**OSCE** Organization for Security and Co-operation in Europe

# "The War on Words – Terrorism, Media and the Law" organized by the International Press Institute (IPI) and the Center for International Legal Studies (CILS)

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## Engaging with the Media in Countering Terrorism: Challenges and Opportunities

### Raphael F. Perl[1] - Head on Anti-Terrorism Issues

Mr. Moderator,
Distinguished Guests,
Ladies and Gentlemen,

I would like to start by thanking the organizers for inviting me to be a keynote speaker at this important and timely event. It is a great honor for me to address such a distinguished audience on the watchdog role of the media and the importance of engaging media in countering terrorism.

Media performs an important function in maintaining and guaranteeing free and democratic societies. But in societies ruled by extremists, zealots and thugs, a free media is often the first thing to go. In such societies the term "watchdog role of the media" is an oxymoron. Both media and government have a vested interest in promoting security and civil liberties. Enhancing communication, understanding and cooperation between these two societal sectors brings about a win-win situation for government, media and society at large. It is for this reason that **we must be ever vigilant that the fight against terrorism is not used by states as an excuse to restrict media freedom.**

I am not a journalist, and although I am a lawyer, I am not an expert on media law and civil liberties. But as a counter-terrorism official, I would like to share with you how my organization, the OSCE – the world's largest regional security organization with 56 participating States from North America, Europe, South Caucasus and Central Asia – contributes to ensuring the watchdog role of the media by improving relationships, understanding and communication between media, civil society and governmental agencies involved in combating terrorism.

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[1] Raphael Francis Perl currently holds the position of Head on Anti-Terrorism Issues at the OSCE Secretariat. Prior to assuming his current position, he served as the senior analyst for terrorism policy with the Congressional Research Service of the Library of Congress in Washington, DC. A graduate of Georgetown University's Foreign Service and Law Schools, he has served as an advisor to Jane's on the structuring and content of their "Crisis Communications Handbook", a guide for working with stakeholders and the media in times of crisis. He was also instrumental in developing a crisis tabletop exercise training programme for journalists, government spokespersons, law enforcement, and first responders. Raphael Perl has testified before Congress on terrorism policy issues, including the 9/11 Commission Report recommendations, and has addressed the UN General Assembly on the role of regional organizations in implementing the UN Global Counter-Terrorism Strategy.

Let me already at the outset make one thing perfectly clear: a **free and independent media is central to a functioning and pluralistic democracy**. Respect for human rights such as freedom of expression and freedom of the media is an essential component of any governmental long-term anti-terrorism strategy. Protecting basic democratic freedoms and values is and must remain a core component of enlightened anti-terrorism policies.

The primary responsibility for preventing and countering terrorism and for managing the consequences of terrorist attacks rests with governments. But the private sector, especially the media, and society at large, have important roles to play as well. The challenge is to build trust among all stakeholders through voluntary public-private partnerships and to find effective ways on how to best address terrorism from all its different angles.

The media has immense potential as a counter-terrorism resource. Accurate and rapid dissemination of information to the public during terrorist incidents can prevent panic, reduce confusion, streamline response efforts and save lives. Moreover, good investigative journalism can help remove the mask of righteous causes and show the true face of terrorism.

Clearly, the role of the media is to inform the public. Clearly, dissemination of information as well as the manner of its presentation can have a profound effect on societies. Sensationalist reporting plays into the hands of terrorists by promoting their messages, spreading panic and potentially compromising counter-terrorism operations. We all know that terrorists increasingly misuse the media as an amplifying tool for incitement, recruitment, fundraising and spreading propaganda.

Moreover, communication between the media and counter-terrorism officials is often hampered by lack of co-operation and trust, stemming from a number of legitimate concerns as well as from mutual lack of understanding of the respective goals and responsibilities by each group.

**It is therefore crucial to promote cooperation between governments and media. Neither government nor the media want to promote or facilitate terrorism. Neither government nor the media want to encourage panic in times of crisis. Neither wants inadvertently to promote intolerance, bigotry and racism.**

The OSCE has a long history of promoting freedom of expression and freedom of the media. Already in 2002, at a Ministerial Council meeting in Porto, the OSCE participating States acknowledged the positive role the media can play in promoting tolerance and understanding among religions, beliefs, cultures and peoples, as well as in raising awareness of the threat of terrorism. Furthermore, the OSCE participating States committed to combat hate speech and to take the necessary measures to prevent the abuse of the media and information technology for terrorist purposes, ensuring that such measures are consistent with domestic and international law as well as OSCE commitments.

Protecting freedom of the media is an important aspect of the work done by the OSCE. The OSCE has an office charged with this task – the Representative on the Freedom of the Media - that is independent and free from political pressure. The activities of the OSCE Representative on the Freedom of the Media are based on the understanding that the media can provide a useful communications link to the public and raise awareness of the danger of terrorism and the efforts made to combat it. The Office also contributes actively to alleviating mistrust between government and the media.

Arguably, media representatives bear special responsibilities when reporting on terrorist acts and threats, which is why the OSCE Representative on the Freedom of the Media promotes the development and enhancement of self-regulation mechanisms to uphold ethical standards. Media self-regulation is seen by many as a useful societal tool or aid for reporting on terrorist activity. From the perspective of the media it promotes professionalism, a responsible and trusted image of media in society, and minimizes state intervention, thereby promoting editorial freedom. From the perspective of governments, media self-regulation helps promote societal goals of not glorifying terrorist activity and of not compromising anti-terrorism operations.

In May 2008, Mr. Miklós Haraszti, the distinguished civil rights leader and OSCE Representative on the Freedom of the Media, published a guidebook on media self-regulation.[2] It states that

> "[a]cts of terror should be reported accurately and responsibly. Special care must be taken with the wording, which should avoid praise for violent acts and eliminate terms that contain emotional or value judgments. (…) The journalist's goal remains the same as in reporting any story: to let the readers make their own judgments."

The OSCE Representative on the Freedom of the Media also monitors the drafting of legislation on preventing abuse of information technology for terrorist purposes, in order to ensure that such laws are consistent with freedom of expression and the free flow of information.

It is important to stress that the OSCE Representative on the Freedom of the Media is not the only executive structure of the OSCE that is active in this field. My unit, the Action against Terrorism Unit, regularly factors in the need for protecting civil liberties in its activities and programmes. Furthermore, my unit, the ATU, plays an active role in promoting public-private partnerships between government bodies, civil society and the business community in preventing and countering terrorism. Public-private partnerships, especially cooperation with the media, are an important component of such activities.

My unit brings together key players at the regional and local levels, to discuss best practices, exchange lessons learned and facilitate collaborative networks between government and media based on shared values and common goals. **It is increasingly being recognized internationally that such co-operation with the private sector is essential to effectively respond to the terrorist threat. The constructive role of the OSCE is increasingly being recognized as well.**

In two weeks we will organize here in Vienna an OSCE-wide expert workshop entitled 'Public-Private Partnerships: Engaging with the Media in Countering Terrorism', where I look forward to hearing the remarks of the IPI Deputy Director Ms. Alison Bethel McKenzie.

This upcoming OSCE workshop aims at exchanging relevant information, sharing lessons learned and good discussing practices on promoting media cooperation with government. We hope that the workshop will help generate the political will needed to enable the ATU to obtain funds for a 'Media and Terrorism Programme' in key areas of the OSCE region. The ATU 'Media and Terrorism Programme' is designed to include a series of national and sub-regional workshops focused on improving working relationships between counter-terrorism

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[2] Available in Albanian, English, French, Hungarian, Montenegrin, Russian and Turkish at www.osce.org/item/30697.html.

officials and media representatives. Modules involve tabletop scenario exercises focused on improving communications between counter-terrorism officials, the media, technical experts, and the public in the event of a terrorist incident. These exercises have the goal of establishing best practices for co-operation between government and media.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR), located in Warsaw, Poland, is the Organization's principal institution tasked with assisting participating States in implementing their human rights commitments. In fact, at this very moment in time there is a major ODIHR event on-going in Warsaw called the Human Dimension Implementation Meeting which every year gathers together several hundred delegates from the whole OSCE region. I know that all of tomorrow's session will be devoted to freedom of expression and freedom of the media.

In addition, ODIHR offers participating States a package of activities on various aspects of preventing and combating terrorism through strengthening democratic institutions, the rule of law and respect for human rights. The overall goal of this programme is to promote compliance with international human rights standards and to ensure respect for OSCE commitments in this area. **The underlying premise here is that while recognizing that states have legitimate concerns and responsibilities to ensure the security of their citizens in the fight against terrorism, states have a concomitant responsibility to protect civil liberties of which freedom of the media is a pillar. In this regard respect for international law and in particular human rights must not be compromised.**

Let me take this opportunity to mention an ODIHR manual, called 'Countering Terrorism, Protecting Human Rights', which was launched early last year.[3] This manual addresses, among other issues, the principles of legality, non-discrimination and proportionality in the context of counter-terrorism. The absolute prohibition on torture and ill-treatment, freedom of expression, freedom of association and peaceful assembly, and freedom of religion or belief is also examined.

I would be remiss when speaking of media if I did not mention that the Internet has become a strategic instrument and tactical tool for terrorists. Its use by *al-Qaeda* as well as other terrorist groups for activities such as identifying, recruiting and training new members, collecting and transferring funds, organizing terrorist acts and inciting terrorist violence, is well established. In addition, use of computer systems and the Internet as weapons for cyber-attacks is a growing concern. My Unit is currently exploring the potential to expand our programme on 'Countering the Use of Internet for Terrorist Purposes' into the area of cyber security as a whole. We believe that a comprehensive approach to enhancing cyber security is society's best option for achieving the long-term goal of making cyberspace as safe and secure as possible.

Ladies and Gentlemen,

These are but a few of our on-going and planned counter-terrorism activities. Our activities seek to be preventive, addressing also conditions conducive to the spread of terrorism. At the same time we also focus on improving security and supporting various capacity-building efforts in the OSCE area, which aim at decreasing the likelihood of terrorist attacks, in other words to increase the safety and security of the close to one billion people living in the OSCE region. In secure and safe democratic societies a free media can flourish. **The relationship**

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[3] Available in English and Russian at www.osce.org/odihr/item_11_28294.html.

**between the media and democratic governance is a symbiotic one. Democratic institutions and societies need a free media to remain democracies and the media needs the safeguards and support that democracies can provide.**

The media and governments around the world have common interests in seeing that the media is not manipulated into promoting the cause of terrorism or its methods. On the other hand, neither the media nor policymakers want to see terrorism, or counter-terrorism, eroding constitutional freedoms including that of the press. This appears to be a dilemma that cannot be completely reconciled and one with which societies will continually have to struggle.

**The challenge for policymakers is to explore mechanisms enhancing media-government co-operation to accommodate both the citizen and media need for objective press coverage of the terrorism issue while at the same time limiting the gains uninhibited coverage may provide terrorists or their cause. Effective communication between governments and the media is an important element in any strategy to prevent terrorist causes and strategies from prevailing and to preserve democratic values.**

Thank you for your attention.