

“Media Against Terrorism”

¹by Justice G.N. Ray

In the age of global terrorism being witnessed in 21st Century, the media today face significant challenges in defining their role and responsibility in the public sphere. Terrorism has changed from the hijacking and hostage taking situations through 1960s, 1970s, and 1980s to the mindless suicide missions and the magnitude of such operations. Consequentially, the role of the media has to be changed, with the twin duty to give instantaneous global news in the context of vortex of alternative views leading to complex situations and to strike a balance between people’s right to know on the one side and national security and social ethics on the other. Today’s Seminar is a fitting tribute to the spirit of India, the unity which the people of India display in hours of challenge and media’s deep concern in bringing information to people.

Terrorist attacks destroy not only the soil and the people but also the ‘soul’ of the nation and tear its cultural fabric and simultaneously hamper its economic and political growth.

Media which is truly the mirror of the society and also plays the role of its leader, motivator and guide needs to gauge the situation and help the nation in rebuilding not only the structure but also the morale and psyche of a common man. It should refrain from lending even any unintentional advantage to the terrorists in terrorising the society through gory, horrifying and scary visuals. *George W Bush* has rightly said ‘*you are with us or you are with the terrorists*’. Journalists are advised to keep away from what is called *Brigitte, L. Naco’s* (2002) concept of ‘*mass-mediated terrorism*’.

It is true that in the mid to late 20th century, terrorists manipulated and exploited the media as a voice both to claim responsibility and make known their

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demands, as well as bringing attention to a specific cause. During the panel discussion on 'The Media and Terrorism: Friends or Foes' (international summit held on March 8-11 2005) the panelists were divided on the issue. While some argued that the journalists' only obligation was towards the reader, others stressed that it was important to deny the terrorists the 'oxygen of publicity'. Before discussing the role of the media in reporting terrorism, we must know what can be termed as 'terrorism'. The US department of State defines 'terrorism' to be 'premeditated politically-motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.

Terrorism is a criminal act that influences an audience beyond the immediate victim. The strategy of terrorist is to commit acts of violence that draws the attention of the local populace, the government, and the world to their cause. The terrorists plan their attacks to obtain the greatest publicity, choosing targets that symbolize what they oppose. Thus the need to ensure that the journalist do not become a tool in the hands of the terrorists by giving them the desired publicity.

Different countries have tackled the issue differently. **In Australia**, laws are introduced to protect national security against terrorism. The Anti – Terrorism Act, introduced in 2005, went even further by reintroducing the crime of sedition and expanding its potential use in Australia. The Australian Press Council in its 2007 Report, 'State of the News Print Media in Australia' was of the opinion by stating that Australia's sedition laws allow the government to restrict freedom of the press beyond what is necessary to combat terrorism. Even while the country has no specific media code that covers the ethical issues of reporting terrorism, Australian media goes for self-regulation. Noting that the public has a right to information on matters of public concern and to have the facts communicated to them, the Press Council of Australia felt that the best way to ensure that important information is disseminated to the public in a crisis situation is to establish relationship between media persons and the government

officials and to provide media organisations with open and timely access to information so that they are not forced to rely on informal sources in order to establish the facts.

In United Kingdom, the British Broadcasting Corporation (BBC) has an exemplary set of reportage guidelines for 'War, Terror and Emergency'. BBC guidelines call for proper terror lexicon, avoidance of the term 'terrorist' and use of words which specifically describe the perpetrator such as "bomber", "attacker", "gunman", and not "kidnapper", "insurgent, and "militant" instead. Since the attacks on the London Underground in July 2005, reporters are exhorted not to play with the emotions of the audiences by reporting on events in a sensational manner.

All UK broadcast services are under a duty not to broadcast anything that could incite or encourage crime.

United States of America: - The USA PATRIOT (United and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism) Act instituted after 9/11 gives overriding powers to the Government and broad terms of this power mean that it can be used against practically anyone criticizing the US Administration's approach to combating terror.

Canada :- Canada's Article Ten of the Radio and television News Directors Association(RTND) of Canada's Code of Ethics says reporting of criminal activities, such as hostage takings, will be done in a fashion that does not knowingly endanger lives, hamper attempts by authorities to conclude the events, offer comfort and support or provide information to the perpetrator(s). RTND members will not contact either the victim(s) or the perpetrator of a criminal activity during the course of the event, with the purpose of conducting an interview for broadcast. Canada's national public broadcaster, the Canadian Broadcasting Corporation (CBC)'s Journalistic Standards and Practices say that "CBC journalists must ensure that any action they take will not further endanger the lives of hostage's release. They must guard against being used or manipulated by the terrorists/hostage takers".

The Press Council of India in its report of 1991 dealing with terrorist activities in Kashmir cautioned that it would not be desirable to shut out the point of view of the militants completely as the people in a democratic society have a right to know what the militants stand for and the basis of their arguments, but there is a point beyond which the state cannot abdicate. While it counselled the press to exercise due caution in disseminating the press notes of the militant groups, equal emphasis was laid on the need for the press to be vigilant against official plants to maintain its credibility. Soon thereafter in Kashmir, alleged human rights excesses by army and the para military forces had invited international concern and criticism. The role and the plight of the press also came under scanner. The Press Council of India found that the threat to the freedom of the press in Kashmir came primarily from the climate of fear that the militants had generated and caused the media to abandon their post. It was felt that the newspapers must be willing to accept the risks that go with their profession. Experienced hands should be posted who would report all sides and aspects of events fairly and objectively. The result of inquiry into the report of human rights excesses was astonishing. It was found that while some excesses had indeed taken place, been enquired into and processed, the most serious instances were without any foundation. Clearly, the psychological warfare by terrorists, orchestrating human rights violation needs careful, unbiased and thorough investigation to sift the chaff from the grain.

It is to be noted that the media plays a decisive role in making a country promoter and protector of human rights. It is equally true while a militant's viewpoint cannot be enforced by a decree or massacre of thousands, as Julio Rebeiro, with his first hand experience of terrorism puts it, "no state has ever eliminated terrorism without winning the hearts and minds of the communities from which the terrorists come."

The past two decades have seen terror raising its ugly head in the international arena. The images brought to the audience worldwide by the electronics media of the events at the Bamyán in Afghanistan and the World Trade Centre in the USA and the Akshardham Temple in India or the recent incident in Mumbai in November, 2008 have left indelible imprint on the minds and psyche of all. To understand the true power of the media, it is necessary to assess how far the viewing of the acts of terror through the eyes of the media affects the understanding of public of the events. The terrorists use overwhelming attention of media to advance their goal of gaining recognition for their grievances and causes, spreading fear and anxiety amongst their target audience and simultaneously increasing popular support amongst sympathetic audience. The media needs to introspect on its own measures to reassure the public and create a faith in the system and rule of law.

I would also like to caution the media against the glorification of the terrorist as a celebrity and exploitation of the experiences of people affected by

their acts. This is perhaps violation of the human rights by the media at its worst.

The UN Security Council had declared in 2003 that “States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular international human rights, refugee, and humanitarian law”. Drawing on this resolution, the Special Reporters on Human Rights and Terrorism of the Sub-committee on Promotion and Protection of Human Rights, questioned State action towards the perpetuation of terrorism” It gave a call to: -

- a) examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;
- b) make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism; and
- c) provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies.

The terrorists, whether indulging in lethal or minor acts, are always in a quest for publicity to gain the attention of those who are legitimate actors in a

political system or decision- makers and when they resort to violation, they can be assured of gaining access to the mass media and through them to the decision makers as well as the king makers of a democracy i.e. the public. The militant groups also try to influence the psyche of the public and gain their sympathy by giving wide publicity to often manufactured human rights violation. It will be extremely unfortunate if by this process the spirit of the society to protest against violators of peace slowly mellows down thereby ushering in a regime of helpless surrender to all kinds of atrocities and abject violation of human rights by terrorists and insurgents.

Freedom of expression is a sacred right well accepted over the globe. In Indian Constitution, it finds place as a guaranteed fundamental right. The Government of India in tune with Constitutional mandate professes its anxiety to protect and safeguard this fundamental right. But no right and for that matter right to freedom of expression is absolute and unfettered in all circumstance but such right is bound by duty to maintain peace and harmony of the body polity by exercising prudence and restraint in the exercise of right to freedom of speech. If exercise of this right is likely to inflame passion which in turn may lead to further violation of human rights and promote more bloodshed of the innocent, the right to freedom of expression needs circumspection and consequential restraint for greater good of the society. In the matter of terrorism and insurgencies, the media whether print or electronic, should be guided by the compulsion of self imposed restraint and anxiety to prevent further violation of human right and

loss of more life on account of media reporting. All efforts, even if insignificant, to contend terrorism and raising voice of protest by an individual need to be highlighted with proper commendation. The strength of the ruffians lies in their unity for an evil cause and weakness of common man flows from lack of unity and often indifferent attitude or little concern for the need to raise voice of protest and appropriate action by the civil society. Therefore, role of media in organizing public opinion against terrorism is very important. To what extent State should be bound by the human rights of those who have no respect for the human rights of innocent civilians, requires careful assessment.

Supreme Court of India's observation that 'Freedom of the Press is subject to reasonable restrictions enumerated in Article 19(2) of the Constitution where sovereignty, integrity and the security of the country are concerned' can not be lost sight of.

Coming to the question of reporting insurgent activities actually taking place, it is to be noted that in print media, the journalists can afford to analyse and report at later, but electronic media reporters with live coverage facility at their command, have to draw the line themselves on the spot because once any damage is caused on account of insensitive coverage, the mischief may be enormous and cannot be rectified. Therefore, sensitivity and proper focus on the possible impact of live coverage can not be lost right of in case of live coverage.

The electronic media, particularly the channels which formed News Broadcasters Association (NBA) a voluntary body in India have recently come out with a set of guidelines for self regulation by indicating that they had not foreseen this type of unprecedented situation which happened in Mumbai in November, 2008. Though we appreciate the care taken after the NBA circulated the guidelines highlighting the need for restraint, much damage had already

been done. We all hope to be wiser in future if such unfortunate events repeat themselves.

Media reporting also needs to show greater sensitivity in handling the exhausted and traumatized victims. It is more often than not that exhibition of mangled bodies creates deep shock and trauma to the viewers.

We must however not overlook the positive side of the coverage. Media through its reporting brought into light the lapses into our security system and inadequate arrangements of the government in handling such serious situations. We must agree that there should be some 'Lakshman Rekha' (boundary denoting this far and not beyond) or guidelines for reporting during such events.

Reacting on media's role in Mumbai attack, Rajya Sabha Committee on Petitions (Committee of Upper House of Parliament) said in its reports, "The live footage shown by television channels could have been used as free intelligence input by the perpetrators sitting far away, who allegedly guided the attackers through satellite mobile phone." The channels failed to self regulate. Committee further said "Self-regulation is an ideal situation, but it may not be effective to regulate the media, particularly in the scenario of growing competition among the channels for supremacy in business of rating." The committee asked the government to put in place Broadcasting Regulatory Authority under an Act of Parliament.

Reporters must realize that it is only the unrestrained reporting which has invited the government to intervene and define the limits to the press freedom.

In the wake of criticism of the role of the media, especially the electronic media, India's broadcasting bodies have brought out easy to recall self-regulatory guidelines: -

Dos & Don'ts

- Don't give live coverage of hostage crises
- Block information that may help terrorists
- Don't disclose details of hostages; withhold sensitive information on rescue operations.

- Avoid live contact with victims and with security personnel engaged in rescue operations in 26/11-like situations
- Avoid unnecessary repetition of archival footage which may agitate the minds of viewers

Journalists both from print as well as the electronic media need appropriate sensitivity to safeguard larger interest of the nation and not losing focus about the likely impact of their reporting. They should never be oblivious of the unflinching need for self introspection. Journalists must be united to build a strong nation and civil society by ensuring that there is no place for hatred by denying the perpetrators of terror, an oxygen of publicity in order to defeat the very aim of the terrorists to spread hate, terror, violence and disharmony in this beautiful planet.

I am confident that the deliberations in today's Seminar will help Media to focus on its role more positively and effectively.

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