

**-1 What legal or political remedies do you propose for the widespread problem of violent attacks on journalists?**

First, **it should be acknowledged that any crime against journalists for their profession, for what they have published or what they have planned to publish, is not just an ordinary crime. It is a crime against democracy, as serious as crime against politicians would be, because it is directed against a vital function of democracy. So it should be made clear that it is a censorship type of crime. It is censorship because not only was it aimed to silence a particular journalist, but it is done in order to send a message to the journalistic community to be cautious, to practise self censorship; and thirdly, because attempted censorship provokes impunity because it is complete only when it is accompanied by impunity.**

**-2 What concrete measures are needed in your view?**

One concrete measure needed is a public request to the prosecution of the country to handle such crimes in an especially transparent way. It should not be that other journalists or newspapers who wish to report on what happened should have to guess where the investigation stands. They should be given information in an outgoing way, and not be told "I'm sorry, we don't give information about ongoing investigations." Secondly, institutions should be set up to ensure that transparency; in the digital age that should obviously be through a special website, where anyone can follow the actual state of the investigation without having to ask for information. And thirdly, journalists should be given a special right to be involved in such investigation, because the solidarity of journalists is a very powerful factor in stopping that kind of crime. If [those responsible for murders] see that there is a revolt against their attempt to win silence, then it goes the other way

**Do you mean a special sort of oversight or access?**

More than that – I mean involving the investigative power of journalists in an organised way, making a kind of cooperation between the official arm of the prosecution and the civil society of investigative journalists.

**-3 Which authority would be responsible for ensuring this, if a sovereign state was not willing to permit that?**

My solution for implementing those measures would be to have a Commissioner fighting violence against journalists in each member state. The leaders of a country should accept that. Nobody should think this is because journalists are special. It is because of the reverberating effect of violence against journalists. It is also warranted because in every country where more than one journalist is attacked you can speak about a human rights crisis, it means that one basic function of democracy is being obliterated. And both the [existence of] the commissioner and the acknowledgement of a human rights crisis that needs special means to fight it, is an acknowledgement of the gravity of the situation and sends a warning message to the criminals.

**-4 How might this concept be introduced to the international community? Ideally it would be another UN treaty, which would start by acknowledging that this category of public servants or figures is under special threat. That is why I prefer to separate it from the issue of attacks on journalists in conflict zones. The treaty would recommend the setting up of this quite uniform [structure], just as it is today quite usual to have a commissioner**

**for human rights, for data protection and for access to public information, or a children's rights commissioner. It would be a personality who exemplifies the unity of civil society and government, which acknowledges that there are tasks here that go beyond governments, that government cannot solve alone.**

**-5 Again, if a particular national government would not implement this, do you see any way of having a mandatory system whereby states would be expected by the international community to allow that kind of oversight by a commissioner, or by civil society?**

The ideal solution would be for such commissioners to be set up as an obligation under international treaty. The argument that "We don't want international intrusion into our judiciary system" could be addressed by setting up some very modest international funds for the office of the commissioner in each state. They would set up an information directorate, with a centre in Geneva or somewhere, with a database with computers, with the website in [various] languages, and officials would visit the states. A mandatory network of these commissioners would be set up, and in order for the commissioners to make use of international experience somebody -- it could also be the UN -- could give support. It could be a very cheap operation, basically one person with two lawyers and two secretaries and the website.

**-6 Is there anything in the texts of international agreements of UN bodies which would point to this being a natural development?**

It comes from the unavoidable acknowledgement of the gravity of situation. New ways have to be found to solve this plague -- it is getting worse and worse every year the effect of impunity is multiplying, which is encouraging criminals to exercise anti-constitutional censorship of one branch of democracy.

It should be discussed in UNESCO what type of international obligation works best, whether it should be a recommendation for regional security organisations, like the OSCE, or be set up by UNESCO, or in combination with the Human Rights Council. The OSCE's comprehensive concept of security is that there is no peace without security, and no security without freedom of reporting. So real international security demands joint international solutions to the problem. That kind of system could apply in countries in widely different geographical areas, for example in Mexico and Russia, so it would not just be picking on one geographical area.