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Media and terrorism

Report
Committee on Culture, Science and Education
Rapporteur: Mr Josef Jařab, Czech Republic, Liberal, Democratic and Reformers' Group

Summary

Modern terrorism is media terrorism. The media are attracted by extreme terrorist acts not only because it is their duty to report on any major event but also because the dramatic and spectacular aspect of terrorism fascinates the general public. Today's terrorists exploit this and act in a way which will attract maximum attention around the world.

Terrorism should not affect the importance of freedom of expression and information in the media as one of the essential foundations of democratic society. This freedom carries with it the right of the public to be informed on matters of public concern, including terrorist acts and threats, as well as the response by the state and international organisations to them.

The fight against terrorism should not be used as an excuse by states to restrict the freedom of the press. As far as journalists are concerned, they should avoid playing into the hands of the terrorists by restricting the dissemination of graphic photos and over-sensational information.

F – 67075 Strasbourg Cedex, tel: +33 3 88 41 20 00, fax: +33 3 88 41 27 76, http://assembly.coe.int, e-mail: assembly@coe.int

I. Draft recommendation

1. The Parliamentary Assembly of the Council of Europe believes that terrorism should not affect the importance of freedom of expression and information in the media as one of the essential foundations of democratic society. This freedom carries with it the right of the public to be informed on matters of public concern, including terrorist acts and threats, as well as the response by the state and international organisations to these threats and acts.

2. Terrorist acts are acts which are intended to create terror, fear or chaos among the people. The spread of public terror, fear and feelings of chaos depends largely on the images and messages being carried by media reports about the terrorist acts and threats. The omnipresence of mass media at global level frequently multiplies these effects out of proportion.

3. The Assembly recalls its Resolution 1271 (2002) and Recommendation 1550 (2002) on combating terrorism and respect for human rights and reaffirms that the fight against terrorism must not be used as a pretext to restrict the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and related legal texts of the Council of Europe. In this respect, it supports the Committee of Ministers' Guidelines on Human Rights and the Fight against Terrorism of 11 July 2002.

4. Referring to the Committee of Ministers' Declaration of 2 March 2005 on freedom of expression and information in the media in the context of the fight against terrorism, the Assembly emphasises that Article 15 of the European Convention on Human Rights cannot be invoked in cases of terrorism in order to restrict freedom of expression and information beyond the existing limitations of Article 10, paragraph 2 of the Convention, because terrorist action can neither be regarded as war in a legal sense, nor can it threaten the life of a democratic nation.

5. The Assembly considers it necessary for the public and media to be aware of the fact that terrorists direct their action towards the public and thus utilise the media in order to have the strongest possible impact. This is even more important because terrorists have learned how to use information technologies in order to disseminate their own audiovisual recordings, electronic messages or web sites on the Internet, which compels states and the media to react accordingly.

6. With due regard to the privacy and human dignity of victims of terrorist acts and their families, the Assembly stresses the importance of fully informing the public about terrorist acts, including the suffering caused by these acts as well as the socio-cultural and political context of such acts. Informed public debate about concrete acts of terrorism can lead to forming adequate political responses to it and to preventing others from joining terrorist groups.

7. The Assembly trusts in the ability of the European political system and culture and its citizens, politicians and journalists to avoid over-sensational media reports related to terrorism.

8. The Assembly invites media professionals to:

i. develop through their professional organisations a code of conduct for journalists, photographers and editors dealing with terrorist acts and threats, in order to keep the public informed without contributing unduly to the impact of terrorism;

ii. organise training courses for media professionals aimed at increasing awareness of the sensitive nature of media reports on terrorism;

iii. co-operate between themselves, for instance through their professional organisations, in order to avoid a race for sensational news and images which plays into the hands of terrorists;

iv. avoid contributing to the aims of terrorists by adding to the feeling of public fear which terrorist acts can create or by offering terrorists a platform of high publicity;

v. refrain from disseminating shocking pictures or images of terrorist acts which violate the privacy and human dignity of victims or contribute to the terrorising effect of such acts on the public as well as on the victims and their families;

vi; avoid aggravating through their news and comments the societal tensions underlying terrorism, and in particular to refrain from disseminating hate speech.

9. The Assembly asks all its member and observer delegations to take account of this Recommendation in their national work and to hold a debate on this issue in their respective national parliaments.

10. The Assembly recommends that the Committee of Ministers ask member and observer states to:

i. inform regularly the public and the media about government strategies and action towards combating terrorism as well as its causes;

ii. abstain from prohibiting or even restricting unduly the provision of information and opinions in the media about terrorism as well as about the reaction by state authorities to terrorist acts and threats under the pretext of fighting terrorism;

iii. inform, upon their request, media dealing with terrorism about the specific security situation in each context, in order to avoid that journalists investigating terrorism be unnecessarily exposed to dangers caused by terrorists or anti-terrorist action of state authorities;

iv. include media literacy in their school curricula, in order to educate society towards a critical and informed consumption of media content and raise awareness of the horror of terrorist acts;

v. co-operate through their law enforcement authorities in order to prevent the dissemination of illegal messages and images by terrorists on the Internet;

vi. apply the Additional Protocol to the Convention on Cyber Crime concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems to terrorist content in so far as the latter advocates, promotes or incites hatred or violence against any individual or group of individuals based on race, colour, descent or national or ethnic origin, as well as religion if used as a pretext for any of these factors.

11. The Assembly asks the Committee of Ministers to:

i. monitor the treatment of terrorism in European media in particular with regard to its Declaration on freedom of expression and information in the media in the context of the fight against terrorism;

ii. prepare, under the guidance and in close co-operation with media professionals and their professional organisations, and with UNESCO and other organisations working in the same field, a handbook for journalists reporting about terrorist acts and violence;

iii. initiate work towards an additional protocol to the Convention on Cyber Crime setting up a framework for security co-operation between member and observer states for the prevention of cyber terrorism, in the form of large-scale attacks on computer systems and through computer systems which threaten national security, public safety or the economic well-being of a state.

II. Explanatory memorandum by Mr Jařab

Introduction

1. The most severe, brutal and shocking terrorist attack of modern history, the destruction of the Twin Towers of the World Trade Center in New York City by kidnapped civilian airplanes on 11 September 2001, were transmitted live on television and thus reached a new dimension of media impact on society. The brutal decapitation of Iraqi hostage, Nick Berg, was available via the Internet on homes through the world. Terrorism is not a new phenomenon, but the permanent presence of acts of terrorism on the media in daily life and their global reach have increased the need for re-thinking the role of media in the context of terrorism.

2. The Council of Europe and its Parliamentary Assembly are not only well placed to pursue such an analysis they are compelled to do so because the Council of Europe's standards, in particular Article 10 of the European Convention on Human Rights, constitute the basic legal yardstick on freedom of expression and information throughout Europe.

3. Having been appointed rapporteur on this issue by the Assembly's Committee on Culture, Science and Education, I participated in the tripartite (Council of Europe, OSCE, European Union) Target-Oriented Meeting on freedom of expression in Strasbourg on 17 February 2005. In preparation of this report, the Committee on Culture, Science and Education organised a hearing on media and terrorism in Paris on 17 March 2005. The report of this hearing is reproduced as the appendix hereto.

4. Professor Jo Groebel, Director of the European media Institute in Düsseldorf, Germany, was the keynote speaker at this hearing and has assisted in the preparation of the following explanatory memorandum.

5. Two journalists taken hostage in Iraq, MM. Pohanka and Malbrunot, took part in the hearing. They focused attention to the specific problem of journalists and freedom of expression in situations of conflict. This was the subject of an urgent procedure debate on 28 April, highlighted by the continuing uncertainty over the fate of French and Romanian journalists. I was rapporteurs (see Recommendation 1702 and Resolution 1438 (2005)). The present report focuses on terrorism.

The dynamics of modern terrorism

6. Modern terrorism is media terrorism. The media are attracted by extreme terrorist acts not only because it is their duty to report on any major event but also because, at the same time, the dramaturgy of terrorism attracts large scale attention. Today's terrorists have picked up this dynamic and take action not only to make their victims suffer but also to create maximum attention around the world. Terrorists have become "media competent" by knowing and applying the principles of attracting media attention in most of their activities. Not only do they now own the necessary technical equipment such as video cameras and Internet facilities, they also usually know how to time and create those images which can guarantee a maximum impact through the media. This dynamic could lead to the conclusion that a major option for the prevention of terrorism would be not to allow journalists and the media to report on terrorist activities or events or at least to inhibit coverage as much as possible. Several countries indeed have chosen this option and it is difficult in those countries to have access to information or events that are related to terrorist activities.

7. Modern democracy is however characterised to a high extent by its freedom of expression and the possibility to access relevant political or societal information. As soon as information related to terrorism is blocked by governments or other political or societal institutions, terrorists may have gained one of their goals, namely to compromise the values of modern democracy. Thus, political institutions, as well as the media, are faced with the basic dilemma that on the one hand media coverage may be instrumentalised by terrorists in order to get maximum attention while, on the other hand, if such information is inhibited, the basic principle and value of freedom of expression and information is under threat.

8. There is a general consensus among European parliamentarians, politicians, journalists and experts that the European political system is strong enough to tolerate the distribution of information related to terrorism. In fact, a major conclusion is that it would mean a real victory for the terrorists if political institutions were to compromise the European values of freedom, including the freedom of expression and information, in order to prevent any terrorist activity.

9. Although this major principle may be generally accepted, many details need to be considered when addressing media and terrorism. One of the major questions when dealing with terrorism is its definition. Two "schools" compete here. One defines terrorism in terms of the actors of terrorist attacks; the other defines terrorism in terms of the actual attacks themselves. Over the years this question has always been central to the analysis and treatment of terrorism. For the media the labelling and determination of precise motives is important even if this is not the same as a criminal justice procedure. It may therefore be more suitable to deal primarily with individual events and if necessary describe the actors involved as criminals. Not everyone who may be sympathetic with terrorist activities, but has not been involved himself or herself, is a terrorist per definition. The terrorist attacks themselves may easily be described by comparison. They usually involve extreme violence against individuals or larger groups where mostly innocent people are hurt or killed. Any situation outside a "normal" war which includes extreme violence and may be motivated by whatever simple or sophisticated or ideological political goals may be called terrorism, especially across Europe in countries with an emerging or already established democracy. All in all, for Europe, the notion, which has been used in some debates, that "one man's terrorist is another man's freedom fighter" probably does not apply. Yet it is also a fact that in a few cases terrorist activities may have increased the success of non-violent but same-goal oriented groups such as IRA and SIN-FEIN. There is indeed a preference among journalists and European politicians to limit the word "terrorism" to events and not to apply it to a whole, e. g. ethnic, group or even to a major part of a certain group which has not directly been involved in violent attacks against society and its citizens.

10. Concentrating on the terrorist events themselves and not on the motives when reporting on terrorism may of course limit the number of people who may be called terrorists. Journalists can cover any aspect of political violence including supporters and groups which may be sympathetic with terrorist goals. But it can be dangerous to "over-generalise" the label "terrorist" to include a larger number of people and who may be drawn deeper into terrorist tendencies exactly because they are already labelled as such. In fact, political integration into the democratic system with convincing means of trust and education may be a more efficient way of preventing a terrorist "periphery" from growing into violence than creation, at an early stage, of a whole out-group of "enemies" by classifying every member of a certain grouping as terrorists without distinguishing between actual attackers and others only loosely linked with these attackers.

11. One should also consider that terrorism may also actually be supported by the fact that "normal" criminal activities when labelled ""terrorism" receive a certain, if negative glorification and attraction for those who appreciate being (anti-) heroes. Many so-called terrorist activities are more based on normal criminal behaviour than on political motives. That does not make them better or worse for the victims or the political system but it may create a different context or connotation for them in the media and limit the probability that their actions are perceived as being rewarding for a higher, ideological goal. Many, if not most attacks in the context of "terrorism" serve goals other than to reach or realise political objectives. They are about money, attention, status, other advantages, or just about keeping a group alive and intact. An early-1980s study on German terrorism demonstrated that most terrorist events occurred when the group cohesion and group structure of the violent gangs was threatened to collapse and disintegrate. Planning and realizing an assault strengthened the group and put it back into a stable, if clandestine structure.

The role of journalists

12. The first section briefly described the necessity to differentiate when dealing with the label and the phenomenon of terrorism in both politics and the media. A cautious use of the term "terrorism" may not exclude the necessity to report about any major violent attack in society, but it contributes to a distinction between politically motivated tendencies and extreme criminal behaviour. Again, terrorism is a method, not an a priori characteristic of a whole group.

13. Terrorist activities of course do not only involve the media as instruments of distribution; frequently, journalists themselves are directly affected by those activities. They become victims as hostages, are killed, are used for negotiations, or, beyond purely reporting the facts, they interpret and comment on the attacks. Thus journalists are, in a variety of roles, an active part of the violent events. Recently, the threat of harm to reporters has been of increasing concern for politics and society across Europe. As representatives of the free flow of information and therefore as a very important group for the realisation of democracy, journalists deserve the special appreciation and protection of the whole of society and its political and other institutions. Any violent attack against them is an attack against the whole system and its values.

14. Without compromising their independence, there should be cooperation between public and political institutions on the one hand, and the media on the other regarding protection of journalists against of harmful attacks. They not only deserve the normal support of the political system as any citizen in danger, but as a special risk group they should profit from specific measures such as scenarios where media and public institutions simulate all possible acts of violence and how they can and should collectively react in order to protect that group without compromising their own sovereignty and freedom. Being prepared together does not mean that the freedom of expression is at stake or vice versa that the political and executive powers would be limited in their legal right to protect the democratic system. Rather than regarding themselves as conflict partners as a whole, the two groups share at least the one common interest that their own lives and that of any citizen are the most valuable goods in society and the basis for any democratic development.

15. However, even if the common interests of public institutions and professional journalists may be acknowledged, recent years have seen additional developments outside the traditional landscape of media and journalism. In Europe market pressure has also increasingly become a major factor in the success of television, radio and the press. Whereas in former times a certain ethical code would prevent the coverage of an event in a sensational way and therefore would, because of professional self-responsibility, avoid showing the most extreme scenes, this latent consensus is nowadays often challenged. If one channel does not show the most violent activities the next one will do it and so obtain a greater share of the market. Thus, with increased competition between media players or individual journalists the likelihood has been increasing that the common code of ethics is no longer automatically valid. On top of that, particularly terrorist activities are often followed by "lay-journalism". That means that non-professional observers of terrorist acts record the events with cheap digital cameras or web-cams and are also able to distribute the images via informal channels, for example the Internet. In fact, people involved in terrorist activities have themselves started applying media dramaturgy and using the necessary technical means such as video cameras, digital equipment, or the Internet. Hardly any kidnapping takes place where there is no video message distributed globally addressing directly the public as well as the political institutions. It is no more the professional journalist who controls, filters and interprets the events and the images. The images have started to lead their own lives and reach the audience frequently outside traditional media institutions. In turn, professional journalists have to consider this development and so pick up those images which they have not themselves produced or personally obtained.

16. This has two consequences: Firstly, there is more access to a global audience than ever before including the possibility for criminals to reach any specific group. Secondly, with this situation it has become more difficult to establish professional and ethical codes to be applied along all communication channels. This also means that new positions have to be defined on the continuum between potentially "harmful" and "pro-social" reporting. While normal journalism needs to describe any event, including violent attacks, in as neutral a way as possible, the production of images by the terrorists themselves are of course directly aimed at public relations and public terror to serve their own goals. Several journalists on the other hand, among them Malbrunot, who had been kidnapped suggested that sometimes the amateur videos recorded by the terrorists were a positive instrument for the negotiations with governments to get them free. Again, journalism may hardly stay completely neutral even if that is the necessary intention of media reporting. Both aspects, the negative and the positive, apply if increasingly more images and information are available outside traditional journalism: The more that images about terrorist events are distributed around the world, the more any audience gets the impression that terrorism is indeed a defining factor of modern life. In this way, terrorism would have reached its goal to irritate and threaten the majority of citizens. At the same time, any video recorded by violent actors may also be a means for negotiation. If the receivers of this information are willing and able to read the message and signals, they may as a result obtain a

strategic or tactical advantage. Several kidnapped journalists reported that in the end reaction to the videos received saved their lives. Government representatives took the messages seriously and found ways to offer the kidnappers possibilities in exchange for the hostages' lives. This of course remains tricky in the long run, even if in the actual situation the production and distribution of videos may have supported the negotiations and their outcome. At the same time, it means that the kidnappers were rewarded and without such possibilities the kidnappings might never have taken place. The example shows that it is the balance which counts. The part played by images and the media has to be taken into account, they cannot be ignored even if that might well be the political preference. Thus, one has to live with the technical possibilities and try to take advantage of their existence and not vice versa.

17. The European debate among parliamentarians and experts demonstrates at the same time the continuing "cultural" differences in dealing with the media when it comes to terrorism. Most European countries prefer a liberal approach to the freedom of expression and information and regard the freedom of journalists higher than the potential risk that media reporting might cause to individual citizens. They acknowledge that by limiting freedom of expression, terrorists would have indirectly realised a major aim, namely to change the political system and make it more oppressive. Some countries however still subscribe to a more restrictive policy. They want to avoid any risk of promotion of terrorist activities through media reporting by blocking journalists' access to sites where a violent attack takes place. The examples, however, have demonstrated that it is by now nearly impossible to interfere completely with media reporting in the context of political or other violence. Nearly all images find their way anyway to the public through all kinds of channels. It therefore seems better to reach a consensus between the media and the political institutions based on a minimum acceptance of neutrality that if in doubt information should be distributed. An accepted criterion of course is that if live reporting would immediately include the risk to lose lives through informing e. g. kidnappers of the activities outside a hostage location, then this of course would have to be avoided by means of self-limitations. Even if one needs to accept these cultural differences in dealing with terrorism and the media, efficiency is probably the most valid factor in protection of freedom of expression and information. Limiting freedom of expression hardly prevents terrorists from attacking. On the contrary, if certain events are not reported which can be positioned on a lower or medium attention-grabbing level, the terrorist dynamics demand them to create such a big and spectacular event that automatically reporting cannot be avoided anyway. Thus, trying to block and inhibit free reporting is either technically not possible anyway or may at worse lead to even more extreme violence would need to be covered anyway.

18. When dealing with media coverage of terrorism it is also important to consider the different effects which that coverage has. It has already been mentioned that the terrorists themselves aim at maximum attention for their own sake. But it is also true of course that politics and potential supporters are affected by the violent events. Terrorist attacks can be regarded as following the principles of symbolic negotiation and even games. Politicians in public need to react in public, otherwise they are perceived as being too weak and not able to cope with the violence. Therefore it is part of the terrorists' strategy and the strategy of political institutions vice versa to force the respective conflict partner to express weakness publicly. It needs to be clear in media reporting and communication that the events and the reactions from those events follow a dramaturgy of potentially increasing escalation. Politicians and negotiators are under public observation and cannot necessarily chose for the best strategy for example to free hostages. They need rather to demonstrate strength and power. Therefore it would also be up to the media not only to reward and pay attention to those who are applying the most extreme measures of fighting terrorism but to feature also those which are the most clever even if they do not necessarily appear to be the most radical and strong.

19. It has already been mentioned that many terrorist activities are directed at the empowerment of their own followers and their own group structure. Again, journalists and the media need to be aware of this fact. It is not always the larger audience which is addressed but their own followers. It was for example relatively risky to broadcast the first Bin-Laden videos after 9-11 as they may have contained hidden messages for the supporters of Bin Laden. Responsible journalism takes account of this effect and should be very careful in the broadcasting and distribution of material gathered outside the own professional possibilities and means. Again it is very difficult to apply a general standardised approach to these political and professional challenges.

Images and ethics

20. The standards and norms of how to deal with terrorism in the media are different within European countries and around the globe and so are the use and interpretation of individual images. They have one thing in common however. Strong, single icons and visual impressions increasingly determine the public debate probably more than detailed analyses and background information. The struggle for power is often a struggle for the most powerful images. And violence creates powerful images and in turn attracts attention much more than peaceful negotiations could usually ever hope to achieve. That makes terrorist attacks a priori more efficient for media coverage than most other means, particularly among small, originally little-powerful groups. Again, violent images and market competition correlate and may, even unintentionally, result in a mutual spiral of interest. Even with, or especially without political control of the media, it is important for journalists to be aware of the fact that they carry a high responsibility for the effects of using and distributing terrorist images. This responsibility needs to focus on avoiding:

a) the promotion of terrorist goals through extreme images,
b) the separation of an individual attack from the historical and societal as well as criminal context,
c) hurting privacy and human dignity particularly of the victims.

21. There can hardly be a cross-national standard of how to use the images of violence in the media, but journalists need to be aware of the professional, political and ethical implications of their distribution. During the Paris debate one journalist who had himself been hostage in Iraq (Pohanka) put it very clearly: The frequency of violent images of the conflict in this country inhibits the likelihood that images of "normal" life are also widely distributed. Yet one has to show also the brutality of terrorism. Another journalist (Aliev) made it once more clear that the oppression of any violent image would only increase the probability of an attack so extreme that coverage just could not be avoided anymore.

22. It seems to be crucial that the images are integrated into a context, whether it is an additional piece of background information about the event itself, a description of the groups involved, or a picture of the whole situation and cultural environment which may not be characterised at all by violence or violent intentions. The danger of an isolated use of specific terrorism-images is not only that they help promote violent political goals, but that they also create a wrong image of a whole region or even a whole group and culture, such as of Islam.

Consequences for politics and media

23. Terrorism should not be able to compromise the bases of democracy and freedom. For both politics and media the consideration and realisation of several principles would reduce the likelihood that any violent activity could ever reach this goal. Among the media, whether it is television (see statements by Whittle or Krichen) or the press (see Gor and others) such principles have already been established. Summarising several approaches one can identify ten aspects of reporting which create a working guideline for dealing with terrorism:

- Inform a broad audience freely.
- An event must be covered accurately.
- The coverage has to be impartial.
- If one opinion or voice is presented, at least one alternative or opposite voice must also be heard.
- The audience should be informed about the sources of a piece of information.
- The procedures and channels of gathering information should be transparent.
- The reporting should be careful in its choice of terminology ("terrorists", "martyrs").
- Basic privacy and human dignity should always be respected.
- The coverage should empower the audience to get involved in a (national) debate.
- Once a piece of information turns out to be wrong, that should be made publicly clear.

24. Apart from guaranteeing press freedom, politicians should find the right balance between a number of challenges which characterise the tensions in the specific context of media and terrorism. These balances, as was agreed among politicians, journalists and experts, cannot be created in a

standardised way but need to be approached pragmatically and per terrorist event. However, it is crucial to be aware of the respective challenges, more specifically, to find the right balance for

POLICY:	between freedom of expression and avoiding offering terrorism a platform;
INFORMATION:	between the use of graphic images and the accurate text and context;
EMOTION:	between personal involvement and the need to act and react impassionately;
ETHICS:	between market considerations and professional responsibility beyond competition;
PROFESSION:	between the traditional craft of journalism and the increasing production and distribution through non professional channels;
EVENTS:	between the complexity of almost every terrorist attack and the need to simplify in order to gain attention and facilitate comprehension;
SOCIETY:	between the public pressure to act and being honest about the limited means of reacting completely successfully;
DRAMATURGY:	between the need to introduce "new" information and aspects permanently and caution in evaluating the situation too early;
LANGUAGE:	between the universal symbols and icons (violence, power) and the culture-specific connotations (e. g. "martyrs");
CHANNELS:	between pluralistic opinion distribution and consensual policy on terrorism.

25. The respective challenges cannot be answered with a single, final solution. The relation between media and terrorism rather demands a permanent political and public debate across (European and beyond) borders. The Council of Europe and its Parliamentary Assembly is probably one of the most adequate platforms for this debate: It covers all regions and cultures of Europe; it brings together the national representatives of Europe's citizens; it forms the bridge between national uniqueness and European unity.

Perspective

26. The Council of Europe and its bodies should address the issue with a short-term, a mid-term and a long-term perspective:

Short-term:	Transfer knowledge about successful action which guarantees media-freedom and reduces terrorist threat immediately across borders and cooperate on any individual incident.
Mid-term:	Talk with citizens, create competence and awareness of the challenges regarding the right to be informed and the security issues.
Long-term:	Trust the European political system and culture and its citizens, politicians and journalists. They are stronger than any terrorist activity.

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APPENDIX

Parliamentary hearing on media and terrorism
held in the French Senate on 17 March 2005

Paris

Content

I. PROGRAMME

Opening :

- Jacques Legendre, Chairman of the Committee on Culture, Science and Education (Senator, France)
- Josef Jařab, Rapporteur (Senator, Czech Republic)
- Jo Groebel, Keynote speaker, Director-General of the European Institute for the Media, Düsseldorf

1. Media strategies used by terrorists

It is often claimed that terrorist acts are mostly committed because of their media impact. Moreover, video terrorism (terrorists filming their actions in order to get their messages through), although not a new phenomenon, has acquired unprecedented dimensions through the existence of 24-hour global news channels and the Internet. Recent terrorist acts and video messages by terrorists have been associated with a carefully prepared media strategy.

This session will try to evaluate the part that media coverage plays in terrorist strategy

- Georges Malbrunot, Journalist, Figaro
- Vit Pohanka, Journalist, Czech radio
- Timur Aliev, Editor, Chechen Society

Questions / Discussion

2. Editorial choices and responsibilities of the media

The media face a complicated task to strike the right balance between their duty to inform the public and the danger of becoming tools in the hands of terrorists. They have to manoeuvre between obstacles to access to information imposed (rightly or wrongly) for security reasons and their own understanding of the thin line between the public's right to know and an efficient fight against terrorism. They have to make painful choices involving their own conscience with regard to decency and respect of the dignity of the victims of terrorist acts and the demands of media market competition.

This session will try to identify the potential of media self-regulation and deontology.

- Stephen Whittle, Controller, Editorial Policy, BBC
- Mohamed Krichen, TV Presenter and member of the editorial board, Al-Jazeera
- Francisco Gor, Editorialist, El Pais

Questions / Discussion

3. Political and legal response

The Council of Europe and its Assembly have insisted on several occasions that no restrictions to freedom of expression should be imposed under the pretext of the fight against terrorism. However, it is often felt that this is happening in some European countries and the US Patriot Act is also given as a negative example.

Some of the most heated debates revolve around the legal status of web sites showing terrorist outrages.

This session will try to assess the existing legal measures and how they might be developed and complemented by political measures

- Jorge Pegado Liz, Member of the High Authority on Mass Media of Portugal
- Sylvie Genevoix, member of the High Authority on Mass Media of France (CSA)
- Mogens Schmidt, Deputy Assistant Director-General for Communication and Information, Unesco *(apologised)*

Questions / Discussion

4. General debate

Crises caused by terrorist acts increasingly look like media wars. There is a danger of the media inadvertently becoming part of a political process. Political authorities, who are unwilling or unable to enter into direct contact with the terrorists, are increasingly using the media as a part of the negotiations.

There have also been accusations that certain political circles deliberately leak terrorist threats thanks to the media in order to achieve specific political goals.

On the other hand, media coverage has helped generate unprecedented demonstrations of international solidarity, which in some cases may have contributed to a positive solution to terrorist dramas.

The concluding session will try to draw the line between legal regulation, media ethics and further development of the political and democratic process in Europe

- Abdelillah Benarafa, Directorate of Culture and Communication, ISESCO
- Agnès Callamard, Executive Director, ARTICLE 19
- Robert Ménard, Secretary General, Reporters without borders *(apologised)*

Questions / Discussion

Concluding remarks

II. Record of the proceedings

The hearing was opened at 11.10 am with Mr Legendre, Chairman of the Committee on Culture, Science and Education, in the chair.

OPENING

Mr LEGENDRE said that the theme of the hearing was obviously a topical one and that he wished to dedicate the hearing to Florence Aubenas and Hussein Hanoun al-Saadi, who had been kidnapped in Iraq 71 days previously, and send them a message of hope and support, trusting that they would soon be freed. Two other journalists were still missing in Iraq: Frédéric Nérac had disappeared in March 2000 and Isam Hadi Muhsin Al-Shumary in August 2004. The speaker paid tribute to the professional courage of all those who practised their profession with dedication in dangerous circumstances.

Victor Hugo, who had been a member of the Senate, had declared on 11 September 1848, in a speech in favour of freedom of the press, "The principle of freedom of the press is no less universal and no less sacred than the principle of universal suffrage (...). These two principles are inseparable and complement each other. Freedom of the press, alongside universal suffrage, means freedom of thought for everyone, which implies enlightened government for all. Undermining one is tantamount to undermining the other." To attack freedom of the press was, indeed, one of the most serious crimes of terrorism, for the target was democracy and the freedoms that allowed it to flourish. Despite the tragic events that were taking place, the hearing had to try to consider the risks to freedom of information resulting from the threats in the Middle East, Asia and Africa, where several journalists had been killed.

It was important to distinguish terrorist threats from more insidious forms of manipulation. Messages accompanied by images that were quite difficult to avoid, portraying victims of terrorism as martyrs, elicited repugnance and loathing in Europe, but also, to be sure, in the countries where such acts were perpetrated. The "management" of these messages was indeed tricky for governments responsible for broadcasting, but also for directors of press undertakings and journalists themselves.

While total censorship could be interpreted as a terrorist victory against democratic freedoms and values, loyalty to those values justified restrictions: respect for the dead, for instance, was an argument against broadcasting pictures of victims, while if hatred was to be prevented from escalating it was necessary to enforce laws punishing xenophobia, racism, incitement to violence and attempts to justify such crimes. The places where terrorist threats and messages were propagated had, however, changed with the growing number of television channels and the development of the Internet. The global village announced by McLuhan had now become a reality, but there was still no global police force.

It was to the Council of Europe's credit that it had taken up this challenge by means of conventions designed to counter new forms of crime. France had already put a stop to the relaying of anti semitic messages from a television channel broadcasting from the Middle East. One could have confidence in the decision of the European Court of Human Rights, to which those in charge of the channel had decided to appeal, but the regulation of the media must remain subject to supervision by national and European courts, in order to show those who preached hatred that freedom and responsibility went hand in hand.

Quite apart from the risk of disseminating terrorist messages, it was important to take stock of the factors that bred terrorism, including poverty and illiteracy. The assassination of journalists by state terrorism was one means of exacerbating the oppression of peoples subjected to manipulation of the official media.

How could one offset the risks of democracy by more democracy? This was a fundamental issue for the Council of Europe, which saw itself as the guardian of democracy. All human beings aspired to the same universal values, which must be defended unflinchingly everywhere. More than ever, freedom of the press and universal suffrage, ie democracy, went hand in hand. It was to be hoped that current developments in the Middle East and elsewhere would make for greater media pluralism

and generate an aspiration to democracy. This was essential to the security of those whose job it was to inform the public and forge an enlightened public opinion, but also to the stability of regions whose populations were still criminally misinformed.

Mr JAŘAB, rapporteur, said that a proper balance had to be struck between requirements relating to efforts to counter terrorism and the preservation of fundamental rights. The Council of Europe Parliamentary Assembly considered this issue particularly important and had already addressed it under the presidency of Lord Russell-Johnston, for thought had clearly needed to be given to the matter after the attacks of 11 September. A meeting on the intersecting themes of freedom of expression and terrorism had taken place at the Council of Europe with the participation of the OSCE, the United Nations and NGOs. The Council of Europe's Committee of Ministers had adopted an important declaration on the subject on 2 March 2005.

While the speaker expected a great deal of the day's debates, decisions concerning journalism in wartime were often difficult to take, for it was necessary to provide information but also to decide what information to hold back and what to publish or broadcast.

Mr GROEBEL, Director-General of the European Institute for the Media, began by drawing attention to the emergence of non-professional producers of images – informal channels that interacted in a complex way with the so-called official media. In his view, the coverage of terrorist acts in Europe by the professional media was, overall, appropriate, but these media, which were being subjected to ever-harsher competition from their counterparts, were also facing competition from informal sources that broadcast raw news and images. Nowadays, anyone could disseminate anything on the Internet.

Moreover, it was necessary to be clear about the criminal dimension of terrorism, as had been brought home to people only recently, in the case of the IRA, by the McCartney affair. In the 1980s and the 1990s there had been much talk of ideology or religion, but nowadays terrorists increasingly turned out to be common criminals. It was necessary to bear this in mind when considering whether to filter images.

A cynic might say that the Madrid terrorists had failed, in that they had not succeeded in creating another 11 September. Europe had been shocked, but in the space of a few days the attack at Atocha station had stopped being front-page news. With the commemoration on 11 March, however, the terrorists had achieved one of their aims, which was to draw attention to themselves again: they had become, as it were, producers of images. If this did not work and the images stopped being of interest to the public and the media, they would have to find another approach.

In contrast to the situation fifteen or twenty years previously, images were now exploited in an increasing number of ways to enhance their impact: anyone could become a journalist in his or her own way, thanks to webcams and the Internet. Competition between media had become much keener. In this context, the issue was not only the exploitation of the media, but also the authenticity, reliability and motives of sources. Images had become raw material and terrorists had become producers. Professional journalists had no control over the situation, given that anyone could publish images and text on the Internet. Journalistic values and ethics had to be preserved, but how?

In modern times, the objective of terrorists was not just to draw attention to themselves: it was also to endanger democracy. When freedom of information no longer existed, they had won – given that they would always find a means of getting themselves talked about.

In modern-day society, the attention paid to the media was a bargaining chip. This applied to products and politicians, and also to terrorism. One could not achieve one's aims without media coverage. The fact that terrorists had a high profile worldwide as a result of the media gave them a political role, whether or not their intentions were political. And to achieve this high profile and capture attention, they needed to set the stage. These theatrical attention-seeking efforts also had an internal objective, which was to foster loyalty among members of the movement.

More generally, the fact that security had become the United States' number-one priority was an illustration of terrorist strategy: attention was focused on terrorists. Europe had experienced terrorism and had a more "relaxed" view of the phenomenon, but it must certainly prepare itself for events as tragic as those of 11 September.

The media were, unfortunately, partly responsible for the process fuelling terrorists' desire to capture attention: some of them fed on terrorism with no thought at all for ethics. The public also bore a share of responsibility, given that people needed ever-more-violent stimuli to arouse their interest. The conditions needed for terrorism to escalate were therefore present on all sides and those who used the images were obviously taking advantage of this trend. There were now images on television screens that it would have been unthinkable to broadcast twenty years previously.

In addition, a transition from text to images was taking place, for the latter elicited a more immediate reaction among the public. A powerful image, such as that of the American soldier in the streets of Mogadishu in Somalia, could change the outcome of a conflict and even a war.

Lastly, professionalism was losing ground to amateurism, and ethics were going by the board as efforts were made to dramatise events. And yet it was argued that it was necessary to meet the expectations of the public.

The speaker concluded with three assertions: freedom of expression was a fundamental value that must not be endangered; if one medium did not cover a terrorist act, another would and, lastly, a terrorist act must be covered by the media, but ethically, with due regard for the authenticity of the sources and the nature of terrorism.

1. Media strategies used by terrorists

Mr MALBRUNOT, a journalist with Le Figaro, wished to talk about his four months' detention in Iraq. He had discovered, with great reluctance, the importance those who had taken him hostage afforded to the media. His kidnappers had recorded nine cassettes. Some of them, including the first one, in which the speaker and his companion had given their personal particulars and stated their profession and the reason for their presence in the country, had been for internal use, being intended for the leaders of the "Islamic Army" in Iraq. Others were proof that they were alive, demanded by the French authorities – they were somewhat reassuring in that they implied that there was contact. The others, in which the hostages were instructed to call for help, were threatening, and meant that the negotiations taking place were encountering difficulties. Those had not been broadcast, contrary to what had happened in the case of Florence Aubenas. They had been designed to send out a signal in order to re-launch negotiations. Even though the recording of such cassettes was obviously a very distressing experience, in retrospect he considered that it was a sort of psycho-drama before the *dénouement*. Indeed, this was what had happened in the case of the Italian journalist Giuliana Sgrena.

The kidnappers had made intensive use of the new media and were very well informed about the situation in France. For example, they had been able to check on the Internet that Christian Chesnot and he were indeed who they said they were.

On the whole, the use of the media by hostage-takers had proved to be beneficial to hostages in that it had made for dialogue with the authorities. Nothing was worse than the absence of dialogue, and this was what had cost Enzo Baldoni his life. Immediately after a kidnapping, using the media was tantamount to throwing a line to governments, even if they officially refused to negotiate. The kidnappers awaited a reaction and wanted to know how seriously the authorities took their threats. If there was no reaction after a message had been broadcast, the hostages were left in a vacuum, abandoned to their fate. In the speaker's own case, the first contacts, over a fortnight, had been electronic: the e-mails exchanged had enabled the government to negotiate without an intermediary.

The world was neither pure nor perfect. In the face of determined hostage-takers, there was virtually no solution other than dialogue, but this had to be skilful and secret. Use of the new media made it possible to limit the risk of leaks or interference. It was a macabre game, but concessions had to be made when necessary and pragmatism was called for in dealings with people who were prepared to use any method, even the most cruel, to achieve their ends. There had, admittedly, been some blunders, but on the whole the media had not been caught out.

Mr Jařab, Vice-Chairman of the Committee on Culture, Science and Education now ok the chair.

Mr JAŘAB – who had taken the chair - thanked Mr Malbrunot for his account and gave the floor to Mr Pohanka, one of his former pupils, who had likewise been taken hostage in Iraq.

Mr POHANKA, a Czech radio journalist, recounted his experiences in turn. He had been kidnapped in April 2004 with two of his colleagues on the road from Baghdad to Amman by villagers who had probably wanted to rob them, then handed over a few hours later to a "insurgent group" near Fallujah. The group had never claimed to belong to any known, organised movement. He and his companions had been released five and a half days later, probably because their country was not very important locally and on the world stage, even though it had troops in Basra.

The kidnappers were not very professional, but they had a very well-thought-out media strategy. The hostages had had to record a video cassette saying who they were, stating that the Iraqi population were victims of the American occupation and that foreign troops should leave the country. The cassette was supposed to have been broadcast on Al-Jazeera, but it had apparently been mislaid. After three days, the channel had broadcast photos of his companions, specifying that they were Czech journalists. Having achieved their objective – which was to show the world that the situation in Iraq remained unstable – and checked the affirmations of their hostages, the kidnappers had decided to release them.

Terrorism in Iraq was preventing journalists from doing their job. He had produced reports on daily life in the country, on the lives of women after the downfall of Saddam Hussein's regime and on education, and these had been lost. The terrorists had achieved their aim: the public was interested in the hostage-taking but not in the daily lives of the Iraqis. The latter subject might be of interest to editorial teams, but as soon as a bomb exploded or a kidnapping took place, those events took priority. It was with sadness and a degree of resignation that he said that. Having worked for the BBC World Service, he drew attention to the existence of instructions for covering terrorism. He thought they were relevant and urged that they be complied with.

Terrorists were winning the battle because they could no longer be ignored. The media ought to try and combat their attention-seeking efforts, but they did not always do so. It was all a question of proportion: it was necessary to cover kidnappings but not exploit them. A few weeks previously, he had been in the press room reading dispatches, awaiting an event, when the news of an ETA attack in Madrid had broken. He had checked the information, contacted the Czech Embassy, decided to produce a report and immediately prepared the evening news. On returning home, he had realised that he had done what the terrorists wanted him to do: he had helped show that ETA still existed and was capable of acting, whereas in actual fact its influence was waning. He also knew that if he had not produced the report, someone else would have done so.

Mr JAŘAB gave the floor to Mr Aliev, a Chechen journalist, who would be attending the Political Affairs Committee hearing on the situation in Chechnya on 21 March.

Mr ALIEV said he had worked a great deal in the northern Caucasus and had covered the Beslan hostage-taking. He had received death threats.

After the tragic events in Beslan, the Duma had passed two laws defining what might be called a "state of emergency against terrorism". The first made provision, in the event of a declaration of such a state of emergency, not only for increased telephone tapping and more restrictions on freedom of movement but also for restrictions on media freedom: any journalistic publication would have to be submitted to the authorities for authorisation. If the law had been applicable at the time of the Beslan tragedy, no one would have known about it. The second law concerned entry into and residence in the Russian Federation, and made it possible to refuse a visa to any foreigner who had criticised the laws and values of the Federation. Taken together, these two laws made, in practice, for press censorship. Foreign journalists who wanted to go to Chechnya currently had to be accredited by the Ministry of Foreign Affairs, while Russian journalists needed special authorisation. Journalists were always accompanied and saw only what the authorities wanted them to see.

There had been little press coverage of a terrorist attack in Ingushetia in 2002. Subsequently, Bassayev and his men had killed 70 police officers in Grozny, but no one had been allowed to mention it. So they had decided to strike even more forcefully outside Chechnya. In this particular case, censorship had been counter-productive.

It was also important to take an interest in what the public thought about terrorism.

As the speaker saw it, there were two ways of addressing terrorists: either one eliminated them, or one did what they asked.

Mr MONFILS questioned Mr Malbrunot about the fact that Mr Julia had been "put back in the saddle" and had appeared on television again after Florence Aubenas' appeal. The Prime Minister, Mr Raffarin, had even addressed him directly before the National Assembly. Had television not been over-hasty, thereby forcing the French Government's hand?

Lord RUSSELL-JOHNSTON said that Mr Malbrunot's account showed that it was necessary to be pragmatic. Principles no longer existed, and if a government did not negotiate, the hostages died.

Mr GILMORE wondered how terrorist acts should be covered. Were objectivity and realism sufficient? Did the media have a role to play in combating terrorism?

Mr MALBRUNOT thought the Belgian speaker had analysed the second "Julia affair" very astutely: the media, both the channel on which the parliamentarian had chosen to express himself and the media that had contacted him in vain, had fallen into the trap. They had gone too far because, as often happened, audience ratings took precedence over news quality. They had already gone too far in rushing to contact Mr Julia's colleagues, who had nothing to offer. The media ought to know that, in such cases, those who knew said nothing and those who talked knew nothing. Still, journalists had articles to write.

Should one be pragmatic? Yes, if the decision was taken to negotiate with groups determined to used all the means at their disposal. All that counted was the result. It was necessary to lie and to go through unusual channels if necessary. Terrorists had the advantage of being able to use any means they liked, and democracies sometimes had to make the best of it.

In the light of his long experience in the Middle East, the speaker hoped that the media would take an interest in the causes of terrorism and in those who became terrorists. The role of the media was not to widen the cultural divide, which the latter were seeking to exacerbate, but to try to bridge the gap. When asked for whom they would vote in the American presidential elections, some Iraqis who had attended training camps in Afghanistan answered "Bush", as they wanted to be sure that the American army stayed in Iraq. What they wanted at the time, and what they still wanted, was a clash of civilisations. Journalists should reject dialectics of this kind. If the Al-Jazeera and Al-Arabya television channels were so successful, it was because they allowed all the components of Arab society to express themselves. Television viewers in the Middle East had the feeling that they were not portrayed as inferior, as was the case in the western media. Every month 800 people were killed in Iraq. The Iraqis were the prime victims of violence, and the Arab television channels reflected this situation.

This state of affairs should prompt journalists to rethink the way in which they covered such matters. People were not born terrorists: they became terrorists.

Mrs. MILOTINOVA was inclined to think a code of ethics should be established for all journalists covering crisis situations. Where was the dividing line between news and involuntary involvement in terrorist propaganda?

Mr WEESA, a journalist, said he was somewhat shocked by Mr Malbrunot's remarks. Just how pragmatic could one be? Was this not playing into the hands of terrorists? Did the fact of engaging in dialogue with them not encourage them to take more hostages?

Mr MALBRUNOT clarified what he had meant. It was true that engaging in dialogue with terrorist hostage-takers was in a way tantamount to selling out. But what else could one do? If there was no dialogue, hostages died. The Americans had negotiated to obtain the release of their hostages in Iran, and Israel negotiated with Hizbullah. The main thing was to sacrifice one's principles as little as possible, and the longer negotiations lasted, the smaller the sacrifice. Engaging in dialogue with people who often had a very narrow vision of the world could be useful. Who was in a position to tell others what to do?

Mrs HURSKAINEN wanted to know whether journalists received psychological support after being taken hostage.

Mr KOROBEYNIKOV said that terrorists were dangerous because they were armed. International arms sales were criminal and should be banned in the same way as drug trafficking. The media should take a greater interest in this phenomenon than they did.

Mr MARQUET wondered whether media coverage was the sole purpose of hostage-taking.

Mr MALBRUNOT pointed out that media coverage was the result of hostage-taking. Apart from that, demands could vary: they could be for the withdrawal of troops from Iraq, or they could be political demands, such as the repeal of the law on secularism in France. Financial demands were not uncommon in such circumstances, either.

The sitting, suspended at 12.45, resumed at 2.40 pm under the chairmanship of Mr Legendre

2. Editorial choices and responsibilities of the media

Mr LEGENDRE pointed out that a balance needed to be struck between the duty to inform and the risk of instrumentalisation, as Mr Whittle would be arguing.

Mr WHITTLE, Controller of Editorial Policy, BBC, quoted Machiavelli's reply, when invited on his deathbed to renounce the devil and all his works: "This is no time to make new enemies".

The discussion was in fact about democracy, human rights and freedom. The BBC, a public-service broadcaster, had made certain editorial decisions, followed certain principles and, like others, faced certain challenges.

The events of 11 September 2001 had undeniably altered the media environment as a whole. Listeners and viewers had a greater need than ever for a source they trusted, for unbiased analysis on which they could base their own opinion, as well as for a discussion forum. Meeting these needs was crucial for the BBC, which broadcast worldwide, and, if it were not careful, its long-established reputation for reliability and impartiality could suffer.

Recent years had seen major changes in the media landscape, with huge growth in information flows, and with hundreds of channels broadcasting in Europe alone. The BBC itself broadcast 40 hours across all its services for each actual hour of the day, and provided around 2 million web pages. Its services reached 200 million homes around the globe. It was no longer possible, in this context, and with the advent of new media sources, to conspire to hush things up.

Television remained a potent medium, but had to cater for a wide range of sophisticated and discriminating audiences who judged TV output against their own experiences and views. The BBC had learnt some hard lessons from its coverage of Northern Ireland, and had endeavoured to keep people informed about what was actually happening in the province, even when the government was attempting to restrict access to information. It had used actors to speak the words of persons not allowed to appear on TV, at the same time giving airtime to the authorities, victims' families and the leaders of the different communities. This had enabled the audience to formulate its own opinion in full knowledge of the facts. It was not the job of the BBC to tell people what to think, but to provide them with food for thought. This was the crucial difference between a public service and a state broadcaster.

In doing this, the BBC had had to resist the pressure brought to bear, bravely carrying out investigations to expose the identity of bombers or collusion between the security services and paramilitary groups. Its Belfast and London offices had been attacked by terrorists who regarded the BBC as a symbol of the British media.

Coverage of events in Iraq presented a stiff challenge in such an unsafe environment. Two BBC journalists had been killed in the past year, and another very seriously wounded. The hostage situation posed another challenge. The BBC had decided to report the facts, but not to broadcast the kidnappers' videos, not wanting to encourage voyeurism or to humiliate the hostages further.

In the United Kingdom, the BBC had referred to the "dirty bomb" threat, which the government was attempting to minimise. The new anti-terrorism legislation, about which politicians were divided, had had no effect on press reporting of the arrests of terrorist suspects or on the way in which journalists went about their work.

Complete freedom of information was difficult to reconcile with security. Like most democratic countries, the United Kingdom had opted for freedom of information where the information concerned did not jeopardise security. But public demand was growing. People wanted to know whether they were safe, whether emergency plans existed to deal with terrorist attacks and who it was that had been arrested in their street, for instance. It was important to strike the right balance between legitimate journalism and responsible citizenship.

The BBC operated on the basis of several key principles: the use of accurate and reliable sources; impartiality, implying resistance to pressure; honesty towards both contributors and audiences, making it clear what could be proven and what could not; sensitivity in respect of issues relating to fundamental human rights, with decent coverage of suffering or distress and respect for the presumption of innocence; and, lastly, the provision of a forum for free expression of opinions enabling people to make informed democratic decisions. The speaker also mentioned the unwritten rule that mistakes had to be acknowledged.

Islam was a delicate issue. It was clearly part of the motivation of Osama Bin Laden and Al-Qaeda, but also contributed to the reaction of even moderate Muslim opinion in the West as in the East. The way it was dealt with tested broadcasters' ability to report objectively. Islam was a complex religion unfamiliar or little-known to western societies, or even subject to their hostility. How could related events be covered impartially? How could the public be informed about Islamism, a recent minority phenomenon, and about its background? How could Islam's social concepts of such issues as women's rights be explained without bias? How could people be found to serve as the legitimate voice of the community? How could we avoid fuelling prejudice and intolerance?

The BBC based its action on rigour, truth and allowing everyone to have their say, so that its audience could make sense of what was happening and take informed decisions. This was both a privilege and a responsibility

Mr KRICHEN, a TV presenter and a member of Al-Jazeera's editorial board, began with a quotation from the book "Al-Jazeera, Defiant and Ambiguous Mirror of the Arab World" by Olfa Lamloum: "Allowing Bin Laden to appear and be heard is absolutely in line with the channel's ethical approach of broadcasting argument and counter-argument. In the war against terrorism declared by the United States, Al-Jazeera's viewers can hear both Bin Laden's justification of the massacre of civilians in New York and Washington and George Bush's regrets about collateral civilian victims in Afghanistan and Iraq or his apology for the torture at Abu Ghraib prison, and it is not certain that viewers in the Arab world will consider the former's brutality worse than the latter's hypocrisy".

Al-Jazeera, a 24-hour Arabic-language channel, had begun broadcasting on 1 November 1996, and had been the main focal point of the arguments that had raged about "media and terrorism". Unjustified accusations had been levelled against it in some quarters, unfortunately including American politicians and media, while other people, such as European researchers and journalists, had attempted to grasp and interpret its message.

The tragic events of 11 September 2001 had placed terrorism at centre stage internationally. Among the subjects of international debate were Al-Jazeera's coverage of the Afghanistan and Iraq wars and the Palestinian intifada.

Al-Jazeera had been the only channel to show Osama Bin Laden's first cassette, on the first day of the war in Afghanistan. Following this scoop, it had been accused of providing a platform for a terrorist. Accusations against it had multiplied after the broadcasting of further videos, five of them in 2003. The Americans had grown increasingly angry when the channel gave the figures for civilian losses. Its Kabul office had been subjected to unexplained bombing by the US Army just before the city fell.

The channel had again been criticised during the Iraq war. Unlike governments and public opinion in most European countries, certain circles in Washington regarded anyone opposing the war as a supporter of terrorism. The Baghdad office had been bombed on 8 April 2003, killing reporter Tarek Ayoub. Further accusations had followed after Al-Jazeera used the terms "resistance" and "occupying forces" with reference to military action against the coalition. Its Baghdad office had been closed since August 2004, a decision taken by the provisional Iraqi government, which had accused the channel of "supporting terrorism". Prior to that, several reporters had been arrested, but later set free.

As far as Americans and Israelis were concerned, action against the Palestinians was part of the war on terrorism. Here again, Al-Jazeera, despite having been the first Arabic channel to give airtime to Israeli officials, had been accused of sympathising with terrorists, on the grounds that it was displaying solidarity with civilian Palestinian victims. It should be noted that the channel had never approved operations against Israeli civilians.

Taysir Allouni, an Al-Jazeera journalist, had been arrested in September 2003 in Madrid in connection with a case of terrorism. Released on bail, he had then been sent back to prison on 18 November 2004, and subsequently placed under supervision on his release on 16 March 2005. The authorities had alleged that he was linked to a terrorist network, although no evidence had been adduced so far. Allouni, one of Afghanistan's top journalists, was still awaiting trial.

Al-Jazeera endeavoured to provide information to its 50 million viewers (15 million of them in Europe), without being intimidated by threats from people who had in many cases never even watched the channel. It stuck rigorously to its watchword: "the opinion and the other opinion". No Bin Laden cassette had ever been shown without comments from a wide range of figures, from American officials to Arab opponents; no tape showing a hostage in Iraq had ever been broadcast without the person's family, a government leader from his or her country or an Iraqi personality calling for his or her release. Better still, Al-Jazeera had condemned the kidnapping of French and Italian journalists and called for the hostages to be released immediately. Several countries had thanked the channel for its role in obtaining their nationals' release. Al-Jazeera was always careful in its use of such terms as "terrorism", "terrorist operation", "terrorist movement" and "jihad", and it used its judgment and did everything it could to avoid bias and prejudice.

An editorial board had been set up in November 2003. A code of ethics governing the work of the channel's journalists and programme quality and impartiality had been unveiled in July 2004.

Mr GOR, a leader writer for El País, said that the investigation into the Madrid bombings of 11 March 2004 had, although it was not yet complete, revealed the involvement of several members of an Islamist organisation linked to Al-Qaeda. A parliamentary commission of inquiry had also been asked to highlight any security lapses, but this had not yet finalised its conclusions.

A few weeks previously, the chair of the association of victims had given emotional evidence to the commission, and remonstrated with Spain's media, prompting them to take a timely, even self-critical, look at their own coverage. Her main grievance was the repeated publication of pictures of maimed bodies, even long after the bombings. Speaking in the name of the victims, she said: "Above the right to information is the right to privacy of those no longer with us. Whenever the pictures are shown, we are overcome with grief. Newspaper, press agency and news programme directors, one might doubt that you have any feeling at all".

Without necessarily agreeing that the right to privacy came before the right to information in a democratic society, the media needed to be very careful when dealing with news likely to cause further distress to victims of terrorism and their families. On the day after she had addressed the commission, El País, under the headline "Sorry", had described her evidence as "a great moral lesson aimed mainly at the political community, but also at the media, because of the way in which some of them exploited the tragedy". According to the writer, "We in the press and media should all be extremely cautious and show our consideration for the victims".

The commission of inquiry had also called on the media to draw up a code of conduct governing the way in which pictures of bomb attacks should be used in future. It had to be said that great restraint had been shown in the reuse of pictures on the anniversary of 11 March. It remained the case that reality should not be hidden, however awful it might be, whether the victims were those of Hiroshima or those of Nazi concentration camps.

ETA terrorism had for over 30 years forced the Spanish media to face up to their responsibilities and fuelled their debate about how to deal with the problem. It was necessary both to defend the professional independence of journalists and strictly to apply ethical rules, so as to avoid instrumentalisation. Of course this independence had to be preserved vis-à-vis associations of victims, whose grief could not justify instructions to journalists about how to do their job. Spanish TV channels' pledge not to show horrific pictures again on the anniversary of the 11 March bombings, when they no longer had any news value, was one example of responsible professional independence.

While ethical standards needed to be applied to all information, a cautious approach was called for in respect of a subject as obscure as terrorism - it was often difficult to identify facts and sources - and one which sent out messages with manipulative intent. All the means offered to terrorism by open and democratic societies had been used against those same societies in the 11 September and 11 March attacks. Terrorism had turned itself into a channel of communication through its determination to make the biggest possible media impact with its activities. This was at its most obvious in "video terrorism". What was more, Spain had had plenty of experience with ETA terrorism, with the group threatening, and sometimes attacking or even killing, journalists.

This situation called for the greatest professional rigour among the media. Journalists could not, for instance, agree to use terrorists' terminology and euphemisms or serve as a vehicle for propaganda, but had to state the facts as they were. It was a shocking fact that French and English-language media still called ETA a "Basque separatist organisation", whereas it was hallmarked not by separatism, as was the case of other movements with representatives in the autonomous Basque Parliament or in Madrid, but by violence. The call for greater professional rigour among errant media was in line with journalistic ethics, which required information to be stripped of any element of propaganda or anything which might be thought to accord with terrorists' aims.

Equal rigour was needed in verifying sources, information had to be evaluated without succumbing to terrorists' attempts to inflate media coverage, and no publicity should be provided - as could happen - through sometimes sterile debates.

Discussion of the role of information in societies afflicted by terrorism would be ever-present in the media, and should be transparent and involve public participation. Most ordinary people expected to be given accurate and varied information which did not simply echo the propaganda put about by terrorists and their accomplices. Silence, or laws restricting the right to information, were no longer an option in the face of terrorism. A mature democratic society could take shape only if people were aware of the facts. There was no better defence against terrorism than accurate information about terrorist crimes and networks.

Mr LEGENDRE thanked the speaker for his wide-ranging contribution and declared the discussion open.

Mr de PUIG admitted to being somewhat puzzled by the paradoxes, or even contradictions, he thought he had detected in what the preceding speakers had said. There was no doubting that information about terrorism had to be provided. The problem was how. Sober and objective coverage was just as possible as sensationalism. An entire front page about an atrocity amounted to

an attempt to shock and play on the reader's emotions. This could be avoided by restricting the report to a single column. But how could a terrorist attack causing over 200 deaths be kept to one column? Trying to decide how much space to give terrorism was sometimes paradoxical.

And Mr Whittle had said that the BBC refused to show some videos of hostages. In the case of Georges Malbrunot, however, it had been vital to show them so as to influence the negotiations and hasten the hostages' release. Both approaches were right, for there was no universal principle which could be applied. Consideration had to be given to what should be done in each individual case and at every stage.

This being so, was it not wiser and more appropriate, in principle, to try to minimise coverage of terrorist action rather than offering wide-ranging publicity? By doing this, the media would avoid playing into the hands of the terrorists, who sought precisely this kind of publicity.

Mr WALTER expressed a personal interest in these very constructive contributions. He agreed with Mr Gor, who had stressed that ETA should not be described as a Basque independence organisation, but as a group of terrorists trying to justify its activities in terms of the aspirations of the Basque people. For a time, there had been a feeling in Northern Ireland that 40 years of war were at an end, thanks to the development of a civil rights movement and representative political parties. Then the IRA had begun to use Sinn Fein as its political branch, lending it legitimacy. But in the end, had not the tiny terrorist minority, surely numbering just a few hundred, hijacked the political process to the extent that the Social Democratic and Labour Party, the legitimate representative of the Catholic community, had found itself overshadowed?

Mr LEGENDRE asked the speakers for their reactions.

Mr WHITTLE came back to the suggestion that coverage of terrorism should be minimised, something which would be virtually impossible in the new media landscape, even if the will were there. The real danger would come from giving the impression that there was a conspiracy of silence, which would be undemocratic and consequently detrimental to democracy. In any case, there were always eye-witnesses to any terrorist attack, and they would spread the word about it. If the media then seemed to be minimising, or even ignoring, such events, they would lose all credibility as sources of information. Minimisation was not therefore the solution, in his view.

Furthermore, taking the example of Sinn Fein again, it had indeed found enough support amongst the electorate to become a serious rival to the political leadership of the SDLP. It had opted for the ballot box rather than the bullet, and this decision had paid off.

Mr KRICHEN wondered what risk there was of the media playing into terrorists' hands by covering their activities. Al-Jazeera had faced this accusation when it broadcast the infamous video. But the film had immediately been shown worldwide, with everyone else rushing to play along with those accused of having played along with the terrorists! In actual fact, there would always be someone who took the first step, whether it be Al-Jazeera, the BBC or CNN.

Yet it was not the channel's policy to broadcast every film it received. Some cassettes were not shown. It should also be borne in mind that such tapes were not shown in isolation, but always followed immediately by a debate in which different viewpoints were represented. The channel was also sometimes blamed for not broadcasting a tape it had received and accused of trying to hide something! Whatever the media decided to do, in other words, they exposed themselves to criticism.

Mr GOR said that the media in a democratic society had to be trusted and left to make their own decisions. The alternative in the context of a war on terrorism was to apply the rules of war, meaning military censorship. This was not the way chosen by western societies. The right to information therefore meant that the media should broadcast such items as terrorists' videos if they contributed relevant information. Of course there was no question of disseminating propaganda, and the necessary precautions had already been referred to. The only alternative, however, was the rules of war. That would be going too far!

Mr KOCHARYAN acknowledged the very sensitive nature of this subject. It was agreed that objective information should be supplied. But there was a mass of information from which to choose, and the selection itself reflected an opinion, whether or not this was the desired effect. In many people's view, it was important to say "we are against terrorism". But that already indicated a bias. As for attempting to understand what terrorism meant, this implied going further than most people did and looking beyond international terrorism, for religious, ethnic and state terrorism also existed.

Basically, each individual's opinion of terrorism depended on his or her world view. In terms of values, some people believed that humankind took precedence, whereas others thought that human beings were just a means of enabling higher - religious, ideological, or other - values to prevail. People with such beliefs would lay down their lives for a supreme value, and would sacrifice other people's lives, regarded as unimportant. Depending on the journalist's view, he or she would report on terrorism differently. Journalists rather resembled terrorists if they did not regard the higher value of human life as a fundamental principle.

For the civilian populations of Iraq and Afghanistan subjected to bombing, it did not make much difference whether the bombers were terrorists or members of the forces fighting against terrorism. Terrorism was no way of solving problems, but this situation was perverse. Had not one representative of a terrorist organisation in Iraq publicly expressed the hope that George Bush would remain US President? There were two extremes, and as one ended up adopting similar methods to the other, each justified its action by referring to what the other had done.

Lastly, might it not be possible to have a single code of ethics for all journalists? Each would have to bear this in mind and accept that human life was the supreme value. Any journalists who believed that there were higher values for which human life should be sacrificed - a view not dictated solely by their religion - would inevitably describe terrorism in different terms. But the two views were irreconcilable.

Ms REPS said that the media should cover events objectively and treat different organisations in the same way. It might be the case that some acts of violence would not occur if media treatment were based on objective criteria.

The real issue was how violence could be dealt with objectively. Clearly, it was a media duty to report on events. But how far should they go when terrorists engaged in action to frighten the population? Were pictures of women and children being slaughtered or of hostages being beheaded to be shown?

Mr BOIXAREU, a lawyer, offered the apologies of Senator Antoine Sfer, who had been prevented from attending by an urgent engagement.

Since the representative of El País had mentioned the way in which ETA was described in France, it would probably be a good idea to explain to him how terrorism was dealt with in France, where terrorist acts on French territory were the responsibility of the *Direction centrale de la police judiciaire*, whereas terrorism in other countries was a matter for the *Direction nationale anti-terrorisme*. From the police, Mr Gor would be able to find out more than he could from journalists about how ETA was dealt with.

It was tempting to tell the representative of Al-Jazeera, to which so many cassettes were sent, to go ahead and show them. The mystery of the video in the Méry case in France had also proved an instructive example.

In a more serious vein, it was necessary to make a distinction in respect of the subject under discussion, media and terrorism. The specialist press, relatively discreet, providing full details to an informed audience, offered arguments, supplied facts, had often excellent sources and scarcely posed a problem of conscience or experienced difficulties with the courts. The media serving the general public were something else, for they bore criminal and moral responsibility (the one not that far removed from the other) as well as social responsibility. Thus the question which arose was how to move from the first level of treatment (facts) to delivering news to the public without taking risks?

Mr ROSETA agreed with Mr Legendre, Chair of the Committee, that media freedom went hand-in-hand with democracy and human rights. Acts of terrorism could not be hushed up, or even minimised. Mr Groebel, in contrast, might have introduced a note of ambiguity by implying that media freedom was our society's fundamental value. While it was one of our values, the fundamental one was human dignity, to which all the others were subordinate. It was better to restate this clearly, or personal freedom might be placed below freedom of the press. It was the press which should provide a service to human beings, and not the reverse.

How should news about terrorist acts be conveyed to the public? This was the issue today. There was nothing new about innocent people being killed or kidnapped by criminals for political or financial reasons. The amateur historian could quote numerous examples, from the assassination of Julius Caesar himself to the abduction for ransom of prominent figures around Europe's coastline in the 18th century, leading two Catholic orders to specialise in ransom payments. The problem was to avoid sliding backwards, and this was the context in which the ethical responsibility of the media had to be considered. The first steps towards a solution probably lay in the group of specialists' draft declaration, which Mr Pegado Liz would be explaining in more detail. The declaration recognised journalists' right to provide information, but immediately added that they should not thereby stoke up fear or give disproportionate coverage to terrorism. How far should the description of acts of terrorism therefore go?

Mr Whittle had said that the public should be told the truth. It was journalists' moral duty always to point out how terrorists manipulated the media, even as they showed the acts committed by publicity-seeking terrorists and offered explanations and eyewitness accounts. This was perhaps what was lacking on Al-Jazeera. It was a good idea to give an American point of view and the viewpoint of families after any cassette made by terrorists was shown, but the main thing was to explain that, by releasing such cassettes, the terrorists were attempting to manipulate public opinion.

Mr SHYBKO described the situation in his country. Some journalists who were just doing their job had lost their lives. Everyone was familiar with the Georgy Gongadze case, and violence had claimed many other victims - Igor Alexandrov was another. After that, journalists had been too scared to speak the truth or even discuss these events. But journalists were not all victims: there was even a special term in Ukrainian for journalists linked to criminal circles and serving their interests. Finally, there were also journalists who, in trying to do their job in a democratic void, supported the system and, in a sense, also supported terrorism by keeping quiet about it. Was this state of affairs peculiar to Ukraine? Was there any hope of an improvement?

Lord RUSSELL-JOHNSTON asked a short question: did objectivity exist? And if so, how did one know who was being objective and who was not?

Mr WEESA appreciated Al-Jazeera's stance in favour of the French journalists' release, but why had they not done the same for other, British or American journalists who were held hostage, some of whom had opposed the American intervention in Iraq? Was this an editorial choice?

Mr GILMORE argued that there was no discussing coverage of terrorism in the media and democratic governments' response to terrorism without also considering the means, or lack of them, open to minorities or groups to voice their rightful demands. That very morning a Czech journalist had regretted that it was no longer possible to report on daily life in Iraq. Those who wished to follow that path, or put forward rightful demands in a democratic fashion, had a tough task ahead of them. At the end of the day, it was terrorism that benefited from the presence of the media. So media and politicians should ask themselves how more room could be made for democratic demands.

It was worth noting in passing that this was the first time in ten years that Gerry Adams, leader of Sinn Fein, a political movement with links to a terrorist organisation, had not been invited by the President of the United States to attend the Saint Patrick's Day celebrations.

Mr WHITTLE saw this discussion and all its philosophical, ethical, political, or even theological ramifications, not forgetting the role of the media, of course, as an illustration of the complexity of the problem. Mr Gilmore had just summed it up quite nicely. In the face of conflicting values it was the ethical responsibility of the media to provide serious and detailed reporting, whilst remaining fully

aware of the harm they could do, as Mrs Reps had explained. To take the example of the video tapes again, it was wrong to show them all, or to show all the suffering inflicted on the victims, both out of respect for them and because that would be playing into the terrorists' hands.

Mr KRICHEN briefly answered three questions. First, how did one distinguish information from propaganda? This was a sensitive issue and one could only do one's best, even if one did not always succeed. Next, why present all points of view instead of spinning television viewers a particular line? Because one had to credit the viewers with enough maturity and common sense to digest the information they received, rather than trying to spoon-feed them. And thirdly, why had Al-Jazeera advocated freeing the French and Italian journalists and not the others? Al-Jazeera was a popular channel in Iraq, so any stance it took could help. However, if it were to campaign for the release of all the other journalists, it would cease to be a television channel and become a political player. In the other cases it had tried to help indirectly, for example by airing reports on the journalists' families and letting them speak, as it had done for hostages from the Philippines and Indonesia. Al-Jazeera, which had lost two journalists in Iraq, was very sensitive to these problems.

Mr GOR took note of what had been said about ETA in France. In his opinion ETA was a classic terrorist organisation, as its objectives could easily be pursued through political channels in a democratic country like Spain. It could not be compared with terrorist organisations in countries under dictatorships.

He repeated his message: trust in the media and their sense of responsibility, based on certain basic principles. The media could not be part of a government's anti-terrorist battle, even if, as citizens, they expected the government to wage that battle.

3. Political and legal responses

Baroness Hooper, Vice-Chairperson of the Committee on Culture, Science and Education of the Parliamentary Assembly of the Council of Europe, in the Chair.

Baroness HOOPER explained that the Council of Europe and its Parliamentary Assembly had insisted on several occasions that no restrictions to freedom of expression should be imposed under the pretext of combating terrorism. This had given rise to heated debate, however, particularly concerning the legal status of certain web sites. Having considered terrorist strategies and media responsibilities, the time had come, in this third session, to attempt to assess the legal measures in force and see how they might be developed and supplemented by political measures. It was with this in view that the draft declaration prepared by the group of experts was to have been presented. However, the situation had changed. The Committee of Ministers had now adopted the draft resolution. Moreover, the seventh European Ministerial Conference on Mass Media Policy had also adopted a resolution on freedom of expression and information in times of crisis.

Mr PEDAGO LIZ, a member of Portugal's Broadcasting Authority, was speaking not in that capacity but as the former Chairperson of the MM-S-FR group of experts, which, after two years' work as a team, composed of people from different backgrounds and allegiances, had arrived at this draft declaration thanks to the remarkable help of the secretariat of the Steering Committee on the Mass Media (CDMM). He was pleased to see that the draft declaration had just been approved.

It was in the wake of 11 September that the CDMM had commissioned a group of experts to prepare the declaration. A questionnaire had been drawn up, containing questions on some of the topics that had been debated here today, on media coverage of terrorism. The numerous replies had been analysed, hearings had been held and a preliminary draft had been produced.

The first question was whether the Council of Europe should issue a recommendation or a declaration on this subject. The second solution was chosen, no doubt rightly so, as such a sensitive subject was not yet ready for a recommendation binding on all the member states. A declaration, on the other hand, was an incentive for governments to adopt certain measures, for the media to adopt certain behaviours – most of which had been mentioned at some point during the day's discussions.

After two years' deliberations the group had reached a consensus, which had been no easy feat considering the initial divergences between the members, representing their countries and the profession.

The draft had been presented to the CDMM twice. The first time Mr Pegado Liz had defended it in the face of opposition from several countries, advancing such questions as the protection of sources and relations with the courts. The draft text had finally been adopted by the CDMM. It had then been submitted to the Committee of Ministers. The day before it was scheduled to be examined, several delegations had tabled amendments seriously affecting the balance of the draft text. Not all of them had been adopted, but those which had had somewhat changed the text.

The document had been prepared in a cultural and historic, more than a legal perspective, even if the experts were more specialised in law. They were well aware that there was no real definition of terrorism – no fewer than 196 definitions had been documented – and that ETA's brand of terrorism was not that of Baader-Meinhoff, and the Mafia's brand had little in common with what was happening in Iraq. They did, however, have certain things in common, and one of them was the will to manipulate the media. This was nothing new. It dated back to the days of the Terror in France – after all, the first definition of the term was to be found in the dictionary of the French Academy in 1798, and it was not far from the place in which today's hearing was being held, at number 136 Boulevard Saint Germain, that Ravachol's first bomb had exploded. Equally true was the fact that there was no terrorism without communication, which was why terrorists attempted to manipulate the media.

The draft declaration placed the emphasis on human rights, democracy and freedom of the press, things we might take for granted today but which did not seem quite so straightforward in the wake of 11 September. It also underlined the role of self-regulation, codes of ethics and good practices as opposed to legislation.

The amendments which had gone into the final version had introduced a number of major changes. In the preamble the stress was now more on the fight against terrorism than on human rights and press freedom – two preambular paragraphs had been added to this effect, and it had been decided, to the detriment of style, to refer three times to Article 10 of the Convention. In the text itself, all the inducements addressed to the media had remained unchanged, but changes had been made to the Council of Europe's suggestions to the member states. In some cases the wording had been watered down, for example by explaining that the appeals made to governments were to be understood to be in conformity with domestic law: but what was the point of saying what the law of the land already said? In other cases vague or subjective wording had been introduced, ambiguous phrasing such as "circumstances permitting", and there was even a reference to guaranteeing the security of the forces of law and order.

Some essential parts of the draft declaration had disappeared altogether. It had called on states not to deliberately feed misleading or incomplete information to journalists, not to withhold information, not to divert attention from the essentials by drowning them in useless details, not to put pressure on journalists to oblige them to disclose, or prevent them from publishing, certain information. All that had been deleted.

Mr Pegado Liz therefore welcomed the adoption by the Council of Europe of a declaration that was full of good intentions, but as the Chairperson of a group of experts that had done a good job and realised that it was necessary to go further, he was a little disappointed with the ultimate content of the document. At least it was a first step. The rapporteur, Mr Jarab, would nevertheless be faced with a Herculean task. Would the declaration as it stood be helpful enough? One could only hope the Parliamentary Assembly would take the matter further.

Baroness HOOPER thanked Mr Pegado Liz for his presentation. As he had said, the rapporteur had a hard task ahead.

Mrs GENEVOIX, from the French Broadcasting Authority (CSA), worked within the framework of the law of 1986, as modified, under which freedom of communication was a principle that had constitutional value. The article also defined the general principles governing enjoyment of that freedom, which were largely inspired by Article 10 of the European Convention for the Protection of

Human Rights and Fundamental Freedoms. Among them, respect for human dignity, pluralism in socio-cultural expression and preserving public order were possible grounds for restricting freedom of communication.

The same law in 1986 had made the CSA, an independent authority, the guardian of freedom of audiovisual communication on radio and television. It carried out this task by granting authorisations and concluding agreements with various radio and television services, verifying their compliance with their obligations, punishing any wrongdoings and making recommendations to the different operators. It did its best to strike the right balance between freedom of communication and comparable legal principles like public order, human dignity and pluralism. In 2000 its powers had been strengthened and now its task included making sure that programmes contained no incitement to hatred or violence on grounds of race, sex, mores, religion or nationality.

In the international context of the last few years, the CSA had asked itself two questions concerning media coverage of terrorism: how did one report on terrorist acts without helping, even involuntarily, to spread ideas contrary to the ethical principles that guide the media and without fuelling inter-community tensions in France? And how could one make sure that no programmes were broadcast in France which served as platforms for ideas or movements that supported terrorism?

The CSA had regulatory powers over national broadcasters but also over non-EU broadcasters within its field of competence. Its supervision of national operators concerned not only news broadcasts proper – news programmes and magazines – but also dial-in and audience participation programmes on which viewers and listeners could air their views on current affairs. This need had been felt more strongly in the periods of acute crisis the world had gone through since 1990.

The CSA exercised its regulatory powers in this particularly sensitive field through agreements it signed with each radio or television broadcaster. Each agreement contained ethical provisions designed to ensure that a number of major principles were observed: accuracy and reliability of information, which meant verifying sources before airing information on radio or television; respect for human dignity, particularly victims and people in distress, which meant showing restraint when it came to broadcasting pictures or reports that might humiliate people, or avoiding complacency in stories of human suffering, for example – this applied of course to victims of terrorist attacks and to hostages; and not broadcasting any programmes that encouraged antisocial or unlawful behaviour, or discrimination on grounds of gender, religion or nationality, which terrorist propaganda often did.

The CSA also had a power of recommendation enabling it, in certain fields, to act unilaterally, laying down directives applicable to all radio and television broadcasters. Since 11 September it had made three main recommendations. Immediately following the attacks, on 3 October 2001, it had recommended to all broadcasters, as part of their editorial responsibility, to pay particularly scrupulous attention to the principles of freedom, tolerance, human dignity, particularly that of victims, and respect for the values of the French Republic. As the prospect of a conflict in Iraq grew imminent, on 18 March the CSA had issued a recommendation to broadcasters calling on them to be particularly careful in exercising their editorial responsibility when covering the conflict. To make sure they followed this advice, it had taken special steps to monitor news programmes and special editions on the national terrestrial channels, news channels and other television channels. And finally, on 7 December 2004, the CSA had adopted a recommendation to extend the scope of the above recommendation to all international conflict situations. It strengthened the provision concerning pictures of violence, requiring the issue of warnings before any unpleasant sequences were shown. Since then, no serious abuses had been detected on issues directly related to terrorism.

Keeping an eye on non-EU channels had proved more difficult, however. Article 2 of the "Television Without Frontiers" directive, incorporated into French law, subjected any broadcasting by a television channel in the European Union to the authorisation of the member state responsible. Which state was responsible was decided according to technical criteria which made France, for example, responsible for all the channels broadcasting via the Eutelsat satellite. Astra, Europe's other main satellite, was under the responsibility of Luxembourg. So only two national broadcasting authorities effectively controlled access to Europe's skies for television channels all over the world.

The CSA thus had to examine the possibility of concluding agreements with extra-community channels broadcasting in Europe via Eutelsat. Once the agreement had been concluded, it had then to make sure the channel honoured its commitments, as any unpunished abuse would expose it – and the French Government – to a reaction by other European governments. It was a great responsibility, therefore, and one the CSA had had to exercise on several occasions.

Following 11 September Al-Jazeera had broadcast pre-recorded tapes, in September, October and November 2001, of statements by Al-Qaeda leaders. The CSA had heard the channel's representatives on 25 October 2001 and reminded them, at the hearing and subsequently by mail, that the channel had certain ethical principles to abide by, including the obligation to state the nature, date and origin of any archive footage. It had also pointed out, in general, that channels were legally responsible for any document supplied by external sources which they broadcast, and should therefore view them before putting them on the air. The channel had assured the CSA of its intention scrupulously to respect the principle of the truthfulness of the news it aired, and it had done so; the CSA had checked.

Things had not gone so well with Medya TV. In July 1999 this broadcaster had applied to the CSA for authorisation to provide a same-name Kurdish-language television service in Europe. The application had followed the withdrawal by the British broadcasting authority, in April 1999, of the licence granted to the Kurdish-language television channel MED TV, after it had repeatedly broadcast statements by PKK (Kurdistan Workers' Party) leaders or sympathisers inciting people to violence, crime and disturbances of the peace. This Kurdish separatist organisation had been banned in France by a decree dated 2 December 1993 and had been on the European Union's list of terrorist organisations since 2 May 2002. The CSA had sought information from various French authorities, including the Ministry of Foreign Affairs, and from the French and German police, proving the existence of close ties between the PKK and Medya TV. The channel had in fact taken over from MED TV as the would-be voice of the terrorist-style Kurdish separatist organisation. The CSA had accordingly rejected the application for a broadcasting licence. On 11 February 2004 the Conseil d'Etat had rejected the channel's appeal. So far this was the only case in which the CSA had been obliged to reject an application for a broadcasting licence.

More recently, in the case of the Lebanese channel Al-Manar, which had close ties with the Shi'ite militia Hezbollah, the fact that Hezbollah was not on the European Union's list of terrorist organisations had prevented the CSA from rejecting the application outright. It had, however, subjected the licence to some particularly stringent conditions and kept a close watch over its programmes, soon leading it to withdraw Al-Manar's licence for failing to play by the rules.

Evidently, then, the CSA was doing its best to maintain a balance between principles with constitutional value, such as freedom of expression, public order and human dignity. To make the CSA's task somewhat easier, the French parliament had recently strengthened its powers. It was now able to ask the president of the litigation department of the Conseil d'Etat to order a satellite operator to cease transmitting a television service if its programmes violated the principles mentioned earlier. That was what had happened in the Al-Manar case. The CSA could also issue formal notice to a satellite operator to respect its obligations, one of which was to make sure the services it carried were in conformity with national legislation and duly licensed to broadcast. It had done this for the first time on 10 February 2005, giving Eutelsat one month to cease transmitting the Iranian channel Sahar 1, which had no licence for Europe and was broadcasting programmes likely to cause serious disturbances of the peace. On 3 March 2005 the Conseil d'Etat had confirmed the CSA's decision in urgent proceedings. France thus had an additional means of bringing pressure to bear on non-EU channels that were a threat to law and order.

In view of the large number of channels broadcasting via satellite in Europe, however, it was a very heavy responsibility for a single broadcasting authority in one country to shoulder. Hence the appeal by CSA President Dominique Baudis in a discussion published in "Le Monde" on 1 December 2004: "We need to co-ordinate our action with all the European countries that encounter the same difficulties, and set a joint decision-making system in place. It is therefore essential to strike up a dialogue with the European Commission. Any initiative in this field must be taken together with the European Union if we are to give real clout to the measures we must take against the illegal broadcasting of dangerous programmes." At that very moment, in fact, he was discussing these matters in Brussels.

Baroness HOOPER thanked the two speakers for their highly informative contributions.

Mrs RENEL wondered whether it was not too tall a task to monitor every satellite channel that broadcast in France. How many translators did the CSA have working for it? When one skipped from channel to channel one occasionally saw things that should not be on the air.

Mrs GENEVOIX agreed that this was a serious problem. This was why Mr Baudis wanted a European regulation, so that France alone was not responsible for all that monitoring. Requiring all channels broadcasting via satellites to obtain prior authorisation and sign an agreement was doubtless the right solution.

Mrs RENEL understood that, but had doubts about the CSA's ability to take action if a licensed channel made an occasional slip and viewers, for example, brought it to its notice.

4. General discussion

Baroness HOOPER hoped that this closing session would help to trace the line between legal regulations, media ethics and the strengthening of the political and democratic process in Europe.

Mr BENARAFA, from the Directorate of Culture and Communication of ISESCO, was pleased to be attending this hearing on behalf of the Director General of the Islamic Educational, Scientific and Cultural Organisation. A leading agency of the Islamic Conference, ISESCO was an ideal platform for exchanging views and experiences on a number of subjects, including terrorism, media coverage of terrorism and how terrorism affected the media, for example in terms of the safety of media professionals. ISESCO was aware of the role international organisations could play in developing a common strategy to combat terrorism effectively.

In its 2004-2006 action plan, as in earlier plans, ISESCO's aim was to strengthen the dialogue between civilisations and cultures, based on peaceful coexistence and understanding between peoples and nations. For this ISESCO engaged in numerous activities and programmes aimed at righting the damage done to the image of a tolerant Islam in recent years by the combined action of terrorists and certain complacent media making unfounded allegations against a billion people and an age-old civilisation.

Television channels today had to decide whether or not to show events as they unfurled. This tested their technical and financial capabilities and also affected their advertising revenues. The choices they made showed how capable they were of self-regulation, of playing by the rules and not entertaining rumours about the origins of an attack, for example. Journalists in the field were often depicted as covering the action live. The scramble for audience ratings seemed to make television channels willing to take risks, without worrying too much about ethical principles.

This made it necessary to regulate their work without infringing freedom of expression. However, freedom should always go hand-in-hand with responsibility in order to prevent commercial aberrations that could occur, for instance, when showing a terrorist attack that had gone disastrously wrong, or live executions with commentaries by "death experts" whose presence was already an integral part of these virtually everyday scenes. It was very unfair to blame Islam and Muslims for such acts of terrorism, because the primary victims of such violence were the Muslims themselves. No one would dream of accusing the French of being terrorists because the Terror had first emerged during the French Revolution. The ideology which the terrorists claimed to follow had nothing to do with any branch of intellectual thought, and a terrorist act was first and foremost a criminal act. Any attempt to explain such acts by emphasising the religious, ethnic or geographical aspect was misguided, and could have disastrous consequences for world peace.

We should draw on the categories used for fiction in an endeavour to formulate an analogous system for referencing news items. Lapses in attempting to explain terrorism in terms of race or religion should be punished by law as an incitement to racial hatred. We should also consider the need for an international News Charter penalising so-called experts for explaining to the general public the

racial or religious origins of such-and-such a terrorist act. Furthermore, in news reporting more care should be taken with using such terms as "axis of evil", "war of civilisations" or "crusade against terrorism".

The treatment of terrorism on Al-Jazeera and CNN and the competition between these two channels to monopolise the images raised the question of the difference between the Arab and western points of view on terrorism. One side described terrorism as an absolute evil, while the other attempted to explain the persistence of the phenomenon by the instability of the Middle East, against the background of the Palestinian question.

ISESCO would appeal for a new relationship between the media and terrorism, a 21st-century television with something to offer other than reality shows or "reality shocks". Mr Benarafa reiterated his organisation's commitment to working to promote dialogue among cultures, civilisations and religions, while ensuring respect for mutual values.

Mrs CALLAMARD, Executive Director of Article 19, began with two questions: did terrorism justify restricting freedom of expression and freedom of the press, and could governments legitimately restrict such freedoms? And were the media now shouldering such increased responsibilities when dealing with acts of terrorism that current codes of ethics and self-regulation were no longer sufficient?

The freedom of expression and information was recognised in the Universal Declaration of Human Rights and the European Convention on Human Rights (ECHR). Governments could restrict this freedom in some cases. Article 19-3 of the International Covenant on Civil and Political Rights and Article 10.2 ECHR defined the latter as cases, which had to be expressly prescribed by law, in which such restrictions were necessary "for respect of the rights or reputations of others" or "in the interests of national security or public safety, for the prevention of disorder or crime, (or) for the protection of health or morals (...)". Any restriction had to refer to at least one of these two reasons.

The concept of national security was difficult to apprehend and seldom achieved any consensus. Since the 11 September terrorist attacks, many states had attempted to restrict the freedom of the press. Most had limited public access to information by classifying more data as state secrets; public access had been blocked to official websites, and even to some private ones, containing thousands of documents that had previously been accessible. Other measures had been taken to censor the independent press: Al-Jazeera, for instance, had been expelled from Iraq. These were legitimate restrictions that had been introduced for national security reasons. However, they had to meet extremely strict criteria. Where freedom of expression was concerned, Article 19 had in 1995 joined with a group of some forty experts to draw up the "Johannesburg Principles", which had been incorporated into various important international documents.

These principles stipulated that restrictions were only possible in cases of serious threats, and that they had to be prescribed by law and be necessary and commensurate with the threats. However, according to analyses conducted by Article 19 and other human rights organisations, many of the measures that had been adopted over the last three years fell short of these criteria and were therefore in breach of the international principles guaranteeing freedom of the press and freedom of expression. For a year now these measures had been increasingly contested, including those which the Blair Government was currently attempting to introduce and even certain measures in the United States. The fact that such measures conflicted with international and even national standards had impelled the various players to try different options, foremost among which was self-regulation.

This trend was increasingly turning the spotlight on to the media themselves. However, a distinction was needed between self-regulation properly so called, which was legitimate, and calls for self-censorship, which was much less so. There was a delicate balance to be struck between the two, and public officials should be made aware of cases where they were in fact demanding self-censorship of the media in the mistaken idea that they were inviting them to engage in self-regulation. Occasionally, they also appealed directly or indirectly for self-censorship. It was becoming evident that a blatantly bipolar "them and us" environment was impacting seriously on the freedom of communication. In such cases the media stopped playing their proper role, the debate on the causes of terrorism dried up and dialogue ceased. Journalists refusing to conform to this general trend had difficulty getting their message across, and objective reporting was going by the board. On

7 December 2001, the then Attorney-General, John Ashcroft, had made the following statement: "to those who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics only aid terrorists, for they erode our national unity and diminish our resolve. They give ammunition to America's enemies, and pause to America's friends. They encourage people of good will to remain silent in the face of evil". This was an out-and-out appeal for self-censorship. Such attitudes were especially regrettable because some Middle Eastern and North African States had begun to take action to improve their protection of freedom of the press, a development which deserved support.

In connection with genuine self-regulation based on codes of ethics, journalists had obviously worked very hard to reinforce and implement ethical principles in their coverage of terrorism. It should be stressed that self-regulation concerned not only the journalists but also, and above all, the media bosses. Although self-regulation did not always operate to perfection, it was an ongoing process, and occasional slip-ups could not justify government intervention. Where things went wrong it was for the journalists themselves to take the requisite steps to reinforce self-regulation.

Lastly, self-regulation should take place within a clearly defined framework, and it had to be remembered that the media was not responsible for combating terrorism, any more than for helping terrorists. The media's role was to set the scene for open, democratic debate. This approach, on which the west regularly lectured the Middle East and North Africa, was no less valid in our own countries: it was vital for the public everywhere to have access to varied, independent and high-quality information as the only way of combating rumours and distortions, and possibly also terrorism, because the latter was fuelled by repression.

In conclusion, the speaker recommended weighing up the actual and potential contribution of self-regulation against the dangers of excessive intervention by states in regulating the media. Moreover, those who were currently demanding stricter regulation of Internet and satellite broadcasting had governments with highly questionable track -records in the humans rights field, namely the Chinese, Tunisian and Saudi Arabian authorities. Was it really desirable to join with such states in advocating claming down on the media? The whole current debate showed that self-regulation worked and that any slip-ups that did occur could be controlled.

Baroness HOOPER thanked the speaker for explaining just how difficult it was to strike a fair balance.

Mr ZINGERIS said that he appreciated these attempts to strike a balance between freedom of expression and the necessary limits on the media profession. As Chair of the Lithuanian Parliament's Human Rights Committee he had faced a huge problem when one of the major national newspapers had published a front-page cartoon claiming that the world was controlled by Jews and homosexuals. How was one to react to this in a country with a fledgling civil society? Obviously people could write to the newspaper and request an ethics committee to condemn this attitude. But the response to the protests had been that it was just a joke. What could one do in cases of this kind?

Mr ALEKSANDROV, Vice-Chairperson of the Security and Defence Committee in the Russian Senate, was a member of the Commission of Inquiry into the Beslan terrorist attack. In his view, the problem under discussion was a major aspect of the fight against terrorism, but he saw no real contradiction between this fight and respect for human rights as long as those involved complied with moral principles and truly grasped all the dimensions of both phenomena. Everyone tried to harness the media because they represented such a powerful tool. This was why standards and restrictions had to be adopted. Some journalists yielded to the temptation of sensationalism, or else filed articles containing erroneous information, which basically obstructed the fight against terrorism but also flouted human rights. The actions of such journalists had had dire consequences in the past, such as the recent death of a secret service agent. This meant that democratic legislation had to be improved with a view to greater efficacy, simultaneously respecting human rights.

Mr KOROBEYNIKOV said that having heard a great deal about human rights during the discussions, he thought that a distinction should also be drawn between the rights of individuals and the rights of nations, without, of course, abolishing the rights of these nations' citizens. The fight against international terrorism required international solidarity, which was currently conspicuous by its

absence. It would appear impossible to secure a unanimous position against, for example, the invasion of a given country. Surely the media also had a role to play here in influencing international public opinion.

Mrs. CALLAMARD said that journalists basically were not responsible for waging politicians' wars in their stead, or for combating terrorism, but rather their role was to gather information within an ethical framework reflecting the diversity of opinions for a general public which also had its diversity. She therefore had no problem about the fact that this conduct did not correspond to the viewpoints expressed.

Furthermore, it was unnecessary to reinforce the current anti-terrorist legislation: like the international standards introduced after the Second World War to protect human rights, this legislation had been formulated in response to crises and conflicts. The international community had established a whole set of measures to protect human rights, and there was absolutely no need to change these standards or restructure the system, which was in fact destined to protect the rights of victims of terrorism just as much as the freedom of expression.

Despite the complexity of the issue raised by the attitude of the unnamed daily newspaper in Lithuania, namely that some journalists behaved badly and failed to respect any code of ethics, experience had shown that it was seldomly necessary to adopt new specific legislation to tackle such attitudes. Going back to the example mentioned, Lithuania surely already had a law against statements condemning persons for their race or sexual orientation. If not, it was a law of this kind that had to be adopted rather than any measure specifically targeting the press.

In European society, the exercise of freedom of expression had been, and still was, a gradual learning process. Article 19 was toiling hard in the countries of central and eastern Europe, endeavouring to encourage journalists to draw up codes and to ensure the introduction of complaints boards and a proper self-regulation system. In Lithuania too, the great majority of journalists had no doubt been furious about the irresponsible attitude of a few of their colleagues.

Baroness HOOPER pointed out that while the draft declaration had deliberately omitted any definition of terrorism, it might be useful to consider a possible definition of real journalists or of what they should represent.

Mr BENARAFA begged to differ, and stressed the need for a strict definition of terrorism. Some people used such expressions as "the war on terrorism", whereas in fact war was only possible between two states. The absence of such a definition had led to all manner of rhetorical excesses. A distinction had to be drawn between terrorism and an occupied people's right to legitimate resistance. Moreover, we only ever spoke of one type of terrorism, namely the kind of violence witnessed on 11 September, because terrorism was seen as always being linked to a given territory. And yet there were other types of terrorism, such as that involving computer systems. All the hacker had to do was to get into a system and spread a virus in order to paralyse any country's strategic sectors. It was no longer tenable to consider terrorism solely in territorial terms. This was why international terrorism could never be explained in terms of a given religion or culture. The terrorist act had a separate, autonomous existence, and no civilisation could be held responsible for the acts of groups or splinter groups within it. Such inferences would have disastrous results, particularly when the inhabitants of Arab countries heard the western media systematically blaming Islam for terrorist acts. This is why Ms Genevoix's statement was so valuable, because it represented the beginnings of a codification of this kind of violence and incitement to hatred.

Mr POHANKA referred to Ms Callamard's comments to the effect that no new legislation of ethical rules were needed on freedom of expression, and that it was sufficient to comply with the regulations that already existed. This pointed to the need for an educational effort, which would, for instance, help the media not to concentrate excessively on terrorism. But how could such education or training be organised?

Baroness HOOPER agreed that this was a question that had to be considered by all concerned.

Mrs CHEMLA, Guysen Israel News, asked Mr Benarafa about his comment that no one should talk about a "war of civilisation" or crusades in connection with terrorism. After all, in some mosques in Yemen and the territories under Palestinian authority, imams called on Allah to kill Christians and Jews; surely this was using religion in a violent context.

Secondly, Mr Benarafa was advocating a distinction between resistance and terrorism. However, when civilians, women and children were killed in Israel or the disputed territories and such violence was condoned because it constituted resistance, she, as a Frenchwoman who knew all about the Resistance under the Vichy Regime and could tell the persecuted from the persecutors, was shocked by such an assimilation.

Mr FOMENKO had the impression that they had reached deadlock, because the requisite political bases had to be established before any discussion of the fight against terrorism. France, where the Terror had first emerged, was debating action against terrorism and so were Russia, which for the past fifteen or so years, and China. In Israel, moreover, some of those endeavouring to combat terrorism were the same people who had engaged in terrorism when Palestine had been under British rule. In short, these were matters for politicians rather than journalists. It would be useful to face up to the fact that the crimes currently under discussion had also been committed under other regimes. Churchill had once said that it was a pity that the Austro-Hungarian Empire had disappeared because in his view the region had suffered less violence under its rule than after its demise.

Mr BENARAFA did not really think that he was the right person for Ms Chemla to be putting her questions to: he had been talking about resistance in general terms, without any specific reference to the Palestinians or anyone else. Everyone was well aware that the latest wave of suicide bombers had begun after the failure of the 1994 Oslo Agreements, whereas Palestinian resistance had been in existence for a much longer time. He questioned the need for references to civilian deaths, including women and children. It was better to avoid "body counts", because Mr Sharon was not completely blameless either.

As for references to a clash of civilisations, to quote Mr Huntington, whose links with the American Administration were well-known, without denying that various statements were made here and there, in Yemen or elsewhere, these extremely recent phenomena should not induce us to renounce dialogue between age-old civilisations. This dialogue had to continue at all costs. It was true that the process had currently ground to a halt, but all sentient beings had to put their shoulders to the wheel and look at the issues head on, inviting all concerned into a dialogue that had always existed among Muslims, Jews and Christians, rather than leaving them to hurl the blame at each other.

Mrs. CALLAMARD confirmed that she really saw no need to reinforce the legal framework surrounding the media; the legal rules in most countries were quite sufficient, even where they were not overly punitive. Where self-regulation was concerned, it was true that in some parts of the world such as Latin America and Central Europe, no progress at all had been made in this field. In Morocco too, journalists were having to start from scratch, and were currently attempting to lay down rules with the assistance of Article 19. These journalists should be provided with the necessary help, if necessary tailoring it to local realities. In countries where such codes had been in force for a very long time, such as the United Kingdom, she could see no need for any additional specific measures on media treatment of terrorism, but some adjustments were required. Such changes came about fairly naturally, a conclusion which did not apply solely to the terrorism issue. In conclusion she referred to the comments by Georges Malbrunot, who had said in substance that to engage in dialogue was not to sacrifice principles.

Baroness HOOPER thanked the speakers for this frank exchange, and asked Mr Groebel and Mr Jařab to present their concluding remarks.

FINAL REMARKS

Mr GROEBEL said that he would not tackle the impossible task of summing up, but would confine himself to a number of comments. Firstly, the participants had considered the possibility of defining terrorism. As an academic he would be tempted to propose the umpteenth such definition.

However, definitions led to a dead end. In fact, without entering into any formal considerations, there was a consensus among academics and especially the general public, the media and the political world, that terrorism was when violence was inflicted on innocent people, full stop. Secondly, he thought that people should place more trust in the system. Thirdly, things had to be assessed at their true value; violence had admittedly been taking place throughout history, but surely it was distorting our view of the world to blow it up out of all proportion. After all, if a few hundred individuals managed to change the course of history, most others lived in peace; nor should it be forgotten that terrorism was a minor issue at the global scale.

Nevertheless, there was no ready-made solution to the problem of terrorism, and the frequent references to pragmatism were to be welcomed. Every individual case was different, and sometimes a modicum of imagination was required. Above all, it had to be realised that the main thing was to strike a balance, obviously accompanied by a guarantee on freedom of expression. This balance should be sought in a variety of fields. For instance, the media reported on specific contexts, and in particular were now supplying increasing numbers of images. Given the manner in which terrorists used the media, the latter should be capable of gauging the effects of the images they broadcast. Similarly, they had to realise that ever since 1789 it had been easier to trigger a feeling of panic in our society than to provide balanced information. Mention had also been made of ethics, but in fact the main problem was responsibility: the market exerted pressure on the media to secure powerful images to the detriment of careful coverage of events – a realisation of this fact would help restore the balance. It should also be noted that reporting on terrorist acts was increasingly a matter for amateurs rather than professional journalists. Realities were complex, and the journalist had to simplify them – this was another balance to be struck – and he or she was also subject to pressure and public expectations of an immediate reaction. Any media covering terrorist acts was therefore liable to be driven into a tragic perception of events, which came more naturally to them than reporting on everyday life, the difficulty of which had been mentioned in the discussions. A further difficulty stemmed from the fact that media language differed in different parts of the world, and that while pluralism had to be protected, one had also to beware of radicalism.

Mr Groebel was tempted to sum up with the "three Ts", namely Trust, Talk and Transfer. Terrorism required us to Trust public opinion, the journalists and democracy, not to fear them, and it was also necessary to Talk, to communicate, pragmatically, and to gather experience and Transfer it. He had been especially pleased to be invited to the hearing because the main thing was to exchange experience, above and beyond the draft Declaration.

Mr JAŘAB had been painfully aware that a Herculean task was awaiting him, and he had felt that this task was expanding with every contribution from the speakers, who had addressed a huge number of fields. However, his job as a Rapporteur was to deal with the subject of "media and terrorism" rather than "media and the fight against terrorism", which had been discussed, just as a great deal had also been said about the media in general, not necessarily from the angle of their coverage of terrorism.

He personally had appreciated the position adopted by Article 19, with which he had already had occasion to familiarise himself. The association's stance emphasised the specific human rights issue, and more specifically the effect which the coverage of terrorist phenomena could have on such rights.

The Council of Europe had several instruments at its disposal, including declarations, resolutions and recommendations. However, he could see no need to amend the current legislation, which he considered adequate for ensuring the fair processing of information by journalists as well as for prosecuting terrorists. He agreed with Mr Benarafa that it was important to define the concept of terrorism, and he was therefore looking forward to the definition which the UN would be providing by the end of 2005, as pledged by Kofi Annan. Mr Benarafa had been right to speak of a crime against humanity that could never be justified.

Where the role of the media was concerned, the Al-Jazeera representative had mentioned trusting the public. But journalists bombarded the public with information, and should therefore realise that they had a part to play in intercultural dialogue. Their involvement in such dialogue should be free of any guidance by the governments, because there was a bond between the media and society and they were responsible for the difficult task of managing this bond. How would doctors react if

politicians decided to dictate their code of ethics to them? It was no different for journalists. Lastly, it should not be forgotten that such self-regulation was conducted in a context of keen competition. All the same, it was also important for parliamentarians to show their interest in the media and freedom of expression in the face of terrorism.

Baroness HOOPER assured the Rapporteur that everyone was looking forward to reading the conclusions of this work. She thanked all the participants and persons present, as well as those who had helped organise the hearing, the secretariat, the interpreters, and especially Mr Legendre, who ensured that the premises were available for the event.

Mr Legendre returned to the chair.

Mr LEGENDRE said that he hoped that the rich and intense discussions at the Hearing had proved useful. Mr Jařab himself had just said that he had garnered a wealth of new perspectives, and the aim in all such hearings was to enable a range of different speakers to share their multifarious experiences.

The word "pragmatism" had cropped up again and again. This approach was indeed important, but it had to be backed up with the defence of powerful fundamental values, namely those of the Council of Europe, embracing human rights, respect for life and freedom of expression. The terrorism phenomenon obviously necessitated saving lives, but it also involved bearing in mind the values which should underpin all the requisite action.

Mr Jařab would no doubt be reporting on the difficulty of reconciling pragmatism with the protection of values. The Parliamentary Assembly would be debating the issue, and hopefully improving the democratic countries' capacity for adopting codes, within the framework of a shared culture. If the day's work contributed even a little to this outcome it would have attained its objective. Mr Legendre thanked all those present for this achievement.

The meeting rose at 6.15 pm.

III. LIST OF PARTICIPANTS

Parlementarians

– Members of the Committee on Culture, Science and Education

Jacques LEGENDRE	France	(Chairman)
Baroness HOOPER	United Kingdom	(Vice-Chair)
Josef JAŘAB	Czech Republic	(Vice-Chairman and Rapporteur)
Alexey ALEKSANDROV	Russia	
Bakhtiyar ALIYEV	Azerbaijan	
Radu-Mircea BERCEANU	Romania	
Igor CHERNYSHENKO	Russia	
Osman COŞKUNOĞLU	Turkey	
Joseph DEBONO GRECH	Malta	
Alexander FOMENKO	Russia	
Piotr GADZINOWSKI	Poland	
Eamon GILMORE	Ireland	
Andreas GROSS	Switzerland	
Jean-Marie GEVEAUX	France	
Jean-Pol HENRY	Belgium	
Sinikka HURSKAINEN	Finland	
Halide INCEKARA	Turkey	
Shavarsh KOCHARYAN	Armenia	
Anatoliy KOROBEYNIKOV	Russia	
Darja LAVTIŽAR-BEBLER	Slovenia	
Bernard MARQUET	Monaco	
Milena MILOTINOVA	Bulgaria	
Philippe MONFILS	Belgium	
Christine MUTTONEN	Austria	
Philippe NACHBAR	France	
Miroslava NEMCOVA	Czech Republic	
Eddie O'HARA	United Kingdom	
Eleonora PETROVA-MITEVSKA	"the former Yugoslav Republic of Macedonia"	
Lluis Maria de PUIG	Spain	
Anatoliy RAKHANSKIY	Ukraine	
Mailis REPS	Estonia	
Pedro ROSETA	Portugal	
Lord RUSSELL-JOHNSTON	United Kingdom	
Vitaliy SHYBKO	Ukraine	
Elsa SKARBØVIK	Norway	
Valeriy SUDARENKOV	Russia	
Mehmet TEKELIOĞLU	Turkey	
Robert WALTER	United Kingdom	
Majlène WESTERLUND PANKE	Sweden	
Emanuelis ZINGERIS	Lithuania	

– Member of the Political Affairs Committee

Abdülkadir ATEŞ	Turkey	(Chairman)

Experts

Timur ALIEV, Journalist, Editor of the Chechen Society Newspaper Grozny, Chechnya
Abdelillah BENARAFA, Directorate of Culture and Communication, ISESCO, Rabat, Morocco
Agnès CALLAMARD, Executive Director, ARTICLE 19, London, United Kingdom
Sylvie GENEVOIX, Counsellor, High Authority on Mass Media (CSA), France
Francisco GOR GARCIA, Editorialist, El Pais, Spain
Jo GROEBEL, Director General, European Institute for Media, Düsseldorf, Germany
Mohamed KRICHEN, Journalist, TV Presenter Al-Jazeera, Doha, Qatar
Georges MALBRUNOT, Journalist, Figaro, Paris, France
Jorge PEGADO-LIZ, Member of the High Authority on Mass Media, Portugal
Vit POHANKA, Journalist, Foreign Affairs Correspondant, Czech Radio, Prague, Czech Republic

Stephen WHITTLE, Controller, Editorial Policy, BBC, London, United Kingdom

Invited observers
Alexandra FEUILLADE, High Authority on Mass Media (CSA)
Ronald KOVEN, World Press Freedom Committee (WPFC) and representative of the International Press Institute (IPI) and of Reporter without Borders
Mélanie WALKER, World Association of Newspapers (WAN)

Assistants parlementaires
Claire DOSSIER CARZOU, Senate, France
Mihaela DRAGHICI, Senate, Romania
Pavel ERMOSHIN, International Relations Department, Russia
Sonja LANGENHAECK, Senate, Belgium

Journalistes

Exyom AKHBAR	Groupe de presse Egypt
Amir ALGARGER	La citoyenneté irakienne
Ali Ishan AYDIN	Zaman (Newspaper, Iraq)
Oleg BERGASOV	RFI (Radio, France)
Marie BOËTON	La Croix (Newspaper, France)
Sébastien BOISTEL	L'Humanité (Daily paper, France)
Zoé CADIOT	Le Midi Libre (Daily paper, France
Véronique CHEMLA	Guysen Israël News (Agency, Israël)
Sébastien DEMENOIF	Arte (TV)
Hervé FAURE	La Voix du Nord (Newspaper, France)
Herade FEIST	Arte (TV)
Mathieu PANSARD	Arte (TV)
Judith RUEFF	Libération (Daily paper, France)
Marta RULLAN	EFE (Agency, Espagne)
Mihaïl TIMOFEEV	ITAR-TASS (Agency, Russia)
William WEESA	Agency de presse des Emirats
Jahani YOUNES	IRNA (Agency, Iran)
Aurélie ZAREMKA	L'Humanité (Daily paper, France)

Other participants

Cécile BOURCHEIX	Jurist, Directorate for the Development of Media, France
Pierre BOIXAREU	Lawyer, International Society for Diplomatic Watch
Mahbouli CHAWKY	*chercheur doctorant*, Panthéon-Sorbonne
Carole GAY	Jurist, Direction du développement des médias, France
Rouslana KONDRATENKO, student, French Press Institute	
Mme RENEL	Ministry of Culture, France

Council of Europe Secretariat :

– *Secretariat of the Parliamentary Assembly:*
- *Committee on Culture, Science and Education*
Christopher GRAYSON, Head of Secretariat for Culture, Science and Education
João ARY, Secretary to the Committee on Culture, Science and Education
Rüdiger DOSSOW, Co-Secretary
Anne-Marie NOTHIS, Administrative Assistant
Sandra KSSIS, Assistant

– *Communication Unit*
Micaela CATALANO, Head of Unit
Francesc FERRER, Administrator
Lucas DELATTRE, Administrator

– *Private Office of the Secretary General of the Council of Europe*
Markus ADELSBACH, Administrator

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Members of the Committee: Mr Jacques **Legendre** (Chairman), Baroness Hooper (Alternate: Mr Robert **Walter**), Mr Josef **Jařab**, Mr Wolfgang Wodarg (Vice-Chairpersons), Mr Hans Ager, Mr Toomas Alatalu, Mr Gaqo Apostoli, Mr Tony Banks, Mr Emerenzio Barbieri, Mrs Marie-Louise Bemelmans-Videc, Mr Radu-Mircea Berceanu (Alternate: Mrs Cornelia **Cazacu**), Mr Levan Berdzenishvili, Mr Božidar Bojović, Mr António Braga, Mrs Anne **Brasseur**, Mr Osman Coşkunoğlu, Mr Vlad Cubreacov, Mrs Maria Damanaki, Mr Joseph Debono Grech, Mr Ferdinand Devinsky, Mrs Kaarina Dromberg, Mrs Anke Eymer, Mr Relu Fenechiu (Alternate: Mr Gheorghe Adrian **Miutescu**), Mrs Blanca Fernández-Capel Baños, Mrs Maria Emelina Fernández-Soriano, Mrs Siv Friedleifsdóttir, Mr Piotr Gadzinowski, Mr Eamon Gilmore (Alternate: Mr Brian **Daly**), Mr Stefan **Glăvan**, Mr Luc **Goutry**, Mr Vladimir Grachev, Mr Andreas Gross, Mrs Azra Hadžiahmetović, Mr Jean-Pol Henry, Mr Rafael **Huseynov**, Mr Raffaele Iannuzzi, Mrs Halide **İncekara**, Mr Shavarsh **Kocharyan**, Mr József Kozma, Jean-Pierre **Kucheida**, Mr Guy Lengagne, Mr Peter Letzgus, Mrs Christine Lucyga, Mr Gennaro Malgieri, Mrs Jagoda Majska-Martincevic, Mr Bernard Marquet, Mr Kevin **McNamara**, Mrs Giovanna Melandri, Mr Ivan Melnikov (Alternate: Mr Alexander **Fomenko**), Mr Loutvi Mestan, Mrs Milena Milotinova, Mrs Fausta Morganti, Mrs Kim Mortensen, Mrs Christine Muttonen, Mrs Miroslava Němcová, Mr Edward **O'Hara**, Mrs Elsa Papadimitriou, Mrs Antigoni Pericleous Papadopoulos, Mrs Eleonora Petrova-Mitevska, Mrs Majda Potrata, Mr Lluis Maria **de Puig**, Mr Anatoliy Rakhansky, Mr Johannes **Randegger**, Mr Josep Ribera Ambatlle, Mr Zoltán Rockenbauer, Mr Pedro Roseta, Mrs Anta Rugāte, Mr Volodymyr Rybak, Mr Pär-Axel Sahlberg, Mr André **Schneider**, Mr Vitaliy **Shybko**, Mrs Elsa Skarbøvik, Mr Andrey Skoch (Alternate: Mr Anatoliy **Korobeynikov**, Mr Jerzy Smorawiński, Mr Ninoslav Stojadinović, Mr Valeriy Sudarenkov, Mr Aleksander **Szczygło**, Mr Mehmet **Tekelioğlu**, Mr Ed van Thijn, Mr Vagif Vakilov, Mrs Majléne Westerlund Panke, Mr Emanuelis **Zingeris**.

NB. The names of those present at the meeting are printed in ***bold***

Head of Secretariat: Mr Christopher Grayson
Committee secretariat: Mr João Ary, Mr Rüdiger Dossow, Mr Chemavon Chahbazian