

Remarks by Amal Clooney
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Abuses of media freedom around the world are stifling speech and shredding the very fabric of democracies. No state is perfect, and no region is untouched. But if democracy as we know it is to stand a chance of survival, we need leaders who believe in liberal values to step up. The publisher of the New York Times said earlier this week that “[o]ver the last few years ... a growing number of governments have engaged in overt, sometimes violent, efforts to discredit [journalists’] work and intimidate them into silence. This is a worldwide assault on journalists ... an assault on the public’s right to know, on core democratic values, on the concept of truth itself”. A Parliamentary Committee in the UK foreshadowed this grim conclusion in a report issued earlier this month which concluded that “an unfree media is spreading...from countries that are leading by bad example”.

It is time to turn things around.

In my legal practice I have defended journalists in many different jurisdictions. And my Foundation has a program – TrialWatch – that monitors their trials worldwide. It is clear to me that although more than 170 states have signed up to an international treaty in which they promise to protect free expression, the international system that is supposed to enforce this promise is broken. We know this because record-numbers of journalists are being abused across the world: through vilification, threats, surveillance, imprisonment, even murder. And because all too often the abusers are governments themselves.

But what exactly are the international rules in this area, and how can we give their enforcement some ‘teeth’? This is the question that the High-Level Panel of Legal

Experts, established as part of the campaign launched by the UK and Canada, will be dealing with over the coming year.

Since the Panel, chaired by former UK Supreme Court President Lord Neuberger, was convened two months ago, we have teamed up with leading academic institutions from around the world to produce ‘model laws’: advice to guide states on the free-speech guarantees that must be respected under international law. Our research targets laws being used every day to punish journalists for their work such as criminal libel laws, vague or overbroad hate speech and ‘fake news’ laws; and laws that muzzle the media by imposing arbitrary conditions on ownership, accreditation and funding. Such laws are part of a rising drumbeat of legal assaults on journalists, and they are particularly open to abuse when senior officials vilify the media, creating a toxic environment in which individual journalists are vulnerable to attack.

Let me provide an example of a case that illustrates this all too well: the case of my client, Maria Ressa. A Filipino journalist who is 5 foot 2 but stands taller than so many of us in her courage and personal sacrifice for the cause of telling the truth. Maria was CNN’s bureau chief in Manila and Jakarta before she set up her own online news portal. Like any journalist in the Philippines worth their salt, she has criticised the practices of the ruling regime in her country, and the murderous campaigns and subversions of the democratic order taking place in her country.

The authorities have responded to this single reporter with the full weight of the State. They are pursuing her in more than ten separate proceedings that seek to criminalise alleged foreign ownership in her company’s stocks; dredge up spurious accusations about old tax returns, and directly target her reporting with libel suits. The President, who has called journalists “presstitutes” and warned that they are “not exempted from assassination”, has vilified Maria’s news site in his State of the Union address to the nation. Her reporters have been banned from covering Presidential events. And the President helped to amplify online attacks against her that at one point reached a rate

of 90 hate messages per hour. The message is clear: it is open season on journalists and if you want to avoid such treatment, you know what you need to do.

Maria has a team of lawyers who can help to expose the abuse of the law and violation of international treaties involved in this campaign to silence her. And there is still some hope that her case can be resolved. But if her government ultimately fails her, what system is there to help?

When I spoke at the UK Media Freedom Conference in July I said that five new international tools would help: targeted sanctions regimes to impose serious financial consequences on state officials who abuse media freedom; enhanced consular assistance to journalists detained abroad; the deployment of an international team to investigate attacks on journalists when the state authorities are unwilling or unable to act; a commitment to increased transparency, so that we know when journalists are arrested, and can get into courtrooms where they are on trial; and a system of visas for persecuted journalists seeking safety abroad.

The Panel is producing advice on each of these tools. And I am pleased to report that since July, we have been engaging with the UK government on the plan to use a new statutory instrument on sanctions – a regime that will allow the UK government to bar human rights abusers from entering the country, and to freeze their bank accounts and other assets. When I met Foreign Secretary Raab earlier this month he expressed his support for the use of such sanctions to protect the media. And I am encouraged by the Foreign Secretary's statement earlier this week that the new system of sanctions "will provide a layer of UK accountability against those who target journalists ... with impunity in their own countries".

Targeted human-rights sanctions have rarely been used to protect individual journalists under threat. Neither the EU nor the UK imposed them in the wake of the chilling murder of Jamal Khashoggi. And even systems with developed so-called 'Magnitsky' regimes have been slow to apply them in situations involving the

arbitrary detention of a journalist or systemic attacks on the media. So this is an important opportunity to lead with a new paradigm: that where the media is attacked, targeted sanctions will be a counter-attack.

I hope that the work of the Legal Panel, and more broadly the Campaign, will ultimately assist those states that are truly willing to promote free expression, and expose those that are not.

I hope we can help to switch the default from impunity to accountability. And that we will witness the consistent use of targeted sanctions when journalists are persecuted, or killed.

I hope that we can begin to shine a light on what is happening in the dark: so that sunlight can play its role as a disinfectant.

When Maria was arrested at her office in Manila, the police officer who handcuffed her whispered to one of Maria's colleagues: "be silent or you're next". I would bet that her colleague won't be silent. And it's our job to make sure she's not next.

Thank you.