

Conclusions

- 1.** Having considered the current state of policymaking at national and international level, it is impossible not to conclude that the war on terrorism amounts to a devastating challenge to the global culture of human rights and civil liberties established almost 60 years ago.
- 2.** While terrorist attacks in a number of countries have claimed many lives and while steps must be taken to ensure public safety, the response by governments to the threats posed by terrorism is out of all proportion.
- 3.** Some countries are using the perceived threat of terrorism to justify new laws to stifle political opposition and free expression.
- 4.** Of broader concern is the fact that global migration controls and new international security strategies divert attention and resources away from the root causes of global migration and insecurity – poverty and inequality.
- 5.** At the same time, increased police powers to monitor the communications of citizens and the collection and storage of personal data on an unprecedented and global scale are leading to the creation of a surveillance society in which the citizen is increasingly accountable to the authorities and the state.
- 6.** These powers undermine democratic standards, because they are introduced in covert processes which are secretive and outside the orbit of parliamentary accountability.
- 7.** The war on terrorism has legitimised the renewal of “emergency powers” and “civil contingencies” legislation, much of it untouched since World War II and the height of the nuclear threat during the Cold War.
- 8.** The legislation developed since September 11th 2001 hands new emergency powers to governments covering civil administration, communications, transport, electricity and other key aspects of material life. In the UK, the US, Australia and other western states, these updated powers mean that in times of emergency, the military and other organs of state will assist the government of the day and parliaments will be by-passed.
- 9.** This brief synopsis and the selected regional and country reports reveal that the war on terrorism is undermining more than half of the minimum standards in the 1948 UN Universal Declaration on Human Rights. It is hard to justify such an assault on fundamental rights.
- 10.** Though these rights were by no means absolute before September 11, the message that they can be sacrificed to fight terrorism is a new and dangerous one. This understanding is now widespread within the apparatus of state – particularly among the military, the police, immigration and intelligence agencies. And it is with unflinching conviction that governments increasingly insist civil liberties need to be sacrificed in the defence of national security and public safety. They believe they are doing the right thing.

11. Governments appear oblivious to the fact that the mechanisms they choose to fight terrorism – military action, increased power for police, risk profiling, immigration controls, propaganda and manipulation of media – also nurture anxiety and more fearfulness within society.

12. As a result, the war on terrorism has fomented a new intolerance in many societies over migration and asylum-seeking, buttressed by fears over religious, ethnic and cultural difference, that are exploited by unscrupulous and extremist politicians

13. The updated information in this selection of country reports confirms that the effects of the war on terrorism are even more pronounced in the world of journalism.

14. Media need to be more active in the scrutiny of government and those dealing with security, particularly at a time when laws are consolidated and refined into a permanent legal framework and which, through unprecedented levels of international co-operation, can form the basis of a global mechanism for social control.

15. However, it is increasingly difficult for journalists to track changes in policy, to investigate the actions of states and to provide useful and timely information to citizens because of laws and policies that discourage legitimate journalistic inquiry into terrorism and its root causes.

16. Journalists and media face a range of problems – restrictions on freedom of movement, increasingly strident demands from authorities to reveal sources of information, and undue pressure from political leaders to toe the official line on security issues.

17. When media are constrained from investigating and exposing the impact of changes in national and global security policy and when they are the victims of political spin and propaganda it adds significantly to the weakening of civil liberties and democracy.



The first draft of this report was considered by journalists' representatives from 30 countries at a conference organised by the International Federation of Journalists in co-operation with its Spanish affiliate, ELA-STV, in Bilbao, Spain, on April 2-3rd 2005. Below is the final declaration adopted unanimously by that meeting:



Journalism, War and Civil Liberties: International Debate on the Threat to Democracy and Free Expression Posed by Terrorism and Intolerance

Bilbao, Spain, April 2-3, 2005

Journalism, Civil Liberties and the War on Terrorism



WE, THE PARTICIPANTS AT THE IFJ CONFERENCE JOURNALISM, WAR AND CIVIL LIBERTIES, HELD IN EUSKALDUNA, BILBAO, ON APRIL 2-3RD 2005,

Believing that respect for human rights and democracy are the benchmarks of civilised society,

Insisting that respect for free expression, independent journalism and the people's right to know are core rights that provide essential safeguards for the exercise of democracy,

Considering that all forms of indiscriminate violence and terrorism against civilians are unacceptable and threaten journalism and press freedom,

Rejecting the message that fundamental rights can be sacrificed to fight terrorism,

Noting that concerns over security and terrorism have led many democratic states to enact laws and regulations that undermine almost half of the minimum standards set out in the 1948 UN Universal Declaration on Human Rights,

Recognising that these laws when adopted in democratic states are used by authoritarian regimes to reinforce their oppressive systems,

Convinced that attacks on independent journalism add significantly to the weakening of civil liberties and attachment to democratic values across the world,

Concerned at the construction of a global registration and surveillance infrastructure in which people around the world and journalists in particular, are registered, their travel tracked globally, and their electronic communications and transactions monitored,

Further concerned at the growth of new forms of intolerance and community tensions, which are being exploited by ruthless and unscrupulous political and social forces,

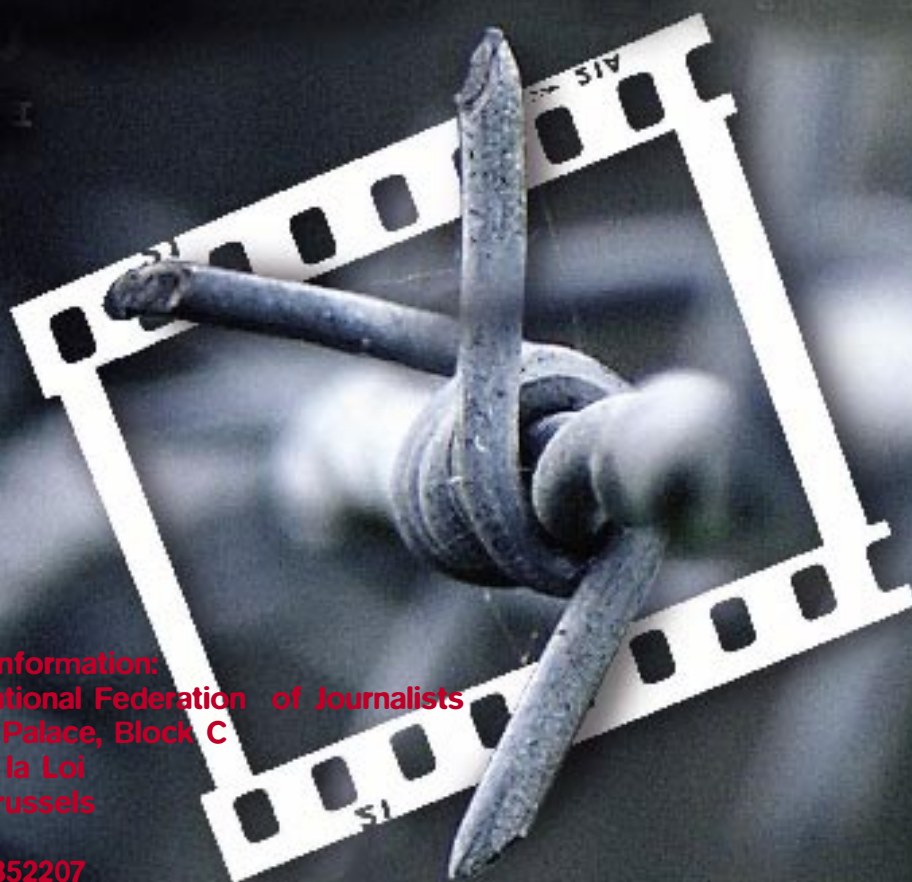
DECLARE

- 1.** That governments must not sacrifice civil liberties in the defence of public safety,
- 2.** That laws, hastily prepared and enacted in the immediate aftermath of September 11, should be repealed wherever they are in violation of fundamental rights and freedoms,
- 3.** That forms of international co-operation on security issues must not lead to a global mechanism for surveillance, command and social control of society at large,
- 4.** That media need more than ever to be active in the scrutiny of the actions of government,
- 5.** That journalists and editors must maintain editorial independence and must guard against self-censorship,
- 6.** That independent organisation of journalists in unions and associations is an essential safeguard for press freedom, self-regulation and editorial independence,
- 7.** That all forms of violence against media and targeting of journalists and media staff are completely unacceptable,
- 8.** That all restrictions on journalists' freedom of movement, pressure on them to reveal sources of information, and manipulation of media by political leaders on security issues are unacceptable,
- 9.** That independent journalism's vital role in investigating and exposing the impact of changes in national and global security policy on society at large is crucial to the future of democratic society,
- 10.** That the IFJ should
 - a) launch its updated report on Journalism, Civil Liberties and the War on Terrorism for Press Freedom Day 2005,
 - b) develop a new global campaign among journalists' unions to raise awareness of security policies and their impact on the right to report,
 - c) reiterate IFJ policy on importance of pluralism, press freedom and open government at national and international level, and the need for tolerance in journalism, as adopted at the Bilbao international conference on the issue in 1997,
 - d) join with other trades unions, human rights campaigners and relevant civil society groups to build an effective coalition against further attacks on civil liberties and democratic rights,
 - e) promote debates at national and international level on the need for professional vigilance, ethical conduct and improvement of journalists' capacity to work without undue political pressure.

- 1 <http://www.ifj.org/pdfs/war.pdf>.
- 2 See also 'The "war on terror" as a "war on freedom and democracy"', a talk given by Ben Hayes to the ASEM V People's Forum, in Hanoi, 7 September 2004, <http://www.tni.org/asem-hanoi/hayesterrorism.htm>, and "The war on freedom and democracy": An essay on the effects of 'September 11' by Tony Bunyan, Statewatch editor: <http://www.statewatch.org/news/2002/sep/analy3.pdf>.
- 3 See <http://english.aljazeera.net/HomePage>.
- 4 For example the Council of Europe "Cybercrime" Convention, which is open for world-wide signature (see Privacy International: <http://www.privacyinternational.org/>) and the EU-US treaty on mutual legal assistance (see Statewatch: <http://www.statewatch.org/news/2003/jun/01useu.htm>).
- 5 See <http://www.indymedia.org/fbi/>.
- 6 See 'Putting Terrorism in Perspective', a talk given by Achin Vanaik to the ASEM V People's Forum, in Hanoi, Vietnam, 7 September 2004, <http://www.tni.org/asem-hanoi/achinterrorism.htm>. "The agents of terrorist acts/campaigns can be the individual, the group or larger collectivities like state apparatuses or agencies. The terrorism of states is different in many key respects from that of individuals or combat groups, i.e., those agents that are non-state actors. When talking of state terrorism this can be state sponsored or state directed. Historically, state terrorism came first and then later there emerged the terrorism of non-state actors. When carried out by the latter it is essentially 'propaganda by the deed', i.e., publicity is its lifeblood. These acts are meant to be publicly conducted, and responsibility for it is usually publicly acknowledged. It is carried out to send messages in two directions - against the enemy and its support bases, but also to the home population whose morale is thereby supposed to be raised. State terrorism is by contrast usually (though not always) uni-directional aimed at sending a message of futility in the struggle by the enemy opposed to the state in question. If the first is the terrorism of the weak, the second is the terrorism of the strong. States usually do everything they can to avoid their terrorist acts from becoming public knowledge since this would often be damaging politically to them. Finally, the scale of state terrorism is far greater than that of non-state terrorism".
- 7 <http://www.statewatch.org/news/index.html>
- 8 There are refreshing exceptions. See Gary Younge, The Guardian November 15, 2004.
- 9 The total number of stop-and-searches under the Terrorism Act increased again in 2003/4 and continued to disproportionately target the Muslim community, see Statewatch: <http://www.statewatch.org/news/2005/apr/uk-stop-and-search-2005.pdf>.
- 10 Report New York Times, March 16th 2005
- 11 See <http://www.un.org/Docs/sc/committees/1267/tablelist.htm>.
- 12 See <http://www.statewatch.org/news/2005/mar/terr-list1.pdf>.
- 13 See "The emergence of a global infrastructure for registration and surveillance", International Campaign Against Mass Surveillance, April 2005: <http://www.i-cams.org/>.
- 14 See <http://www.policylaundering.org/>.
- 15 Forum Asia is based in Bangkok, Thailand and for more information see www.forumasia.org.
- 16 See Devastating Blows: Religious Repression of Uighurs in Xinjiang, <http://iso.hrichina.org/>
- 17 See Sherrie Gossett, Associate Editor of Accuracy in Media writing for www.mediachannel.org, April 2005
- 18 Safeguards under the terrorism act included: the submission by a superintendent of an application detailing the facts to justify interception; the permission could be granted only by a specially appointed "competent authority", which in turn was required to submit this order to the Review Committee; an order of interception was strictly limited to sixty days; misuse carried with it a penalty of imprisonment for up to one year.
- 19 See Report Coups, Kings and Censorship, www.ifj.org March 2005
- 20 IFJ report issued April 6, 2005 www.ifj.org
- 21 Further information on the details are available through the International Commission of Jurists, www.icj.org
- 22 IFJ Press Release May 27th 2002
- 23 See Index On Censorship, 1/05
- 24 International Commission of Jurists - <http://www.icj.org/IMG/pdf/ICJBulletinFeb05.pdf>
- 25 Swedish NGO Foundation for Human Rights - <http://www.humanrights.se/svenska/Libertad%20de%20expression-%20informe%20final.pdf>
- 26 A detailed report is available from Human Rights Watch, 2003 http://hrw.org/un/chr59/counter-terrorism-bck4.htm#P202_39289
- 27 Amnesty International Report, December 7th 2004.
- 28 Report published February 2005, see www.lfex.org
- 29 For information on the unconstitutional rulings see <http://www.washingtonpost.com/wp-dyn/articles/A59626-2004Sep29.html> ,
- 30 See <http://www.washingtonpost.com/ac2/wp-dyn/A8158-2003Jul17?language=printer>
- 31 The full text of the legislation and proposals for reform are available at <http://www.aclu.org/>
- 32 New York Times, December 2003
- 33 www.newsguild.org/2edged.php.
- 34 New York Times, March 16, 2005

The IFJ is the world's largest organisation of journalists with members in more than 110 countries. Today the IFJ spans the world with a range of programmes and solidarity activities that help to strengthen journalists' trade unions.

Statewatch is a non-profit-making voluntary group founded in 1991. It is comprised of lawyers, academics, journalists, researchers and community activists. Its European network of contributors is drawn from 13 countries. Statewatch encourages the publication of investigative journalism and critical research in Europe the fields of the state, justice and home affairs, civil liberties, accountability and openness.



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