

VERY URGENT

To: SFA, Chairperson of UNACOM
Attn: UNACOM Secretary-General
Fr: Permdel to UNESCO, Paris
Re: Status of investigation into the killings of Filipino journalists
Dt: 26 March 2009
Cc: UNIO
Cn: ZPA - 237 -- 2009

Enclosed is self-explanatory letter from the UNESCO Assistant Director-General for Communication and Information conveying the UNESCO Director-General's urgent request for information on the status of the investigation into the killing between 2006 and 2007 of the following Filipino journalists:

1. Rolly Cañete
2. Aquino Aquino
3. Albert Orsolino
4. Fernando "Dong" Batul
5. Armando Pace
6. Ponciano Grande

Because of the number of journalists killed in the country, the Philippines has the unenviable reputation in UNESCO media circles of being the second most dangerous country in the world for journalists, after Iraq. This is in spite of the constitutional guarantees on the freedom of expression, of opinion and of the press, and the fact that Manila hosted World Press Freedom Day in 2002 with the Director-General in attendance.

Permdel suggests that in addition to detailed case study reports on the six killings, UNACOM may be able to convincingly and succinctly outline both punitive and preventive action that Philippine authorities are actively undertaking, with a view to significantly reducing if not totally eliminating the killings of Filipino journalists.

For information and further appropriate action.


RORA NAVARRO-TOLENTINO
Ambassador and Permanent Delegate

Enclosure: As stated.



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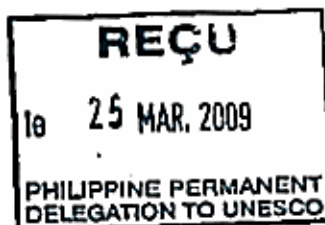
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Assistant Director-General for Communication and Information



H. E. Mrs Rora Navarro-Tolentino
Ambassador Extraordinary and
Plenipotentiary of the Philippines to
France,
Permanent Delegate
Permanent Delegation of the
Philippines to UNESCO
UNESCO House

Ref.: CI/FED/SC/blh/09/029

Dear Ambassador,

I wish to refer to Resolution 29 on the condemnation of violence against journalists, adopted by UNESCO's General Conference at its 29th session in 1997 (copy enclosed for ease of reference). In direct connection to this, the Intergovernmental Council of UNESCO's International Programme for the Development of Communication (IPDC), at its 26th session in 2008, adopted a decision on the safety of journalists and the issue of impunity (also annexed to the present letter). That decision urges Member States to end impunity and to prosecute the persons responsible for attacks against journalists. The Council also requested the Director-General to provide an analytic report of the status of judicial enquiries conducted on each of the killings condemned by UNESCO.

As you know, UNESCO is the only United Nations specialized agency with a mandate to defend freedom of expression and press freedom, and to foster the security of journalists. Sadly, the frequency of acts of violence against journalists, media professionals and other media workers is increasing. Impunity precludes the way of justice in more than 90% cases and if this trend prevails, journalists will remain easy targets. Needless to say, this represents a severe threat to the freedom of expression.


Since 2006, the Director-General has regularly alerted the international community to the assassination of journalists through public statements, defining any aggression against a journalist as an "attack against our most fundamental freedoms". Indeed, he even had to publicly condemn the killing of 121 journalists between 2006 and 2007 including, I regret to mention, those of Rolly Cañete, Aquino Aquino, Albert Orsolino, Fernando "Dong" Batul, Armando Pace and Ponciano Grande, which occurred in your country.

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In line with the decision of the IPDC Intergovernmental Council mentioned above, I would appreciate it if your Government could inform the Director-General of the status of the legal investigation that is being conducted in these 6 cases.

Yours sincerely,



Abdul Waheed Khan

Annex II

**Resolution 29 "Condemnation of violence against journalists"**

General Conference 29th Session, Paris, November 1997

The General Conference,

Recalling Article 19 of the Universal Declaration of Human Rights, which states that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers",

Confirming that freedom of expression is a fundamental right of everyone and is essential to the realization of all the rights set forth in international human rights instruments. *Also recalling* the American Convention on Human Rights (Pact of San Jose, Costa Rica), the European Convention for the protection of Human rights and Fundamental Freedoms, the African Charter on Human Rights and Peoples' rights, and the International Covenant on Civil and Political Rights,

Bearing in mind resolution 59(I) of the United General Assembly, of 14 December 1946, in which it is stated that freedom of information is a fundamental human right, General Assembly resolution 45/76 A of 11 December 1990 on information in the service of humanity, and resolution 1997/27, of the United Nations Commission on Human Rights, on the right to freedom of opinion and expression,

Reaffirming that the rights to life and to liberty and integrity and security of person and also to freedom of expression are fundamental human rights that are recognized and guaranteed by international conventions and instruments,

Considering:

that over the past ten years an increasing number of journalists have been assassinated for exercising their profession, a development denounced by various international organizations, and that the majority of these crimes still go unpunished, that this reality in the Americas, for example, has been corroborated by the Inter-American Press Association (IAPA) through investigations conducted in various countries and by special missions,

Mindful that, as a consequence of the Hemisphere Conference on Unpunished Crimes against journalists convened by IAPA, several professional organizations have decided to engage in specific joint action to shed light on unpunished crimes against journalists,

Conscious that the assassination of journalists goes beyond depriving people of their lives as it involves a curtailment of freedom of expression, with all that this implies as a limitation on the freedoms and rights of society as a whole,

1. *Invites the Director-General:*

to condemn assassination and any physical violence against journalists as a crime against society, since this curtails freedom of expression and, as a consequence, the other rights and freedoms set forth in international human rights instruments;

to urge that the competent authorities discharge their duty of preventing, investigating and punishing such crimes and remedying their consequences;

2. *Calls upon Member states* to take the necessary measures to implement the following recommendations:

that governments adopt the principle that there should be no statute of limitations for crimes against persons when these are perpetrated to prevent the exercise of freedom of information and expression or when their purpose is the obstruction of justice;

that governments refine legislation to make it possible to prosecute and sentence those who instigate the assassination of persons exercising the right to freedom of expression;

that legislation provide that the persons responsible for offenses against journalists discharging their professional duties or the media must be judged by civil and/or ordinary courts.

Resolution adopted on the report of Commission IV at the 27th plenary meeting, on 12 November 1997.

Decision on the safety of journalists and the issue of impunity
adopted by the IPDC Intergovernmental Council at its 26th session

UNESCO Headquarters, Paris, 27 March 2008

The Intergovernmental Council of IPDC,

Having discussed the report on the killing of journalists condemned by the Director-General of UNESCO during the 2006-2007 period;

Recalling Article 19 of the Universal Declaration of Human Rights, which states that "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers";

Recalling UNESCO Resolution 29 "Condemnation of Violence Against Journalists" adopted by the UNESCO General Conference at its 29th session on 12 November 1997, which called on Member States to remove any statute of limitations on crimes against persons when such crimes are "perpetrated to prevent the exercise of freedom of information and expression or when their purpose is the obstruction of justice" and which urged governments to "refine legislation to make it possible to prosecute and sentence those who instigate the assassination of persons exercising the right to freedom of expression";

Deeply concerned by the increased frequency of acts of violence against journalists, media professionals and associated personnel in many parts of the world, including in countries which are not considered as conflict areas;

Recalling Resolution 1738 adopted by the UN Security Council at its 5613th Meeting on 23 December 2006 in which the Security Council:

- "condemned intentional attacks against journalists, media professionals and associated personnel, as such, in situations of armed conflict, and called upon all parties to put an end to such practices";
- draw attention to "the Geneva Conventions of 12 August 1949, in particular the Third Geneva Convention of 12 August 1949 on the treatment of prisoners of war,

and the Additional Protocols of 8 June 1977, in particular article 79 of the Additional Protocol I regarding the protection of journalists engaged in dangerous professional missions in areas of armed conflict”;

- “emphasized the responsibility of States to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for serious violations of international humanitarian law”;
- “requested the Secretary-General to include as a sub-item in his next reports on the protection of civilians in armed conflict the issue of the safety and security of journalists, media professionals and associated personnel”;

Underlines the importance for journalists, media personnel and media organizations to uphold the principles of neutrality, impartiality and humanity in their professional activities;

Urges all Member States concerned by the Director-General’s condemnations of the deliberate killings of journalists during the 2006-2007 period;

- (a) to comply with the relevant obligations under international law to end impunity and to prosecute those responsible for violations, where actions have not been taken;
- (b) to inform the Director-General of UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify him of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO;

Invites the Bureau of the Intergovernmental Council of the IPDC to explore how appropriate projects that support local capacity building in safety and protection of journalists can be given priority;

Requests the Director-General to provide, after consultation with the UN Secretary-General, the Intergovernmental Council of IPDC at its 27th session with an analytical report on the basis of responses received from Member States concerned, including updated information on the Director-General’s condemnations of the killing of journalists, and make this report widely available.