

OSSIGENO per l'Informazione

Attacks against journalists and violent censorship

Ghent University – Faculty of law and criminology - 10 October 2017

Alberto Spampinato

There are issues that we believe to know very well, but we understand them only in part. We know little about them, we cannot grasp essential aspects of them. But we do realise how our understanding is limited only when someone (or something) opens our eyes, shakes our conscience, makes us doubt about everything we know.

Something like this happened to me, many years ago, in Sicily, when my brother Giovanni was killed in a totally unexpected and unpredictable way. That tragedy changed my life. It was like a storm. It forced me to update all my beliefs also about what is the freedom of the press, about what the honest duty of a journalist should be, about why readers of his articles and his colleagues do not defend him if he is violently attacked for writing them, et cetera.

Nobody was able to give me a convincing explanation. I became a journalist to understand from inside how and why inexplicable things like this can happen. And after serving more than 30 years as a reporter for important newspapers and major press agencies I found the answer. I told it fully in 2009 in the book I published in Italy "*There were beautiful dogs but very serious*", which I hope will be published in other countries as well. Meanwhile, I briefly summarize here what happened to my brother and, very briefly, what I discovered about this related to the theme of our meeting.

It was 1972. My brother Giovanni and I lived in Sicily with our parents. We were young. I was 22 years old and was a student. He was a journalist. When he was killed he was 25 years old. Six months earlier, a mysterious murder had upset the peace of his city, where no murders had taken place over the previous 20 years. Giovanni had done a journalist's inquiry into that crime and had just published some clamorous news on the disappointing way the investigation had been conducted. In particular, he was the only one reporting that powerful people were involved or suspected. Others did not want to publish that, although it was the truth. This was the real story: among other people suspected of the crime there was the son of the highest magistrate in the city. Giovanni published that, and was killed. It was not possible to get true justice. The killer served 8 years in a mental institution and the contract murderers were never discovered.

This tragedy has shown to me the journalist's profession under another light, a dramatic one. In following years I've never stopped thinking about the many risks and serious retaliation that journalists suffer while they are doing their job, the violence that hinders the search for truth and the publication of news on people with power, influence, or criminal power. Only after 30 years I was able to understand how and why these things happen, discovered that they happen very often, contrary to what we

are accustomed to think. They happen more often than we can imagine and we should all deal with it and try to stop it.

Ever since I discovered this dramatic side of the journalist profession, I do my utmost to change the situation and do not miss the opportunity to invite others to discover this problem and to do their part to solve it.

Who has the task of solving these problems? Certainly, first of all those who make the laws and enforce them. But not just them. I also think that journalists and their organizations, citizens, students and their teachers, ought to act on this, because threats to journalists harm everyone, every citizen, as they prevent each one of us from exercising the right of information. As we will see later, this right -the right to receive and disseminate information - is a fundamental right, even if it is little known or completely unknown.

To get back to the topic, I want to remind what journalistic information is. Our society assigns to it the function of allowing free circulation of ideas, opinions and information of public interest, that is, of the information necessary for each of us to participate actively in public life. In democratic societies, based on equality and citizen participation, the function of free press is important and irreplaceable.

In countries such as Italy and Belgium, freedom of information is not a claim, it is a citizen's right. It is worth pointing out that the right to freely receive and disseminate information belongs to each of us, to every citizen, and concerns all current information of public interest. Only the information concerning national security and judicial acts is confidential, and, at certain stages of investigation, must remain secret in order to enable the judiciary and the police to ascertain the blame and responsibility of those charged with a crime.

Legislation allows for a very wide freedom of information, but this is not so in practice because of arbitrary and unacceptable limitations, which are imposed with violence, intimidation, serious abuse. This illegal limitation prevents citizens from knowing some of the most important information.

Therefore, our right to receive information is severely limited.

However we do not have a clear perception of this. Indeed we have the impression of being overwhelmed every day by an excessive flow of information. It is true that the information we receive is vast. But if we analyse this "shower" of information, we see that this abundant information is not essential while some of the important news we have the right to know, that would be useful to know in order to actively participate in public life, are clearly lacking. I refer, in particular, to undoubtedly important information about political characters who are involved in scandals and the misconduct or illicit behaviour of public figures when they exercise their power or manage public money.

Citizens are entitled to receive this information. This is established by the Universal Declaration of Human Rights, the European Convention on Fundamental Rights and the Constitutional Charter of our countries that have adopted these principles. According to these principles, the media must be impartial vehicles, and

they must also convey this information to the public. If we want to make a comparison, the media should work with the same impartiality with which public transport works. Buses, trains, ferries, airliners carry passengers where they want to go without distinctions based on what passengers think, their intentions and their political ideas. The impartiality of public transport is a rooted and incontrovertible right. If someone arbitrarily prevents a passenger from going where he wants and when he wants to use a public means of transportation, this prompts immediate protests and the public authorities intervene to restore the impartiality of the service.

On the contrary in the world of information partiality is widely tolerated. Every day media and journalists select which “passengers” to carry and leave others behind without having to answer to anybody for their choices. They put aside some news on the basis of political or economic convenience. They leave others behind because publishing them might be risky because of threats, intimidation, violent retaliations – certain or possible – or to avoid certain or probable reactions from people who, willy nilly, might feel unjustly damaged by the publication of those news.

Every day the newspapers decide not to publish news that readers would have the right to know. Every day the duty to provide information in a complete and impartial manner is more or less severely damaged. But seldom the public protests and rarely there is some intervention by the authorities to restore the impartiality and completeness of the service.

Meanwhile, journalists and publishers are increasingly receiving undue pressures, intimidation, threats and ruthless claims by those who demand to “silence” certain news.

How is it possible that all this happens without any reaction, without people to talk about this? Why it is so difficult to say what happens?

I think this depends on several factors:

- the intimidators are powerful and go unpunished;
- the pressure of the intimidations is stronger than one could believe;
- we do not dare call these facts with their real name, that is calling them “censorship” since they are a variable of what is intended for the traditional meaning of this word.

I am sure that these facts would impress more, would shake consciences more deeply and alert public attention if we said simply that censorship has come back – a new kind of hidden censorship imposed through violence and abuse – instead of saying that there are threatened journalists, that violence is used to hide unpleasant news, that people specious and instrumental libel in order to intimidate those who write unwanted truths. There are hundreds of cases of “hidden censorship” imposed through violence and abuses.

The first person to pose the problem in these terms and to use the definition of “masked censorship” was the Commissioner for Human Rights of the Council of Europe, Nils Muiznieks. Threats and attacks on journalists - he said in 2012 - are a

form of censorship as they aim to "shut their mouths and persuade them not to go ahead with their work." On that occasion, Commissioner Muiznieks mentioned a ruling by the European Court of Human Rights in Strasbourg to remind that national governments cannot observe passively threats and retaliation since they have a duty to create a favorable environment for the work of journalists, in which it is possible to publish, without fear of violence and retaliation, also information and opinions considered uncomfortable by those who hold economic, cultural or political power.

We are grateful to the Commissioner for Human Rights, because with this effective definition, he shone light on this phenomenon that everyone strives not to see. We are also grateful to the Commissioner for his proposal in 2015 to create an independent observatory on masked censorship episodes in each country and to link all these observation centers to a pan-European network.

This also in my opinion is the right way to raise the issue correctly and objectively.

In Italy, "Oxygen for Information", the volunteer association I have the honor to direct, has gone this way. On the basis of our ten-year experience, we can say that to represent objectively continuously masked and violent censorship episodes can change the way you see and perceive the phenomenon.

No one wanted to admit that there were episodes of violent and masked censorship in Italy. Ossigeno demonstrated with the facts that instead there were threats and abuses, and they were serious and numerous.

Ossigeno Monitoring for Information has filled this void and has turned the light on the phenomenon. We did it in the simplest way: looking for information and verifying the truthfulness of the facts with the method of journalistic inquiry, uploading stories on the web timely and classifying them according to the type of attack.

In this way, from 2006 until now, Ossigeno has documented thousands of serious violations of press freedom, carried out in Italy with threats, retaliation and abuse of court proceedings. We have shown that in ten years in Italy at least 3380 journalists and bloggers, indicated by Ossigeno with their names, have been unduly hindered in their work, with obvious violations of freedom of expression, through violent acts or specious lawsuits, while they were busy reporting news.

It should be noted that newspapers, radio and television have reported only one episode for every hundred reported by Ossigeno.

And these 3380 names are just the tip of the iceberg, the small visible part of a phenomenon that according to Ossigeno is at least fifteen times higher and therefore affects over half of Italian journalists in active service.

The most serious violations we have recorded and documented are the death threats to dozens of journalists, some of whom are protected by law enforcement. Many other journalists are exposed to serious risks but have no protection. Violations include intimidation, warnings, physical attacks, discrimination, professional secrecy,

abuse of the law of defamation, claims of premeditated and unfounded damages. Law abuses are 40 percent of the total.

Detailed knowledge of the phenomenon has allowed "Oxygen for Information" to formulate a series of proposals to drastically reduce the number and the effect of these threats. Some, in our view, are also be applied in other countries. One of these proposals could be to give criminal protection to the right of information. The violation of this right should then be considered a crime as it happens for the violation of other rights.

In conclusion, I think that the silence of the media on this phenomenon weighs heavily, but it is not a valid alibi for not acting. We must listen to our conscience. We must look at reality and believe in what we see with our eyes. We must not accept commonplace stereotypes and reassure ourselves. We must have the courage to open our eyes well, use good practices in other countries and roll up our sleeves. Each one of us has to do our part, journalists and citizens, without hiding behind what others think, behind common places that do not explain what is happening around us.

We Europeans, the Westerners, have the great responsibility to make fundamental human rights alive and enforce them. We have to denounce the very serious violations of the freedom of the press that take place in authoritarian countries, we must lend our voice to the people in countries where they cannot speak out. But if we want to be sincere and credible exporters of the great values of equality, freedom and democracy, we must also tell what is wrong at home and commit ourselves so that it does not happen anymore.