



## **“The appeal of 2 November”**

### **Prosecutors in eight countries undertake to combat impunity for crimes against journalists**

We, prosecutors from very different countries that have all known cases of murders of journalists,

Alarmed by the persistent impunity for perpetrators of crimes of violence against journalists and by the extremely precarious security situation for journalists around the world,

Very concerned about the consequences of insecurity of journalists for the right of all citizens to news and information,

Brought together by Reporters Without Borders (RSF), we launch an appeal on the occasion of 2 November, International Day to End Impunity for Crimes against Journalists.

We are appalled that, according to RSF, more than 1,000 journalists and media workers have been murdered around the world since 2010. In 2022 alone, 50 have already been killed because, or in the course, of their reporting.

According to UNESCO, nearly 90% of crimes of violence against journalists go unpunished. In Mexico, 88% of the murders of journalists remain unpunished and the perpetrators of these crimes are almost never convicted. In the Philippines, those who bear most of the responsibility for a massacre of 32 journalists in 2009 are still at large. The instigators of the murders of Norbert Zongo in Burkina Faso in 1998, Anna Politkovskaya in Russia in 2006, Gauri Lankesh in India in 2017, among many others, remain unpunished due to a culpable failure to investigate properly on the part of the authorities or even a cover-up.

Leaving a journalist's murder unprosecuted is to trivialise it, encourage its repetition and threaten all journalists. Murdering a journalist undermines entire populations' right to information, reduces the ability of citizens to form opinions and to take decisions freely, and strikes at the very heart of human rights.

Regardless of the countries or legal systems, prosecutors have a central role to play in ending this situation. Systemic and resolute prosecutorial investigations are essential in order to establish a free and safe environment for journalists. Murder cannot be tolerated as an occupational hazard for the media profession.

For these reasons, we solemnly pledge to make every effort the situation requires. In particular, we undertake to implement the *Guidelines for Prosecutors on Cases of Crimes Against Journalists*<sup>1</sup> that was compiled by UNESCO and the International Association of Prosecutors with contributions from Reporters Without Borders with the aim of assisting investigations and prosecutions in the fight against crimes against journalists.

In particular, we give the following ten undertakings :

- **Protect the independence and impartiality of our investigations into crimes and offences against journalists:**

Resist pressure of all kinds emanating from public or political authorities, from private sector interests, from criminal, terrorist or extremist groups, or from public opinion, that is designed to or has the effect of preventing light being shed on these crimes;

Reject and publicly condemn any form of collusion with those who encourage or commit crimes against journalists, or who threaten, harass or intimidate them;

- **Take resolute and determined action to end impunity for crimes against journalists:**

Systematically conduct impartial, prompt, thorough, independent and effective investigations into all allegations of violence, threats and attacks against journalists within our jurisdiction, with the aim of identifying those responsible, establishing accountability and making it possible not only for the material perpetrators of such acts to be brought to justice, but also those who order, aid, encourage or conceal these acts;

- **Systematically evaluate the relationship between the crime and the victim's journalistic activities:**

As a priority, evaluate whether the victim was specifically targeted because of their status as a journalist or their journalistic activities, past and present;

Take account of the context in which the journalistic activities are being carried out, this context's potential impact on the commission of the crime, and the crime's impact on the fundamental rights of the victim, their family and the community of citizens;

Take account of the link between the crime and the journalistic activity – if one is established – when determining the motive for the crime, and when deciding what charges will be brought and how the prosecution will be conducted;

- **Ensure that the victims and their families have access to reparation:**

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<sup>1</sup> <https://unesdoc.unesco.org/ark:/48223/pf0000375138>

Guarantee access to psychological support, assistance and services for relatives of victims;

Ensure that they have access to compensation and to every other form of useful reparation;

- **Ensure that threatened journalists and their families are protected:**

Adopt, or recommend to the competent authorities, specific and effective measures for the protection of journalists who are threatened in connection with their activities and for the protection of their families, in all cases where such measures are or seem necessary;

Regularly assess the relevance of these measures with regard to the situation of the journalists and the threats against them;

- **Collaborate with our counterparts in other countries and at the international level:**

Collaborate to the fullest extent necessary with foreign counterparts in the investigation of crimes against journalists with a transnational dimension;

Respond in a diligent, helpful and efficient manner to requests for legal assistance and letters rogatory from other jurisdictions or other countries, regardless of whether or not there exist specific agreements between the two countries about such forms of mutual assistance;

Ensure, in the case of the most serious international crimes involving international courts and tribunals, effective application of the principle of complementarity of international justice to the national justice of the country of perpetration or to other competent national justice systems;

- **Protect the confidentiality of journalists' sources:**

Respect, guarantee and protect the confidentiality of journalistic sources in the investigation of crimes committed against or involving journalists;

Identify and implement specific measures for protecting the confidentiality of journalistic sources, and for the treatment and handling of journalistic material;

Only require the lifting of the confidentiality of journalists' sources to the extent that is strictly necessary to prevent serious attacks on the physical integrity of persons;

- **Call for respect for judicial independence:**

Call on the authorities to refrain from any form of pressure or any form of obstruction of our work that would prevent or hamper the investigation of crimes against journalists;

- **Call for prosecutors to be guaranteed the necessary resources:**

Call on the authorities to guarantee that we, and the investigative services under our responsibility, have at our disposal all the material and legal resources required to investigate and prosecute crimes against journalists;

- **Urge colleagues to join us in these undertakings:**

Plead with our counterparts throughout the world to join us in these undertakings and contribute to their implementation.

Because journalists provide information about matters of the utmost public interest, because journalism is a cornerstone of democracy, and because the right to reliable news and information must be guaranteed for all citizens, let us take action to ensure that the perpetrators of crimes against journalists are finally brought to justice.

The 2 November Appeal's first eight signatories work in Brazil, Congo-Brazzaville, Democratic Republic of Congo, Gambia, Mexico, Serbia, Slovakia and the United Kingdom. Other prosecutors are invited to add their names to the appeal.

The first eight prosecutors:

- Laura Borbolla is a Mexico City prosecutor who worked for Mexico's Special Prosecutor's Office for Crimes against Freedom of Expression (FEADLE) from 2012 to 2015.
- Raquel Dodge was Brazil's prosecutor general from September 2017 to September 2019, winning praise for her efforts to combat corruption and organised crime and to defend human rights. Brazil is ranked 110th out of 180 countries in RSF's 2022 World Press Freedom Index.
- Matus Harkabus is a prosecutor with Slovakia's special prosecutor's office, currently working in the organised crime, terrorism and extremist crimes unit. He is in charge of the investigation into journalist Jan Kuciak's murder in 2018.
- Pascal Kake is currently a court prosecutor in Mahagi, a city in Ituri province in the eastern Democratic Republic of the Congo. Eight journalists have been murdered in the DRC in the past ten years.
- Lord Ken Macdonald, KC, was director of public prosecutions of England and Wales (and head of the Crown Prosecution Service) from 2003 to 2008. Since 2010, he has been a life peer in the House of Lords, where he now sits as a crossbencher (independent). He was warden of Wadham College, Oxford until 2021.
- Predrag Milovanovic is currently senior assistant to the prosecutor general at the public prosecutor's office of Serbia. He was the prosecutor who obtained the conviction of the instigator of the 2018 arson attack on journalist Milan Jovanovic's home at the original trial in 2021.

- Charden Bédié Ngoto is state prosecutor in Dolisie, the third largest city in the Republic of Congo (Congo-Brazzaville).
- Hussein Thomasi has been Gambia's solicitor general since December 2020. As a special adviser at the ministry of justice in 2017, he played an important role in the initiation of prosecutions for the murder of RSF and *AFP* correspondent **Deyda Hydara** in 2004, when Yahya Jammeh was president. Respect for press freedom has increased considerably since Jammeh's removal in 2016.