

**DCAF REGIONAL  
PROGRAMMES**

**MEDIA AND THE  
SECURITY SECTOR  
IN SOUTHEAST ASIA**

**Hooman Peimani**



The Geneva Centre for  
the Democratic Control  
of Armed Forces

# **Media and the Security Sector in Southeast Asia**

Hooman Peimani

Geneva Centre for the Democratic Control  
of Armed Forces

(DCAF)

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# CONTENTS

Introduction .....	1
Legal Obstacles to Free Media Reporting in Southeast Asia in Comparative Perspective .....	3
Intimidation through Regulations and Bureaucratic Means and Pressing False Charges .....	7
Using Law Suits against Media Workers .....	10
Intimidation through Use of Punitive Laws or Acts of Violence.....	13
Legal Rights to Restrict Free Reporting.....	17
Direct and Indirect Censorship .....	19
Conclusion .....	21
Bibliography .....	21
Media's Role in Conflict Prevention.....	24
Introduction .....	24
Role of Media in General .....	25
Additional Potential Role.....	26
Ideal Role of Media in Conflict Prevention and Transformation in "Mature Democracies".....	27
The Role of the Media in Other Countries .....	27
The Media and Conflict: The Real Role Played .....	28
Case studies .....	29
Brief Account on the Media's Role in Malaysia.....	39
Conclusion .....	40
Bibliography .....	41
Violence against Media Workers in the ASEAN States.....	43
Media in the ASEAN Region.....	44
Violence against Media Workers .....	47
Country Cases of Violence against Media Workers .....	49
Conclusion .....	60
Bibliography .....	61



# INTRODUCTION

The news media plays a special role in the monitoring of the security sector. As a result, DCAF gives special attention to capacity building for media workers and the documentation of good practice in the media's role in reporting on security sector decision making, transparency and integrity building, conflict prevention and mitigation, and the general instruction of the public in matters dealing with security sector governance. DCAF's cooperation programmes also seek to offer capacity building for media workers. Encouraging results could be achieved in the Western Balkans, Ukraine, Georgia, Turkey, Nepal and especially Indonesia, where a comprehensive media programme could be implemented with the generous support of the Ministry of Foreign Affairs of the Federal Republic of Germany and the very active cooperation of two major local think tanks, Lesperssi and IDSPS.

Good practice in media reporting on the security sector has repeatedly been the subject of DCAF research projects. A first important building block in the series was *Media in Security and Governance: the Role of the New Media in Security* (Caparini (Ed.), 2004) which was also translated into other languages. In 2010, studies on media and the security sector in the Western Balkans (Djurdjevic-Lukic) was published (see [www.dcaf.ch](http://www.dcaf.ch)). Additionally, a toolkit for journalists on security governance issues was published in Jakarta in May 2010 as a product of the German MFA-funded media capacity building programme 2008-2010. The articles collected in this fine volume by Dr. Hooman Peimani were first presented at conferences in Indonesia throughout 2009.

Philipp Fluri, Ph.D.  
Deputy Director DCAF

Geneva, October 2010



# Legal Obstacles to Free Media Reporting in Southeast Asia in Comparative Perspective

The media plays a major role in every vibrant society. In an ideal situation being a democratic society, its role is multi-dimensional consisting of at least five major dimensions. It is an agent of dissemination tasked with ensuring the free flow of information to a given society; this is meant to alert people about issues affecting their society. The media also works as society's conscience. It thus speaks about issues, which may not be pleasant but necessary, about which many individuals are unaware or on which they have no opinion because of their lack of knowledge. Moreover, the media is part of a society's check and balance system. The division of power among the judicial, legislative and executive branches of a state is meant among other reasons to put them in a position to check and balance each other in order to prevent their abuses. However, it is necessary that an institution outside the state framework (i.e., the media) critically oversees the activities of these branches to ensure they do not abuse their power. The media is also a major stakeholder in the freedom of information as its presence ensures its free operation while its absence restricts its activities. As a result, the media plays a major role in preserving this freedom with other freedoms, including speech, conscience and, of course, the press. Finally, the media functions as a gauge of democracy. In any given society, there is a positive correlation between democracy and the media. The more democratic a society, the more active and freer its media. The absence of a free media guarantees the absence of democracy in the respective society. Hence, as it is true for any other region, the free operation of the media and thus free reporting is necessary for the progress and prosperity of Southeast Asia.

However, in practice, there are barriers to free reporting by the media as an objective and independent institution in this region. This is notwithstanding of the fact that the constitutions of all Southeast Asian countries guarantee freedom of speech and the press and, on paper, all Southeast Asian governments are committed to such freedoms. The barriers include legal and non-legal, such as societal. Yet, the focus of this study is on the legal barriers, which have been the ma-

for obstacles to the operation of the regional media. Like all other phenomena, freedom of the press is reflective of the political, economic and social situation of societies. It therefore demonstrates how certain factors have affected a society over a period of time to create a situation conducive or non-conducive to the full observation of freedoms and rights, including freedom of the press. For this reason, it is important to briefly analyse the recent history of Southeast Asia in order to understand the circumstances, which have laid the ground for the formation of the current barriers to free media reporting.<sup>1</sup>

After a long period of colonisation and foreign rule, Southeast Asian countries gained independence from their mainly European colonisers in the post-WWII era ending in the 1960s. The end of undemocratic and brutal foreign rule, and a popular desire for freedom, provided a potentially suitable situation for the foundation of democratic political systems in these countries. However, their post-colonial governments have proven to be undemocratic although they have since registered various degrees of undemocratic rule. Against a shared interest in suppressing any serious challenge to their authority, they have established different types of undemocratic regimes according to their specific internal situations, their guiding political ideology and their alliances with non-regional powers. The Indochinese nations of Vietnam, Cambodia and Laos established different types of Communist regimes during the 1950s to the 1970s with zero tolerance for any sign of dissent and thus opposition to the ruling elites. Such opposition in any form was considered as opposing the “toiling masses” in favour of the “exploiting social classes” and their foreign imperialist backers, namely the United States and its European allies. Their taking sides with and receiving support from the two major Communist powers, the USSR and China, reinforced their undemocratic feature given the latter’s deep undemocratic nature.

Other regional countries opted for establishing anti-Communist and pro-market regimes right away or after a short period of flirting with socialist ideas (Indonesia). While correctly criticising the undemocratic record of the Indochinese regimes, they also chose to establish more or less equally anti-democratic political systems reflecting the lack of conviction in democracy and their lack of sustainable popular support. They justified their extremely undemocratic statecraft under the pretext of fighting Communism as almost all of them faced a

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<sup>1</sup> For accounts on the history of Southeast Asia, please see: Peter Church, *A Short History of Southeast Asia* (Hoboken, NJ: John Wiley & Sons, 2009); Milton Osborne, *Southeast Asia: An Introductory History*, 9<sup>th</sup> edition (Crows Nest, Australia: Allen & Unwin, 2005).

potential expansion of Communism. These countries were suitable environments for such expansion thanks to their dissatisfied populations given the rampant poverty, extensive underdevelopment, widespread corruption and injustices, and suppression of dissent. The unconditional support rendered to them by Western countries, in general, and the United States, in particular, helped the ruling elites consolidate power. What made these countries somewhat distinct from the regional Communist regimes was their tolerance of a degree of personal and social freedom for their citizens. This did not include tolerating any independent media and its free reporting.

As a major external factor, the existence of the bipolar international system helped both groups continue their anti-democratic rule under the banner of fighting Communism or imperialism depending on their political orientation. The lack of strong popular support to questioning their legitimacy was the major internal factor in this regard.

Throughout this period (from independence to the USSR's fall in 1991), both sides registered a poor record of democracy and its necessary components, including freedom of speech and the press. This reality reflected a necessity for the survival and continuity of their political systems. In Communist countries, the governments' monopoly of the media and its tight grip on all outlets left no room for any degree of freedom of the press. Media workers simply acted as civil servants to report the news to suit their respective governments and its guiding ideology. Anything else was considered as efforts to weaken the government and damage its ideology on behalf of the imperialist camp; it was therefore suppressed. In the pro-Western camp, a degree of private media was allowed while governments maintained a practical monopoly over the media. They limited the operation of the latter within a pro-government framework to ensure its docility to their respective governments. Hence, despite differences in appearance, in reality, both camps shared a common approach to freedom of the press. They simply fostered directly and indirectly pro-status quo media, which was not allowed to operate within the context of professionalism and objectivity. Free-reporting was therefore out of the question.

The end of the Cold War in 1991 created hope for a change for the better.<sup>2</sup> The disappearance of the ideological ground for suppressing the free media was

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<sup>2</sup> For general information on the contemporary situation in Southeast Asia, please see: Mark Beeson, *Contemporary Southeast Asia*, 2<sup>nd</sup> edition (New York: Palgrave Macmillan, 2008); Mark Beeson, *Regionalism and Globalization in East Asia: Politics, Security and Economic Development* (New York: Palgrave Macmillan, 2009).

seen as a positive point to help end the tight government control of the Southeast Asian countries' media outlets in the absence of any fear of expanding Communism or capitalism in the regional countries. Additionally, the three Indochinese Communist countries of the 1970s have now become very different. To varying extents, Vietnam and Laos have followed the Chinese model of development. Thus, keeping the Communist rule in place, they have embarked on economic reforms to provide for a degree of market economy with a corresponding degree of personal freedom. Cambodia has a totally different government in place from the Khmer Rouge. Of the two backers of Communism, Russia has totally abandoned the ideology opting for a version of market economy concerned with exporting goods rather than ideology and revolution. Practically speaking, China has kept Communism only as a means to ensure the stability of the political system and continuity of the ruling elite. Today, Beijing's first and foremost objective is to expand its share of the global market. Within this context, Communism as an ideology is no longer a source of threat in Southeast Asia. This must have removed any excuse on the part of the non-Communist regional governments to continue their undemocratic rule under the pretext of preventing the expansion of Communism. As an additional factor, the democratic movements of the 1980s, 1990s and the first half of the first decade of the 21<sup>st</sup> century helped change Southeast Asian countries to some extent. In particular, Malaysia, Indonesia, the Philippines and Thailand have ended the strict form of dictatorship and opened up their societies to a varying extent.

Against this background, one should expect a totally different situation for the media, a situation conducive to its free operation without any unjustified restrictions. However, in reality, freedom of the press is yet to become a reality in Southeast Asian countries. Without any exception, all these countries suffer from its absence to a differing extent and in different forms commensurate to their specific situations. Consequently, there are still barriers to the operations of the regional media and, therefore, free reporting.

By and large, these barriers can be categorised into governmental, including the legal ones, and non-governmental barriers. Briefly, the non-governmental barriers include the social and cultural barriers such as a lack of participatory and thus critical political culture in a society. As the focus of this study, the legal measures or barriers consists of a wide range of restrictions, which are illegal in nature as in all societies, at least on paper, provide for the free operation of the media. Hence those legal measures, which are used to suppress, control and/or limit the media, are illegal in nature, but legal in appearance. Southeast Asian governments justify media restrictions through these measures under broad ex-

cuses leaving room for interpretations to suit their interests. Being presented in legitimate forms to appeal to their populations at large, they include protecting national security, public order and friendly relations with other countries. They also include preventing immoral acts, the expansion of immorality and offensive religious beliefs, and damaging ethnic and racial harmony. From among the many measures employed by regional governments, the following are the most important ones used widely in just about all the Southeast Asian countries in the first decade of the 21<sup>st</sup> century. The focus is on 2008, the most recent year on which reliable information exists.

### **Intimidation through Regulations and Bureaucratic Means and Pressing False Charges**

The Southeast Asian governments use various regulations and bureaucratic means to intimidate media workers committed to professionalism. These measures are meant to deter the latter from free reporting by making the consequences for them too high a price to be acceptable. They include requiring all media workers to apply for licenses on a regular basis (usually once a year). This requirement enables governments to suspend licenses or refuse to renew them in the case of media workers who are not considered as desirable for their free reporting. A major example in this regard is Malaysia. Throughout 2008 the Malaysian authorities suspended or threatened to cancel the publishing permits of many print media outlets under the Printing Press and Publications Act (PPPA).<sup>3</sup> The Malaysian Home Affairs Ministry can restrict or ban a publication on various vaguely-defined grounds while there is no legal remedy or judicial review available to the affected media workers.<sup>4</sup> For example, in April, the ministry suspended the publishing permit of Tamil daily *Makkal Osai*, as it allegedly gave “extensive coverage to the opposition coalition in the run-up to the elections,” an unacceptable ground for suspension in any democratic society.<sup>5</sup> In May, it threatened to revoke the publishing licence of a Catholic newspaper *The Herald* for “using the word ‘Allah’ as a synonym for ‘God.’”<sup>6</sup> Among other factors, the

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<sup>3</sup> Amnesty International, “Malaysia,” Amnesty International Report 2009 (London: Amnesty International, 2009); [thereport.amnesty.org/en/regions/asia-pacific/malaysia](http://thereport.amnesty.org/en/regions/asia-pacific/malaysia) (accessed on 4 September 2009).

<sup>4</sup> Human Rights Watch, “Malaysia,” World Report 2009 (New York: Human Rights Watch, 2009); [www.hrw.org/en/node/79333](http://www.hrw.org/en/node/79333) (accessed on 4 September 2009).

<sup>5</sup> Amnesty International, “Malaysia.”

<sup>6</sup> *Ibid.*

latter reflects the growing strength of religious intolerance in the Malaysian government. Insulting Islam is also a pretext used extensively in Malaysia to prevent free reporting and thus the formation of a vibrant media. In a recent case in 2008 the founder and editor of Malaysia's most popular website *Malaysia Today* (Raja Petra Kumaruddin), was detained for insulting Islam but was freed on "procedural grounds on October 7. The government is appealing the ruling."<sup>7</sup> Unsurprisingly, the result is the weakening of professional journalism. No wonder that, as reported, in 2008 the Malaysian government's control over "annual license renewal and other policies, inhibited independent or investigative journalism and resulted in extensive self-censorship."<sup>8</sup>

Another example of the extensive use of licensing issues to suppress free reporting is Vietnam where the entire media is owned by the government. In August 2008, for example, the Vietnamese government revoked the press cards of seven journalists from state-controlled newspapers for a "lack of responsibility" in connection with their reporting on a scandal.<sup>9</sup> The resulting fear among the media workers has served as an additional factor discouraging free reporting.

Levelling false accusation to arrest and try media workers is yet another intimidation tactic used by Southeast Asian governments. This tactic is especially used in Burma (Myanmar) and Vietnam, the two most undemocratic regional countries. Both countries use not only fabricated charges against media workers committed to free reporting, but also those totally irrelevant to the targeted journalists as they did in 2008. According to Human Rights Watch, journalists in Burma "continued to be harassed and arrested in 2008, including Thet Zin and Sein Wun Aung in February for their investigation" into the [ruling State Peace and Development Council]'s brutal crackdown against peaceful protesters. Prominent blogger Nay Phone Latt received a 20-year prison sentence in November.<sup>10</sup> The human rights organisation concerned with the media also re-

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<sup>7</sup> Human Rights Watch, "Malaysia."

<sup>8</sup> Bureau of Democracy and Human Rights and Labor, "Malaysia," Country Reports on Human Rights Practices 2008 (Washington, D.C.: State Department of the United States, 25 February 2009); [www.state.gov/g/drl/rls/hrrpt/2008/eap/119046.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119046.htm) (accessed on 1 September 2009).

<sup>9</sup> Bureau of Democracy and Human Rights and Labor, "Vietnam," Country Reports on Human Rights Practices 2008 (Washington, D.C.: State Department of the United States, 25 February 2009); [www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm) (accessed on 1 September 2009).

<sup>10</sup> Human Rights Watch, "Burma," World Report 2009 (New York: Human Rights Watch, 2009); [www.hrw.org/en/node/79297](http://www.hrw.org/en/node/79297) (accessed 25 September 2009).

fers to the arrest in October and November of more than 70 journalists and their being subjected to “secret proceedings in prison or closed sessions in court” of whom many received harsh sentences for “offenses related to the 2007 demonstrations.”<sup>11</sup> Their four lawyers were also jailed for contempt of court after “they attempted to withdraw from legal representation to protest the unfair proceedings.”<sup>12</sup>

Police arrested many journalists, including bloggers, in Vietnam throughout 2008. Given all the media outlets are government-owned and controlled, blogging on the Internet has become the only available venue for free journalism. As a result, the Vietnamese government especially targeted bloggers in 2008. The affected bloggers and other media workers were arrested and subsequently tried and sentenced to prison terms after being found guilty under broad charges. They include a prominent internet writer, Nguyen Hoang Hai (or Dieu Cay), who was sentenced to 30 months in prison.<sup>13</sup> Following his trial in September, police detained “at least a dozen other democracy activists and bloggers.”<sup>14</sup> Reportedly, many of them, like Dieu Cay, were arrested because of their protests against China’s claims to the disputed Spratly and Paracel islands.<sup>15</sup> Another major case took place in July when the Kien Giang People’s Court upheld a five-year prison sentence for “internet reporter, land rights activist, and Vietnam Populist Party member Truong Minh Duc for abusing democratic freedoms.”<sup>16</sup> Also, in October a Hanoi court sentenced reporters Nguyen Viet Chien of *Young People (Thanh Nien)* newspaper to two years in prison and Nguyen Van Hai from *Youth (Tuoi Tre)* to two years’ “re-education.”<sup>17</sup> They were accused of “abusing power in carrying out their official duties” in connection with their 2006 reports on a major corruption scandal at the Ministry of Transportation. Their charges were subsequently changed to “abusing democratic freedoms,” on which they were tried, convicted and sentenced.<sup>18</sup>

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Human Rights Watch, “Vietnam,” World Report 2009 (New York: Human Rights Watch, 2009); [www.hrw.org/en/world-report/2009/vietnam](http://www.hrw.org/en/world-report/2009/vietnam) (accessed on 26 September 2009).

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Bureau of Democracy and Human Rights and Labor, “Vietnam.”

## Using Law Suits against Media Workers

Filing law suits against media workers and their outlets under various pretexts, particularly the provisions of anti-defamation, anti-secrecy and anti-sedition laws are quite common in just about all Southeast Asian countries. Used extensively against media workers committed to professionalism and objectivity, such legal measures enable the regional ruling elites, government officials, security forces and individuals to file law suits against media workers and their respective outlets to exhaust them financially, physically or both.

Resulting in heavy fines, prison terms or both, the threat of such law suits have made many journalists reluctant to become professional. Hanging over their heads like the Sword of Damocles, the threat makes them cautious and non-critical of their government's wrongdoings in many regional countries such as Cambodia, Malaysia, Indonesia, Thailand and Myanmar where law suits are used extensively. For example, in the case of Cambodia, its government, which controls all television and most radio stations, "regularly suspends, threatens, or takes legal action against journalists or news outlets that criticize [it]."<sup>19</sup> Furthermore, Cambodian laws allow the government to "criminally" prosecute individuals, including media workers for expressing their views. Media workers risk "dismissal, physical attack, or even death for covering controversial issues."<sup>20</sup>

In the case of Malaysia, the government, its affiliated entities and its officials frequently file law suits to discourage free reporting. Criminal defamation in Malaysia is punishable by "a maximum of two years in jail, a fine, or both."<sup>21</sup> The Sedition Act is also used widely. The broadly worded 1948 act has been used to silence bloggers who express grievances against the government or "promote feelings of ill will and hostility between" ethnic groups in Malaysia.<sup>22</sup> In this regard, a major reported case in 2008 was that of Kamaruddin who was put on trial for sedition for an article he wrote about a 2006 murder case.<sup>23</sup> Defamation and sedition laws have also been used to prevent the dissemination of certain information damaging the legitimacy of the ruling elites. Thus, the Malaysian authorities ordered all Malaysian internet service providers to block a web-based publication (*MalaysiaToday*) on the unfounded ground of its publishing "libellous,

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<sup>19</sup> Human Rights Watch, "Cambodia," World Report 2009 (New York: Human Rights Watch, 2009); [www.hrw.org/en/node/79298](http://www.hrw.org/en/node/79298) (accessed on 5 September 2009).

<sup>20</sup> Ibid.

<sup>21</sup> Bureau of Democracy and Human Rights and Labor, "Malaysia."

<sup>22</sup> Human Rights Watch, "Malaysia."

<sup>23</sup> Ibid.

defamatory and slanderous” material threatening public order.<sup>24</sup> The blocking remained in place for a month. In short, many Malaysian journalists subject themselves to self-censorship out of fear of becoming the target of such laws.

Likewise, in Indonesia, media workers and their outlets, which are freer than their counterparts in many other regional countries, have been the target of law suits. In 2008 “politicians and powerful businessmen” filed criminal or civil complaints against journalists whose articles they found “insulting or offensive.”<sup>25</sup> In particular, defamation and libel suits made investigative journalism “potentially expensive” in that country.<sup>26</sup> As a very famous recent example, the Indonesian Supreme Court awarded former President Suharto one trillion rupiah (\$100 million) in a libel suit against *Time*.<sup>27</sup> In 2008 the South Jakarta District Court ruled in favour of Riau Andalan Pulp and Paper in a defamation lawsuit against Tempo magazine to be followed by the Central Jakarta District Court finding Tempo guilty of defaming agribusiness giant Asian Agri.<sup>28</sup> Tempo was therefore ordered to pay “50 million rupiah (\$5,350) in damages and publish a full-page apology in three newspapers in three consecutive editions” since Tempo damaged the company’s reputation through “its investigative report of alleged tax evasion,” according to the judges.<sup>29</sup>

In the Philippines, the same situation prevails. Many journalists have faced law suits for their reporting of wrongdoings, the majority of which have been levelled against them by foreign or domestic large corporations, not the Filipino government and its officials. In June 2008, for instance, a Makati City court judge sentenced the publisher of *The Daily Tribune* newspaper to six months to two years in prison and a fine for moral damages for a 2003 series of articles criticising a law firm over its alleged irregularities in the contract for Ninoy Aquino International Airport’s new international terminal.<sup>30</sup>

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<sup>24</sup> Ibid.

<sup>25</sup> Bureau of Democracy and Human Rights and Labor, “Indonesia,” Country Reports on Human Rights Practices 2008 (Washington, D.C.: State Department of the United States, 25 February 2009); [www.state.gov/g/drl/rls/hrrpt/2008/eap/119040.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119040.htm) (accessed on 30 August 2009).

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Bureau of Democracy and Human Rights and Labor, “Philippines,” Country Reports on Human Rights Practices 2008 (Washington, D.C.: State Department of the United

In Cambodia, the government uses defamation law to punish investigative journalists with the effect of making investigative journalism a costly and thus undesirable type of journalism. In June 2008, for instance, a newspaper's editor (Dam Sith) being an electoral candidate of the opposition party (Sam Rainsy Party) was arrested after a certain newspaper report. Accordingly, it reported the allegations that the Cambodian foreign minister had served the Khmer Rouge regime.<sup>31</sup> He was released after one week to face criminal defamation and disinformation charges.<sup>32</sup>

In Vietnam, the existence and severe enforcement of financial penalties in the case of journalists who defy the government-desired type of reporting functions as a major barrier to free reporting. Vietnamese law requires journalists to pay "monetary damages to individuals or organisations who have their reputations harmed as a result of journalists' reporting, even if the reports are true."<sup>33</sup> Reportedly, the law severely limited investigative reporting.<sup>34</sup> Issues considered to be sensitive enough to prompt the latter include any type of criticism of and revelation about the Communist Party and its senior leadership.

In Thailand, both the government and the royal family use law suits against independently-minded media workers to create an atmosphere of fear discouraging free reporting. The Thai government uses libel suits while the royalty employs *lese majeste* (insulting monarchy).<sup>35</sup> The latter makes it a criminal offense to "criticise the king, queen, royal heir, or regent" while the Thai criminal code allows for three to 15 years of imprisonment for violators.<sup>36</sup> To make the situation even more difficult for media workers, this provision allows private citizens to initiate *lese majeste* complaints targeting both journalists and also ordinary people making *lese majeste* a legal means to spread fear among the people and media workers.<sup>37</sup> In 2008 many journalists were charged under *lese*

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States, 25 February 2009); <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119054.htm> (accessed on 2 September 2009).

<sup>31</sup> Human Rights Watch, "Cambodia."

<sup>32</sup> *Ibid.*

<sup>33</sup> Bureau of Democracy and Human Rights and Labor, "Vietnam."

<sup>34</sup> *Ibid.*

<sup>35</sup> Bureau of Democracy and Human Rights and Labor, "Thailand," Country Reports on Human Rights Practices 2008 (Washington, D.C.: State Department of the United States, 25 February 2009); [www.state.gov/g/drl/rls/hrrpt/2008/eap/119058.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119058.htm) (accessed on 30 August 2009).

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

*majeste*. As reported by Amnesty International, the number of people charged under this law increased substantially in 2008.<sup>38</sup> Apart from print media, in the same year the Thai authorities closed down “more than 400 websites after accusing them of promoting anti-monarchy sentiments.”<sup>39</sup> The scope of the provision also covers foreign media workers based in Thailand prohibiting them from commenting on the role of the monarchy. In 2008 a Bangkok-based reporter for the BBC (Jonathan Head) faced a criminal investigation for “allegedly making anti-monarchy comments in his stories.”<sup>40</sup> In the same year, many Thai media workers were targeted under the anti-defamation law. For example, in September the court of appeal confirmed a lower court’s verdict and issued a suspended sentence of one year to Prasong Soonsiri, the editor of the newspaper *Neow Naa*. He was found guilty of libel for criticising Constitution Court judges on their acquittal of former Prime Minister Thaksin Shinawatra in his 2001 asset concealment case.<sup>41</sup>

### **Intimidation through Use of Punitive Laws or Acts of Violence**

Southeast Asian governments have a poor record of using punitive laws or clear acts of violence to force media workers to operate within a framework that is acceptable to them. Through detention, arrest, trial or sentencing based on fabricated charges, they clearly abuse their power to create an environment of fear for media workers. Although those governments resort to these measures to varying degrees as justified by their perception of threat of free media reporting, they have all used punitive laws and/or acts of violence in their dealing with their respective media. They have also all failed to provide protection for media workers facing threats by pressure groups that are tied to them directly or indirectly and representing government interest or the interests of big business. The following cases provide examples of the extent of this abusive behaviour in Southeast Asian countries.

In Vietnam, the government applies criminal penalties to authors, publications, websites, and internet users who “disseminate information or writings that oppose the government, threaten national security, reveal state secrets, or promote ‘reactionary’ ideas.”<sup>42</sup> The country’s criminal code provides the Vietnam-

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<sup>38</sup> Amnesty International, “Thailand.”

<sup>39</sup> Human Rights Watch, “Thailand.”

<sup>40</sup> *Ibid.*

<sup>41</sup> Bureau of Democracy and Human Rights and Labor, “Thailand.”

<sup>42</sup> Human Rights Watch, “Vietnam.”

ese government with certain definitions of broad and vaguely-worded types of crimes by which media workers can be severely punished under a “legitimate” pretext. Accordingly, it defines as serious offences against national security the crimes of “sabotaging the infrastructure of Socialism,” “sowing divisions between religious and nonreligious people,” and “conducting propaganda against the Socialist Republic of Vietnam.”<sup>43</sup> As stipulated by the criminal code, media workers could also be legally punished for “taking advantage of democratic freedoms and rights to violate the interests of the State and social organisations.”<sup>44</sup> As reported by Amnesty International, in 2008 two journalists (Nguyen Viet Chien and Nguyen Van Hai) were found guilty of “abusing democratic freedoms to infringe upon the interests of the State ....” Between 2005 and 2008 they reported on a major corruption scandal involving officials from the Ministry of Transport.<sup>45</sup> Nguyen Viet Chien was sentenced to two years’ imprisonment while Nguyen Van Hai received a non-custodial sentence of two years of “re-education” after he confessed to the charges.<sup>46</sup>

The situation in Cambodia, Indonesia, Malaysia and the Philippines is not any better. In all these cases, their respective governments have practically provided themselves with legal grounds for subjecting media workers to physical violence and/or threat to that effect by letting the pressure groups commit crimes with impunity.

The Cambodian government has a very poor reputation in this regard. Over time many journalists have been killed apparently by the government, which is in full control of the country. Killings of media workers have long been ignored by the government indicating complicity. Unsurprisingly, such killings spread fear among journalists. Although nine journalists have been killed since 1994, no-one has been brought to justice to this date (October 2009).<sup>47</sup> In 2008, for instance, a journalist (Khim Sambor) and his son were killed during the election campaign. The killings followed an article by Khim Sambor in the opposition affiliated newspaper *Moneaksekar Khmer (Khmer Conscience)* alleging serious illegal actions by an unnamed senior government official.<sup>48</sup> In the same year Radio Free Asia journalist Lem Piseth, who was covering alleged involvement of govern-

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<sup>43</sup> Bureau of Democracy and Human Rights and Labor, “Vietnam.”

<sup>44</sup> Ibid.

<sup>45</sup> Amnesty International, “Vietnam.”

<sup>46</sup> Ibid.

<sup>47</sup> Amnesty International, “Cambodia.”

<sup>48</sup> Ibid.

ment officials in a drug trafficking and murder case, fled the country following death threats.<sup>49</sup>

Indonesia is a major case when it comes to government-sponsored intimidation justified by laws and perpetrated by the police, judges and state officials. This is quite evident in a report by the Alliance of Independence Journalists (AIJ) covering the events of 2008. Accordingly, there was a “slight decrease” in violence against journalists, with 60 cases this year, compared with 65 cases in 2007.<sup>50</sup> The report adds:

Physical violence, threats, reportage prohibition, and lawsuits contributed 21, 19, nine, and six cases respectively. Regional election candidates committed 20 acts of violence against journalists; state officials and police each contributed 11; the remaining acts of violence against journalists involved judges and NGO activists.”<sup>51</sup>

Moreover, the report stresses that, as a rule, the Indonesian government takes no legal action against persons responsible for crimes committed against journalists, including those committed in the years prior to 2008.<sup>52</sup>

In Malaysia, using legal measures to abuse media workers is quite common. Reports suggest the extensive use of such measures in 2008 when media workers were subject to “arrest, harassment, and intimidation due to their reporting.”<sup>53</sup> In some cases, the Malaysian government justified its arrest of journalists under the pretext of protecting lives. For example, the police detained Tan Hoon Cheng, a journalist for the Chinese-language paper *Sin Chew*, for about a day (under the Internal Security Act) for reporting on a speech by a local pro-government party (UMNO) leader. She was subsequently released mainly because of the Malaysian Chinese Association’s threat to leave the ruling National Front coalition.

The Philippines is theoretically the most open Southeast Asian country where journalists have a freer hand for reporting than their regional counterparts. However, in reality, it is not very different from Cambodia when it comes to violence against media workers. Between 2001 and 2008 “some 70” journalists were killed, according to the country’s Supreme Court Chief Justice.<sup>54</sup> In 2008 alone,

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<sup>49</sup> Human Rights Watch, “Cambodia.”

<sup>50</sup> Bureau of Democracy and Human Rights and Labor, “Indonesia.”

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> Bureau of Democracy and Human Rights and Labor, “Malaysia.”

<sup>54</sup> Amnesty International, “Philippines.”

at least six journalists were killed and one was abducted, including Benefredo Acabal, a publisher and writer for a local Cavite newspaper, *The Filipino Newsmen*.<sup>55</sup> Of the cases filed in this regard, only one was resolved by the end of 2008 while six were undergoing trial and 18 were under investigation.<sup>56</sup> This apparent inaction of the Filipino government prompted human rights groups such as *The National Union of Journalists of the Philippines* and *The Center for Media Freedom and Responsibility* to criticise the government for failing to protect journalists.<sup>57</sup> They also accused the police and the government of failing to adequately investigate these killings and of subjecting journalists to harassment and surveillance.

The situation in Thailand has become worse since the 2006 coup. The government authorises violence against media workers who criticise the government or the security forces. It therefore denies them protection and uses the legal system to help the perpetrators get away with their crimes by failing to investigate cases or even dismiss them altogether. In 2008, for instance, the shooting case of journalist Manop Ratanajaroongporn in Phang Nga Province in 2006 was dismissed for lack of evidence and there was also no resolution of the 2006 killing of Santa Lammaneevil, owner of the Pattaya Post and a freelance reporter.<sup>58</sup> Both journalists were believed to have been targeted for “their politically sensitive reporting.”<sup>59</sup> In the same year the car of Samraeng Khamsanit, a reporter with the Thai-language daily newspapers *Matichon* and *Khao Sod* in Angthong Province, was set on fire.<sup>60</sup> Another *Matichon* reporter, Surayud Yongchaiyudh, survived a shooting in Prachuab Kirikhan Province. Atiwat Chainurat, another *Matichon* reporter, was shot and killed at his home in Nakhon Sri Thammarat.<sup>61</sup>

Attacks by pro-government armed groups on media outlets and journalists happen from time to time in Thailand. For instance, in November 2008:

About 200 red-clad members of the Love Chiang Mai 51 Group stormed into the regional office of the Thai Public Broadcasting Service [TPBS] in Chiang Mai province. They cut open the fence and blocked the building’s entrance with tents,

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<sup>55</sup> Bureau of Democracy and Human Rights and Labor, “Philippines.”

<sup>56</sup> Amnesty International, “Philippines.”

<sup>57</sup> *Ibid.*

<sup>58</sup> Bureau of Democracy and Human Rights and Labor, “Thailand.”

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

threatening to cut electricity and water supplies after TPBS reported that members of the Love Chiang Mai 51 Group were paid 2,000 baht (about US\$57) each to join the pro-government rally in Bangkok organised by the pro-government DADD on November 1.<sup>62</sup>

In 2009, the murders of journalists in the previous years were yet to be investigated.

## **Legal Rights to Restrict Free Reporting**

Many Southeast Asian governments have legalised their suppression of free reporting to ensure the docility of the media. They have therefore provided themselves with various legally-acceptable pretexts to that effect. Apart from enforcing harsh and restrictive press codes, pretexts include preserving national security during emergency situations and legislation providing for punitive actions against individuals opposing certain government projects/policies. This provision legalises suppressive policies towards the media, which otherwise is seen as human rights abuse. The Thai government which came to power as a result of the 2006 coup has extensively resorted to this measure. Thai law now authorises the government to restrict freedom of speech and freedom of the press to “preserve national security, maintain public order, preserve the rights of others, protect public morals, and prevent insults to Buddhism.”<sup>63</sup> It therefore empowers the police to “close newspapers or printing presses in times of war or national emergency” or “restrict or confiscate publications and other materials for disturbing the peace, interfering with public safety, or offending public morals” with a court order.<sup>64</sup> Given that government controls the legal system, receiving a court order is just a formality. As a recent example, in June 2008 Thai Interior Minister Chalerm Yoobamrung ordered provincial governors and officials to “file charges against cable television operators broadcasting antigovernment rallies. No charges were filed, but several cable operators in the provinces reportedly suspended ASTV broadcasts of antigovernment rallies as a result.”<sup>65</sup> To this should be added the declaration of state of emergency during which the Thai government imposes emergency decrees restricting the freedom of expression that di-

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<sup>62</sup> Human Rights Watch, “Thailand.”

<sup>63</sup> Bureau of Democracy and Human Rights and Labor, “Thailand.”

<sup>64</sup> *Ibid.*

<sup>65</sup> *Ibid.*

rectly affects free reporting. In 2008, such declarations were made in Bangkok in September (for 12 days) and also in November and December (13 days).<sup>66</sup>

The abusive use of laws is clearly evident in the case of Burma. In that country, the government help pass laws providing it with the power to legally suppress freedom of speech and the press. Accordingly, in February 2008, the Burmese government issued the Referendum Law for the Approval of the Draft Constitution, which provided for a prison term of up to three years and/or a substantial fine for anyone caught campaigning against the referendum.<sup>67</sup> The government used the law to detain many activists “peacefully campaigning against the constitution or calling for a boycott.”<sup>68</sup> Reportedly, journalists and human rights defenders were particularly targeted.<sup>69</sup>

In other cases, regional governments continue to uphold harsh and restrictive press laws. Such laws limit the ability of media workers to report within a certain desired framework to ensure government actions/polices cannot be criticised or even discussed. A blatant example is Laos where a highly restrictive press law has the effect of practically banning free reporting. Despite a hope for a change for the better, a new media law passed by the National Assembly in July 2008 has preserved harsh restrictions on freedom of expression.<sup>70</sup>

In Cambodia, the government has the legal right to confiscate, ban, or suspend what it considers as “controversial publications.” Using that legal tool, in May 2008 the Cambodian government shut down an independent radio station in Kratie after it sold air time to opposition parties.<sup>71</sup>

Blacklisting of opposition figures is another “legal” measure used to restrict free reporting. It is a type of indirect measure whereby regional governments on occasion put performers, politicians, religious leaders and political/NGO activists on their black lists. Media outlets, including radios and TV programs, are accord-

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<sup>66</sup> Amnesty International, “Thailand.”

<sup>67</sup> Amnesty International, “Burma,” Amnesty International Report 2009 (London: Amnesty International, 2009); <http://thereport.amnesty.org/en/regions/asia-pacific/myanmar> (accessed on 5 September 2009).

<sup>68</sup> Ibid.

<sup>69</sup> Amnesty International, “Burma.”

<sup>70</sup> Amnesty International, “Laos,” Amnesty International Report 2009 (London: Amnesty International, 2009); <http://thereport.amnesty.org/en/regions/asia-pacific/laos> (accessed on 6 September 2009).

<sup>71</sup> Human Rights Watch, “Cambodia.”

ingly instructed not to report anything on the blacklisted persons and deny their participation. The Malaysian government is known to use the latter frequently.<sup>72</sup>

## Direct and Indirect Censorship

In one form or another, all Southeast Asian governments impose censorship on media outlets. This censorship is enshrined in laws and regulations governing the media. Accordingly, certain issues are off limits for media workers to be reported or commented on, including issues related to corruption, human rights abuses, security forces and the ruling elite, for their weakening effect on the regional regimes' legitimacy.

In Malaysia, the government uses the Printing Presses and Publications Act to impose censorship on the media.<sup>73</sup> The Act requires domestic and foreign publications to apply annually to the government for a permit, making publication of "malicious news" a punishable offence. It also empowers the home minister to ban or restrict publications believed to threaten public order, morality, or national security. The Act also prohibits court challenges to suspension or revocation of publication permits. As stated by the Malaysian government in 2008, these provisions ensured that the media did not disseminate "distorted news." It also claimed that they were necessary to "preserve harmony and promote peaceful coexistence in a multiracial country."<sup>74</sup> Apart from direct censorship, the existence of certain laws, including the Internal Security Act, the Sedition Act, the Official Secrets Act, the Printing Presses and Publications Act and criminal defamation laws, have created fear among media workers with the practical effect of enabling the Malaysian government to censor either by threatening to use the latter against non-cooperative media workers or by encouraging self-censorship. A case of direct censorship in 2008 was reflected in the previously-mentioned 25 August order of the Malaysian Communications and Multimedia Commission. The Commission ordered all 19 Internet service providers to block *Malaysia Today*, suggesting it published "libellous, defamatory and slanderous" material threatening public order.<sup>75</sup>

In Vietnam, fear of punishment helps the Vietnamese government impose censorship on the media. The ownership of the media with the partial exclusion of the web-based publications makes controlling media workers easier than in

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<sup>72</sup> Bureau of Democracy and Human Rights and Labor, "Malaysia."

<sup>73</sup> *Ibid.*

<sup>74</sup> *Ibid.*

<sup>75</sup> Human Rights Watch, "Malaysia."

other regional countries with a varying degree of private journalism. Censorship is therefore much easier to be enforced and in fact is widely used by the government. Accordingly, the media cannot disseminate any information, which, in the government's eyes, endangers the political system and its ruling elite. Censorship is also applied to foreign media workers operating in Vietnam. In September 2008, for example, police "briefly detained and beat" a foreign correspondent working as the Hanoi bureau chief for the Associated Press; they kept his camera for eight weeks after he "attempted to photograph a prayer vigil at the former residence of the papal nuncio."<sup>76</sup> The Vietnamese government also censors online media. It therefore controls Internet use by "monitoring online activity, harassing and arresting cyber-dissidents, and blocking websites of democracy and human rights groups and independent media based in Vietnam and abroad."<sup>77</sup>

In Burma, censorship is enforced almost exactly in the same manner as in Vietnam. The major difference is the existence of a relatively significant privately-owned print media of which some outlets reflect the opposition view. The rest is government-owned and run, including all radio and TV stations. The government controls media content, including all print publications also consisting of the pro-opposition publications.<sup>78</sup>

Finally, in Thailand, censorship is also practised. Feeling vulnerable as a result of its ascendance to power following a coup and facing the challenge of growing political opposition with a significant popular backing, the Thai government censors broadcast media both directly and indirectly.<sup>79</sup> In general, the government practices direct interference in the operation of media outlets. In particular, it uses its power to stop politically-undesirable programs. In 2008, a news talk radio program hosted by ex-senator Jermsak Pinthong was taken off the air because of his claim that Prime Minister Samak distorted the truth about a massacre of students at Thammasat University on 6 October 1976.<sup>80</sup> Censorship also takes the form of forcing media outlets to disseminate information

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<sup>76</sup> Bureau of Democracy and Human Rights and Labor, "Vietnam."

<sup>77</sup> Human Rights Watch, "Vietnam."

<sup>78</sup> Bureau of Democracy and Human Rights and Labor, "Burma," Country Reports on Human Rights Practices 2008 (Washington, D.C.: State Department of the United States, 25 February 2009); [www.state.gov/g/drl/rls/hrrpt/2008/eap/119035.htm](http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119035.htm) (accessed on 30 August 2009).

<sup>79</sup> Bureau of Democracy and Human Rights and Labor, "Thailand."

<sup>80</sup> Human Rights Watch, "Thailand."

promoting the Thai government instead of reporting the truth. As a recent example, in April 2008, Jakrapob Penkair (in charge of the government's Public Relations Department) ordered "some 500 community radio operators to allocate three hours a day to promote the government or risk closure."<sup>81</sup>

## **Conclusion**

There are legal barriers to free reporting in all Southeast Asian countries. Depending on the specifics of each country, such barriers are different in content, form and frequency of use. However, their existence in all these countries has prevented the media from performing their professional duties as spelled out earlier. Given the importance of the media as a factor in the social, economic and political development of any country, the inability of the Southeast Asian media to operate freely has denied their respective countries a necessary means of development. The continuity of this situation will certainly ensure the underdevelopment or twisted development of Southeast Asian countries for the foreseeable future.

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<sup>81</sup> Ibid.

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# Media's Role in Conflict Prevention

## Introduction

The media has become indispensable for every country. Consisting of print and non-print sectors to include a range of outlets specialising in one or another form of disseminating information, the media has come a long way to assume many explicit and even more implicit responsibilities. Nowadays, such responsibilities include its playing a constructive role in conflicts whether inter-state or intra-state. Thus, having the power of influencing public opinion, the media can and should play a role in conflict prevention and transformation in countries and regions that have a potential to engulf themselves into (armed or unarmed) conflicts of different scales and scope. Needless to say, the successful performance of this role spares the concerned countries/regions unnecessary social and political unrest, economic hardship, devastation of urban and rural areas, industries and agriculture and/or the suffering of civilian populations.

In "mature democracies," conflict prevention and transformation is an implicit responsibility of the media. Media outlets are therefore expected, although not obliged, to defuse social and political discord, which could develop into major conflict affecting their entire respective population or a segment of the population. This may not be a major role in need all the time as, by definition, such societies should have addressed the root causes of any major internal conflict or at least contain them to prevent their rapid escalation. However, this could well be a necessity for many other societies, in particular transitional ones. They might have, and in fact many actually do have, the seeds of inter-state and especially intra-state conflict while having a suitable ground for their growth and development to become major conflict, including armed conflict. Nevertheless, there has not been a strong indication of this role being played out in a tangible manner in such societies for the last two decades.

As the major trigger, the Soviet Union's fall and the subsequent end of the Cold War resulted in the disintegration of the USSR into 15 states, including Tajikistan, and of the Communist countries in Central and Eastern Europe such as Yugoslavia into six states. Against a background of major social, political and economic upheaval, long suppressed grievances gave birth to a civil war in Tajikistan (1992-97) and another multi-dimensional one in the former-Yugosla-

via, which was manifested in its blatant form in the long-lasting and brutal case of Bosnia Herzegovina. In both cases, their respective media failed to perform their conflict-prevention and transformation role before, during and after the civil wars. In the case of a "mature democracy," i.e., the United Kingdom, this failure has also been quite evident during the course of Northern Ireland's decades of civil war and also since the conclusion of the 1998 Good Friday Agreement. This reality indicates the imperfection of such societies and particularly their media, apart from their vulnerability to major intra-state conflict.

Similarly, the fall of dictatorial regimes in Southeast Asia and/or major changes in their political structures as a result of mainly popular movements starting in the late 1980s and continuing in the 1990s set the scene for the rise of intra-state conflict including anti-government and ethnic and/or religious ones added to separatist movements. In particular, such conflicts have engulfed countries, including the Philippines, Malaysia and Indonesia, each having endured intra-state conflict which has continued to this date in different forms and to varying extents. In all these cases, their respective media organisations have failed to play their aforementioned role.

Against this background, this study aims to reveal the factors which prevent the media in transitional countries to play their preventive and transformative roles vis-a-vis conflict. To that end, the study reviews what role the media should ideally play in the context of "mature democracies" while highlighting its failure even in such societies. It elaborates on the factors that have prevented the media to perform this pivotal role in certain major recent cases, namely Bosnia Herzegovina (as an ex-Communist transitional country in Europe), Northern Ireland (as a case of a "mature democracy") and Tajikistan (as a case of an ex-Communist transitional country in Asia). The study also briefly refers to the recent role of the media in Malaysia Southeast Asia and assesses the negative role of the media in Europe with respect to Islamophobia.

## **Role of Media in General**

The media plays a major role in every society. In the ideal fully-fledged democratic society, its role is multi-dimensional consisting of at least five major dimensions. *First*, it is an agent of information dissemination tasked with ensuring the free flow of information to society; it is meant to alert the public about all the important issues affecting their society. *Second*, the media also works as society's conscience. It thus speaks about issues, which may not be pleasant but necessary, about which many individuals are unaware or on which they have no opinion because of a lack of knowledge. *Third*, the media is part of a society's

check and balance system. The division of power among the judicial, legislative and executive branches of a state is meant, among other reasons, to put them in a position to check and balance each other in order to prevent their abuses. However, it is necessary that an institution outside the state framework (i.e., the media) critically oversees the activities of these branches to ensure they cannot abuse their power. *Fourth*, the media is a major stakeholder in freedom of information as its presence ensures its free operation while its absence restricts its activities. As a result, the media plays a major role in preserving this freedom with its associated ones, including freedoms of speech, conscience and, of course, the press. Finally, the media functions as a gauge of democracy. In any society, there is a positive correlation between democracy and the media. The more democratic a society, the more active and freer its media. The absence of free media guarantees the absence of democracy in society.

### **Additional Potential Role**

As a means of communication of news, analyses and ideas, the media could have a major impact on inter-state and intra-state disagreements and conflicts. Negatively, it could help turn disputes into crises, escalate them into (political or military) conflicts, widen and deepen limited conflicts to transform them into major conflicts, prolong such conflicts and finally prevent their settlement or, at least, slow down the process leading to settlement. In short, the media has the potential to play a destructive role and to facilitate conflict as an active player.

Conversely, the media could become a part of the solution to a conflict. It could dissipate disputes and prevent disagreements from turning into crises by bridging the gap between and among social/political groups within the context of intrastate discord and among hostile states within the framework of inter-state disputes. However, if states are already in conflict, the media could help prevent their further expansion and/or escalation. This is a critical role that the media could potentially play whether in the domestic (intra-state) realm or in the foreign (inter-state) framework. Finally, the media can contribute to the transformation and eventual settlement of conflict by supporting de-escalation.

Having said this, the circumstances within which the media operates largely determines the role the media plays. As a consequence, the media is theoretically more capable of playing a constructive role vis-a-vis inter-state and intra-state conflict if operating within "mature democracies" while it is more likely to do the opposite if it functions within other types of political systems.

## **Ideal Role of Media in Conflict Prevention and Transformation in “Mature Democracies”**

The media is expected to play a constructive role in “mature democracies” to prevent and/or transform conflict. Ideally, a mature democracy is based on popular consensus providing the opportunity for its people to express their views freely without any fear while providing the means for peaceful change of governments. Within this context, the media should ideally be completely free to reflect the realities of its society, whether pleasant or unpleasant, good or bad, so that problems can be discussed and remedied. Provided this actually happens, issues of a political, economic and social nature, which could develop into conflict, can be addressed before reaching that stage of development. In such circumstances, the media can play, and ideally does play, a role by disseminating information on such issues to stimulate the expression of all relevant views on them, including different or opposite ones. It can also provide a forum for discussing conflicting viewpoints to facilitate a consensus approach, which, in turn, helps decision-makers make considered decisions which take into account public opinion. In such case, the media functions as an agent of peace by helping address issues with a potential to escalate to conflict peacefully to any extent possible. It is necessary for the media to remain objective and avoid biased, discriminating, false and provocative reporting, which could only worsen the situation by dividing society with the effect of eliminating or reducing the chance for the peaceful settlement of issues.

In “mature democracies,” the media works as an institution to avoid intra- or inter-state conflict. If it fails, it plays a role in its resolution and/or transformation so that society can avoid destructive outcomes. However, this type of engagement does not typically exist in its purest form in all “mature democracies.” Although, by and large, these societies are better prepared to avoid conflict and/or transform and defuse conflicts should they occur. In certain mature democracies, this is not the norm. As will be discussed, a blatant example is the United Kingdom where, in the case of Northern Ireland, its media in the conflict-prone region has actually contributed to deepening social, political and religious divide. This has encouraged sectarianism instead of playing a conciliatory role, and the media has exacerbated tensions.

## **The Role of the Media in Other Countries**

The media can potentially play a major role in countries facing internal or external conflicts, including transitional and/or developing countries. It can certainly have a positive impact on diffusing conflict or at least preventing its escalation

and expansion as highlighted by various observers of the media's role in conflict situations.<sup>1</sup> It can therefore be of a great help to societies engulfed in conflict. In fact, this constructive role is more crucial and necessary for these countries. Given many of them have a ripe situation for conflict, especially domestic conflict, because of various social, economic and political ills including rampant poverty and unemployment, low living standards, widespread corruption and human rights abuses, even small events can trigger the rise and/or escalation of conflicts. Having the ability to shape public opinion through reporting, the media can facilitate conflict resolution by avoiding provocative, one-sided and biased reporting.

Alternatively, the media can contribute to the escalation of violence by adding fuel to the fire through irresponsible, one-sided, unsubstantiated and provocative reporting. Such reporting helps create an emotionally charged, hostile environment. In reality, by and large, the media operating in the previously mentioned countries does not play a role in preventing or ending conflicts should they occur. On the contrary, on many occasions, they actually do the opposite because their role is to polarise society. This usually results in magnifying disagreements and encouraging social/political division. Thus, the media can actually help reinforce and deepen social and political divisions along ethnic, linguistic, religious, national and regional lines in addition to political ones.

### **The Media and Conflict: The Real Role Played**

At least in the contemporary period, there is no concrete case of the media playing a conflict prevention role in societies that have been dragged into conflict whether intra-state or inter-state. Nor is there any case for the media of a conflict-affected country to actually assist the process of conflict transformation, i.e., helping its respective country to gradually restore the *status quo ante* of peace and normalcy. On the contrary, the media, generally speaking, has played a counterproductive role in the recent major conflicts in different parts of the world. They include all major cases of armed conflict over the last two decades or so, for example. Through its counter-productive reporting, it has therefore contributed to the expansion and deepening of conflict between and among the rival

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<sup>1</sup> For instance, see: Sandra D. Melone, Georgios Tersiz, and Ozsel Belili, *Using the Media for Conflict Transformation: The Common Ground Experience* (Berlin, Germany: Berghof Research Centre for Constructive Conflict Management, 2002); [www.berghof-handbook.net/articles/melone\\_hb.pdf](http://www.berghof-handbook.net/articles/melone_hb.pdf) (accessed on 4 January 2010).

ethnic, religious and political groups in the context of intra-state conflict (e.g., civil war) and between hostile states within the framework of inter-state conflict.

The most well-known conflict in the post-WWII era in Europe, the Bosnian war of 1992-95 was an inter-state conflict that emerged initially as an intra-state war and involved major human rights abuses including massacres and the indiscriminate targeting of non-combatants, including children, as well as acts of genocide. Tajikistan's civil war (1992-97) was an intra-state conflict that was similarly devastating for the Tajiks who were challenged by the shock of the Soviet Union's fall and their sudden independence in December 1991.

Whereas both Bosnia-Herzegovina and Tajikistan fall within the category of developing and transitional countries with expected counter-productive media, Northern Ireland as a case of intra-state conflict falls within the category of a "mature-democracy" whose media is expected to act differently. This conflict is yet to be resolved despite the fact that the main parties to the conflict, but not all combatants on both sides, have honoured a ceasefire in place since the Good Friday Agreement of 10 April 1998 which was reached in Belfast. The root causes of the conflict are yet to be fully addressed and the continued low-level armed activities of the dissatisfied groups on both sides have highlighted this fact. In the case of Northern Ireland, the media on both sides of the conflict, in general, has not acted consistently to help end the conflict and thus transform it. Not only was it the case during the height of the civil war prior to the 1998 agreement, it has been so since its conclusion. In short, in all three cases, the media failed to play its potential role.

## **Case studies**

To shed light on the abovementioned argument, the role of the media in three major contemporary armed conflicts is discussed below. They focus on the media in two transitional countries (Bosnia-Herzegovina and Tajikistan) and in a "mature democracy" (Northern Ireland).

### **Bosnia-Herzegovina**

The Bosnian war of 1992-95 was surely the most devastating and brutal war in Europe in the post-WWII era. Geared to religious division in Bosnia on surface, the civil war pitted Serbs against Muslims sharing the same ethnic and linguist heritage to divide their region along religious (Orthodox versus Muslims) and political (pro-Belgrade and pro-independence) lines. Yet, added to historical religious animosities, the underlying reason for the conflict was the Serbian leaders' plan to create Greater Serbia in the aftermath of Yugoslavia's disintegration in

the early 1990s; this development resulted in the independence of non-Serbian ethnic groups.<sup>2</sup>

Militarily and economically, Bosnia's Muslims were clearly no match to their former Serb compatriots. Whereas the former was ill-equipped and received very limited foreign support mainly at the very end of the armed conflict, the latter was armed to the teeth and enjoyed the unconditional support of the then Yugoslav government whose name eventually changed to the Serbian government. The Bosnian Serbs committed atrocities against Bosnian Muslim combatants and civilians with practical impunity for approximately four years until the Dayton Accords of 1995 ended the conflict.

Unsurprisingly, Bosnia as a whole became highly politicised and experienced an eruption of nationalist and extremist feelings during the course of the armed conflict. As the conflict progressed, such feelings strengthened due to the expanding military conflict and increasing suffering of the civilian population. Within this context, there is no surprise that the Bosnian media reflected this reality in a situation in which the expanding grievances left no room for rationality as emotions were high. The media of the two parties to the conflict reflected the reality on the ground. In fact, to a varying extent and for different purposes, the Bosnian war media played a major role in "unleashing latent ethnic hatred."<sup>3</sup>

Another key factor related to the behaviour of the media in Bosnia (both Serbian and Muslim) lies in its roots in the Communist era. Like other institutions of the central government, the media's role was to serve the interests of the government. In particular, it was tasked to promote "party politics" determining the pace of events in the country. Hence, although media workers were "well-trained professionals, producing remarkable media products, especially newspapers and magazines, ... the bottom line was 'respecting the Party "direktiva"' (instructions by Party leaders)."<sup>4</sup> As a result, the media of the new states

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<sup>2</sup> "Interview series – Maggie O'Kane: The Role of the Media in Bosnia," *Armonline* 1 (1996); <http://members.optusnet.com.au/~contempa/publications/pdf/int01mo.pdf> (accessed on 4 January 2010).

<sup>3</sup> Steven Collins, "The Antenna War and the Transformation of Bosnian-Serb Television," 6 October 1998, presented to *Strategy'98 Conference* (International Strategic Studies Association); Accepted for Publication in *Peacekeeping and International Relations: Journal of the Pearson Peacekeeping Centre*; [www.psywarrior.com/AntennaWar.html](http://www.psywarrior.com/AntennaWar.html) (accessed on 4 January 2010).

<sup>4</sup> Stjepan Malovic, *Slow, Painful, but Moving – Challenges of the Media in Conflict Prevention, Conflict Resolution and Post-Conflict Rehabilitation* (Croatia: Interna-

emerging as a result of the disintegration of Yugoslavia to include those of Serbs, Croats and Muslims continued to play the same role in the new era. The war situation enhanced the power and authority of their respective governments and further consolidated this type of behaviour.

Against this background, the media of each side to the conflict performed its journalistic duties to reflect its respective country's status in the conflict and its objectives. Accordingly, the Bosnian Muslim media revealed the desperation of being attacked by a military force far superior to its own. The Serbian force produced many well-documented war crimes with full impunity as European and, in general, Western powers along with Russia were reluctant to involve themselves in the conflict. In this situation Bosnian Muslims felt under siege and abandoned by "the international community." Conflict prevention and transformation became meaningless for the media which, determined to unite the nation and resist the enemy, spread patriotic/nationalist sentiment while reporting the atrocities committed by the Serbs and the suffering of the Bosnians.<sup>5</sup> Unsurprisingly, the reporting of the committed atrocities also kindled the Bosnian Muslims' nationalist sentiments to make performing journalistic functions even more unrealistic and meaningless.

On its part, the Serbian media became the mouthpiece of the Yugoslav government during the course of the Bosnian war. It played a major role in promoting the interests of the Yugoslav government manifested in its plans for creating Greater Serbia, which totally removed conflict prevention and transformation from its agenda. The Serbian media was firmly controlled by the then Yugoslav government in Belgrade. Government control of the media was a factor throughout the entire former Yugoslavia. It was especially so in the case of Serbian areas and the Yugoslav government under Slobodan Milosevic. Milosevic initiated a campaign prior to Yugoslavia's disintegration to ensure the docility of the media. Accordingly,

That campaign began in the late 1980s, certainly in Belgrade, which involved the taking over of the television station, the sacking of people who were not sympathetic to the idea of the 'greater' Serbia, and this resulted in the slow and systematic take-over of the media and turning it into a propaganda machine for the government.<sup>6</sup>

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tional Centre for the Education of Journalists); <http://www.inwent.org/ef-texte/media/malovic.htm> (accessed on 6 January 2010).

<sup>5</sup> *Ibid.*, 3.

<sup>6</sup> "Interview Series – Maggie O'Kane," 1.

Within this context, the Serbian media actually functioned as an agent of war not conflict prevention and transformation. It therefore made a certain objective its main business: justifying the Serbian military campaign to grab land as self-defence against a media-created Muslim threat to motivate the Serbs to rally around their leaders and legitimise their atrocities. The Serbian media became the means for promoting Serbian propaganda and chauvinism targeting Croats and particularly Muslims. In its reporting, the latter were referred to as “Turks” to use historical grievances from the Ottoman era’s control of the region (ended after WWI) to strengthen Serbian identity and nationalism and unify the Serbs for the creation of Greater Serbia.<sup>7</sup> This actually required a polarising role pitting Serbs against other ethnic groups, including Muslims, as observed by a British journalist who was covering the war:

So without the control of the media, it would have been very difficult to polarise the people in the way that they have. This may be a generalisation, as there were other aspects that have been added to the tools of propaganda, but essentially the media was a very powerful tool. It was used by former communists like Milosevic, who understood very well how important it was to control the media and did an exceptionally ruthless job of it.<sup>8</sup>

In the post-conflict era, there has not been any major change in the media’s role in ex-Yugoslavia. In fact, as reported, the media of the parties to the wars of the 1990s (Serbia, Croatia and Bosnia) has not changed its attitude to become an agent of reconciliation and conflict transformation, like all other regional players such as politicians, corrected for the tone of reporting in peacetime. Thus, “instead of diminishing and removing [social and political divisions in their respective countries], they deepen and highlight them.”<sup>9</sup> This has been notwithstanding of years passed from the conflict era and some media training provided by the Western donors to change this attitude.<sup>10</sup> For instance, a 2003 assessment of the situation clearly reflects this reality eight years after the end of the

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<sup>7</sup> Report compiled at the request of the Office of the Prosecutor of the International Criminal Tribunal for Former Yugoslavia by Renaud de la Brosse, senior lecturer at the University of Reims, Champagne, Ardennes/France, “Political Propaganda and the Plan to Create ‘A State for All Serbs’: Consequences of using media for ultra-nationalist ends,” in five parts, 2003.

<sup>8</sup> “Interview series – Maggie O’Kane,” 3.

<sup>9</sup> Malovic, *Slow, Painful, but Moving*.

<sup>10</sup> Melone, Tersiz, and Belili, *Using the Media for Conflict Transformation*, pp. 9, 16, 17.

conflict. Quoting the London-based Institute for War and Peace Reporting, the report draws a negative portrayal of the media situation as follows:

Bosnia has no comprehensive journalism training or education in place. The existing journalism faculties are politically tainted, obsolete and often incompetent. Many of the most talented journalists have emigrated and will never return. .... The younger generation of journalists lack mentors to teach them the craft. ... Some young reporters who have attended [training] courses ... have subsequently been fired by their editors, who view Western-style journalism education with suspicion.<sup>11</sup>

According to the same source, there has not been any major change in reporting from the hostile one of the war era. Thus, "the ethnic slurs and excesses so common during the war have been replaced by slightly less explicit language. However, the message of the sectarian media—that ethnic equality and integration is impossible—has not changed."<sup>12</sup>

In conclusion, the media of the two parties to the Bosnian war was simply unable and unwilling to play a constructive role vis-a-vis the armed conflict during its four-years.

Consequently, by and large, the Bosnian Muslim media became an agent of war supporting the military efforts of the Bosnian government which was trying so hard against all odds to establish its authority over the divided Bosnian territory while fighting an unequal war. Lacking any meaningful foreign support to address its military shortages, its forces mainly equipped with light weapons were fighting against the heavily equipped Bosnian Serb force which enjoyed Belgrade's generous backing. On the other side of the conflict, the Bosnian Serbs became quite supportive of their military force. The Serbian military was seeking to end the independence of Bosnia, eliminate its state and military, and remove non-Serbs through force, intimidation and genocide as necessary steps for uniting Bosnia with the Serbian part of Yugoslavia under Belgrade. The high stake for both sides made them quite nationalistic leaving no room for compromise and reconciliation.

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<sup>11</sup> Ross Howard, "Media's Role in War and Peacebuilding," draft paper presented at the conference on "The Role of the Media in Public Scrutiny and Democratic Oversight of the Security Sector," Budapest, 6–9 February 2003, organised by the Working Group on Civil Society of the Geneva Centre for the Democratic Control of Armed Forces (DCAF) (Geneva: DCAF, 2003), 1; <http://ics.leeds.ac.uk/papers/pmt/exhibits/2360/Howard.pdf> (accessed on 4 January 2010).

<sup>12</sup> *Ibid.*

It is little wonder the Bosnian media became the mouthpiece for the two fighting Bosnian “nations.” With rare exceptions in the form of isolated and weak voices in both camps to end the conflict and support reconciliation, the media outlets of each camp firmly supported the nationalist objectives of its respective people and government. It therefore functioned not as an independent and objective entity to disseminate information, but as a belligerent to conflict.

### **Northern Ireland**

The conflict in Northern Ireland is an example of another negative case when it comes to the media and the role it can play in preventing conflict. With its roots in the centuries old occupation of Ireland by the British, the conflict pitted the Catholic Irish (Nationalists/Republicans) demanding reunification with the Republic of Ireland against the pro-Britain Protestants (Loyalists/Unionists). The prolonged violent conflict continued for the most part of the 20<sup>th</sup> century and, after years of mediation, the Good Friday Agreement of 1998 provided for a peaceful settlement of the conflict.<sup>13</sup> The main paramilitary forces of the two parties to the conflict have since been disarmed, at least officially, through a decommissioning process as provided by the 1998 agreement. However, dissatisfied groups on both sides have refused to lay down their weapons. With the exception of these groups, the main armed groups of both sides have so far remained committed to non-violence.

At the political level, today (2010) both sides seem to be discontent with the situation, particularly on the Republican side. In March 2009, the latter actually expressed its disapproval of the redeployment of a British special force in Northern Ireland following the murder of two British police officers.<sup>14</sup> In January 2010, continued violence by splinter groups (e.g. Real IRA) dissatisfied with the 1998 agreement suggests the existence of growing dissatisfaction regarding the outcome of the 1998 agreement.<sup>15</sup> In particular, this situation suggests the possibil-

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<sup>13</sup> For details, see: Northern Ireland Office, *The Agreement*; [www.nio.gov.uk/index/key-issues/the-agreement.htm](http://www.nio.gov.uk/index/key-issues/the-agreement.htm) (accessed on 28 January 2010).

<sup>14</sup> James Kirkup, “Gerry Adams: British Army Special Forces in Northern Ireland threaten peace process,” *The Telegraph*, 17 March 2009; [www.telegraph.co.uk/news/uknews/northernireland/5004234/Gerry-Adams-British-Army-Special-Forces-in-Northern-Ireland-threaten-peace-process.html](http://www.telegraph.co.uk/news/uknews/northernireland/5004234/Gerry-Adams-British-Army-Special-Forces-in-Northern-Ireland-threaten-peace-process.html) (accessed on 8 January 2010).

<sup>15</sup> Henry McDonald, “What Now for Northern Ireland’s Peace Process?” *UTV*, 8 January 2010; <http://new.u.tv/news/What-now-for-Northern-Irelands-peace-process/7755a56f-b964-4533-a8ef-17f9d3a7b7d8> (accessed on 15 January 2010).

ity of a new round of conflict in the future given the growing dissatisfaction on both sides as the agreement has not satisfied neither side fully. Nevertheless, the armed phase of the conflict is over.

The role of the media during the prolonged conflict is noteworthy. Operating in a highly polarised environment where people were divided along religious and political lines, the Northern Ireland media until the 1998 agreement by and large mirrored this social and political division. As the region was highly polarised and divided into two hostile communities advocating opposite policies—remaining part of the UK (Unionists) and joining the Republic of Ireland (Republicans)—the Northern Ireland media was also divided into two parts reflecting these opposing objectives. Since, in each community, different ideas were floating around as to how to achieve their objectives (from using peaceful means to violent ones), their respective media also consisted of a spectrum of perspectives corresponding to the latter.

However, despite differences of opinions on means and measures to be adopted within each community, Northern Ireland was divided into two main hostile camps. Rising from the incompatibility of their objectives, the prevailing sentiment of distrust, suspicion and fear left no room for any constructive role for the media on both sides. Added to this, the continued violent acts committed by both sides against each other's communities further aggravated the situation to make talks about conflict resolution and transformation unacceptable for both sides. In fact, the prevalence of radicalism in the two hostile camps marginalised those on both sides of the conflict who advocated an end to violence and reconciliation. Operating in such an environment, their respective media reflected the reality of the divided region. As a result, the issue of conflict prevention and/or transformation was simply out of the question for the media as a whole.

For this reason, the media did not function as a means for conflict prevention let alone transformation. In fact, it actually did the opposite. Although the media on both sides manifested a spectrum of opinions advocating different types of means to settle the conflict in favour of one side, as a factor, the media contributed to the prolongation of the conflict by pressing for the demands of its own side without regard to the other side's interests.<sup>16</sup> The biased reporting of events also added fuel to the fire encouraging the continuity of the conflict while

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<sup>16</sup> For an account on the sectarian nature of the media in Northern Ireland, see: Gadi Wolfsfeld, *The News Media and Peace Processes: The Middle East and Northern Ireland* (Washington: U.S. Institute of Peace, 2001).

making it difficult to create suitable conditions to initiate a peaceful settlement of the conflict.

When it comes to the performance of the Northern Ireland media during the height of the armed conflict and even afterwards, the role of the two concerned governments cannot be ignored. As the main backers of the Unionists and the Republicans with influence, respectively, the British and the Irish governments both influenced the media of their own camps to affect the pace of events and thus to promote their national interests.<sup>17</sup> In brief, the British and Irish governments directly and indirectly interfered with the media coverage of Northern Ireland, a practice which has continued in one form or another.

The Northern Ireland media, excluding some exceptions to the rule, failed to act as a means for conflict prevention during the extremely violent phase of the conflict. In fact, far from acting as impartial reporters of events, the media, by and large, acted as a party to the conflict and therefore an actor rather than an observer.

In the post-1998 era, there has not been any strong evidence to suggest major changes to this picture. In fact, excluding a small number of media outlets on each side, the respective media of the Republicans and the Unionists have continued more or less the same approach to the conflict. Of course, they have done so with a slightly different tone to reflect the changes in the overall environment not conducive to rampant violence as the people of Northern Ireland are tired of fighting in general regardless of their political orientation. Hence one-sided, biased and sectarian reporting has continued to reflect the continued sectarian division of Northern Ireland.

## **Tajikistan**

Tajikistan is another negative case regarding the role of the media in a conflict situation. The Soviet Union's fall in December 1991 brought independence for the Tajiks, but it also set the stage for the rising dissent in Tajikistan. Being one of the poorest ex-Soviet republics, the release of the long-suppressed social, economic and political grievances between the northern and the southern regions representing, respectively, Tajikistan's relatively well situated and deprived regions finally set the ground for a civil war. Added to the concentration of power in the hands of the Soviet elite turned nationalists and their promoting clan politics, the dissatisfaction of the deprived regions with a poor status quo and an

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<sup>17</sup> There are many publications on this topic, including: Arthur Aughey and Duncan Morrow, *Northern Ireland Politics* (New York: Longman Group Limited, 1996).

emerging authoritarianism from the ashes of the Soviet totalitarianism prompted the expansion of popular dissent on which the newly-formed opposition parties were built. The Tajik government efforts to suppress the opposition triggered a devastating civil war in late 1992 which lasted until June 1997 when a peace agreement ended the conflict.<sup>18</sup> As provided by the agreement, a reconciliation process has since been in place to address the opposition groups' demands and uproot the causes of the conflict. This has yet to be implemented fully with the result of growing popular dissatisfaction; this could potentially trigger another round of conflict should the current situation continue.

The Tajik media like those of many other countries having faced internal and external conflicts over the last two decades or so did not play a constructive role during the course of the Tajik civil war. Various factors were responsible for this outcome, a few of which are worth mentioning. The absence of independent/private media outlets was a major factor. In the Soviet era, the media was 100 percent government-controlled as the Soviet government did not allow nor tolerate any independent media outlets for fear of losing control through erosion of its monopoly over disseminating information. Within this framework, reporting was meant to promote the government line. Independence in December 1991 provided the opportunity for the rise of independent media in addition to the government-controlled media like elsewhere in the ex-Soviet Union. However, various factors, including the iron-hand policy of the Tajik government, prevented such developments with the effect that the government maintained its monopoly throughout the conflict forcing the opposition to establish its major print and non-print (radio) media outlets abroad (Iran, Pakistan and northern Afghanistan).<sup>19</sup> As a result, the media outlets inside Tajikistan represented the government without exception.

There was basically no space for the Tajik media to play a role in conflict prevention and transformation during the five-year conflict. Being firmly in the government's hand, the media simply functioned as its mouthpiece to promote the government-desired portrayal of the civil war which was aimed at discrediting

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<sup>18</sup> For an account on the Tajik civil war, see the chapter "The Post-Soviet Era: Fear and Concerns" of Hooman Peimani, *Regional Security and the Future of Central Asia: The Competition of Iran, Turkey, and Russia* (Westport, CT: Praeger, 1998), 27–30.

<sup>19</sup> Nuriddin Karshiboev, "An Exiled Tajik Journalist Sees the Situation of the Media as Encouraging", *CAMEL Central-Asian-Media-Electronic-List #19* (CIMERA, September 2001); [www.cimera.org/files/camel/en/C19E-Karshiboev.pdf](http://www.cimera.org/files/camel/en/C19E-Karshiboev.pdf) (accessed on 14 January 2010).

the opposition and glorifying the government. It therefore set the record of reporting one-sided, biased and false reports. This type of reporting simply contributed to the expansion and continuation of the civil war by justifying and encouraging the government's military efforts and motivating the opposition to continue its armed insurgency as the only way to end the status quo. Because of its role in promoting government propaganda, the Tajik media was also totally discredited as a government tool when the government itself faced a serious legitimacy crisis. Given its lack of credibility, the Tajik media could not have been able to play a constructive role (i.e., conflict prevention/transformation) even if it had actually wanted to do so.

In the post-conflict era when the opposition has some media outlets operating in Tajikistan, this lack of credibility has remained a salient characteristic of the Tajik media which is still largely dominated by the government.<sup>20</sup> The Tajik government's lack of cooperation with the media has further contributed to the media's poor standing. Since the government ministries and their affiliated organisations are the source of just about all types of newsworthy information, the Tajik government's instructing them not to cooperate with the media without authorisation has basically denied the media of information on many issues. This situation has forced Tajik media outlets to rely on government released information as its main source of information. As reported in August 2008,

The management of the different ministries and departments of Tajikistan have instructed the press services not to come into contact with the mass media and not to give the information to journalists without the permission of the first persons [sic]. It is offered to journalists to direct them the questions [sic] beforehand and in written form. ... Let's remind, that recently, on August 9th, in Dushanbe the memorandum of cooperation between employees of state structures and the mass media on access improvement to sources of the official information [was] signed. However, as practice shows, the governmental structures have on the contrary toughened an access mode to the official information.<sup>21</sup>

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<sup>20</sup> Salem Aioubzod, "The Absence of Media in Tajikistan and Its Consequences for the Young Generation," RFE/RL; reprinted as "The Absence of Media in Tajikistan," *SOAS-Persian Speaking World*, 29 January 2009; [www.persianspeakingworld.org/?p=287](http://www.persianspeakingworld.org/?p=287) (accessed on 16 January 2010).

<sup>21</sup> "Tajikistan: Access mode to the official information becomes tougher," East Turkestan Information Centre, 21 August 2008; [www.cascfen.net/?p=157](http://www.cascfen.net/?p=157) (accessed on 16 January 2010).

In short, authoritarianism and the lack of free media has denied Tajikistan the possibility of its media playing a constructive role in the civil war. Given the continuity of this reality and in fact the consolidation of authoritarianism in that country, like elsewhere in Central Asia, the Tajik media as a whole, excluding a small number of independent and committed print outlets, is simply unable to contribute to preventing the expansion of popular dissatisfaction. The mounting dissatisfaction will surely provide suitable ground for all types of anti-government/opposition activities, including armed ones of different scales and scopes, even possibly another round of civil war.<sup>22</sup>

### **Brief Account on the Media's Role in Malaysia**

When it comes to the positive role of the media in conflicts, South East Asia is no different from other regions. Needless to say, there are differences between and among the regional countries regarding their media in terms of degrees of freedom, commitment to professionalism and quality of work. Nevertheless, the regional media as a whole, but not individual media workers, have not made any tangible positive impact on regional conflicts, including violent ones. On the contrary, they have had a destructive impact on certain recent cases by adding fuel to the fire as they have become an active player in conflicts.

Perhaps the most recent blatant case is that of Malaysia in January 2010. Certain religious parties opposed the use of *Allah* (meaning god in Arabic) for non-Muslims although they had used it for centuries throughout the region. While some news outlets became the active proponent of the issue, many preferred not to oppose it out of prudence. Attacks by extremists on a few churches and Sikh temples provoked by the aforementioned parties did not stop those outlets from continuing their support of the requested ban. To be fair, many other news outlets did oppose the ban while at least a few actively supported the right of non-Muslims to use the word. Nonetheless, the media as a whole proved unable or unwilling to help put an end to the issue. In the end, it was the Malaysian government, which became the active proponent of religious minority rights within limits as it demanded a reversal of the requested ban. The incident indicates that the absence of government monopoly over the media, while a necessary condition, is not a guarantee for the media's capacity or willingness to play a constructive role in conflict situations.

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<sup>22</sup> For an account on authoritarianism in Tajikistan, see the chapter "Rise of Authoritarianism" of Hooman Peimani, *Failed Transition and Bleak Future? War and Instability in Central Asia and the Caucasus* (Westport, CT: Praeger, 2002), 59–87.

## Conclusion

As a means of disseminating information on a mass scale, the media has the power to shape and reshape public opinion. This power can be used or abused depending on the environment in which the media operates apart from other influences such as vested interests and biases of media workers. With respect to conflicts, whether domestic or foreign, such powers may have positive or negative impact to help prevent and/or transform conflicts or, alternatively, may become a factor in their instigation and/or intensification.

This is true in the cases of two major military conflicts (civil wars) in Europe in the post-Soviet era (Bosnia and Northern Ireland) and also in the case of a major devastating civil war in Central Asia (Tajikistan). In fact, it seems that in all these cases, their respective media took sides, in one form or another, with the conflicting parties promoting their views, which added fuel to the fire in the period leading to conflict and also during the conflict. In their aftermath, even though some media workers and outlets have worked constructively, by and large, the same pattern of negative journalism has continued in all these cases. Yet, this reality must be seen within the context of the prevailing mood of hostility and mistrust within the affected communities. This reality is reflected in the work of the media.

Theoretically, “mature democracies” provide the right situation for the media to opt for the positive role. Other countries are therefore potential candidates for the media’s playing the opposite. Although evidence supports the latter, there is no guarantee that “mature democracies” fit the abovementioned profile. In fact, there is at least a clear example to the contrary (Northern Ireland) as discussed earlier. Yet, certain developments, especially since the 1990s, raise serious doubts about the ability of the media to play a constructive role in all “mature democracies” in a sustainable manner. The expansion of ultra-right ideologies ranging from Nazism to xenophobia despite the commitment of all these countries to democratic values and their having free and extensive media serves as an example. In particular, the rapid expansion of Islamophobia in these countries to which the majority of the Europeans subscribe to a varying extent and in different forms undermines the assumption and the ability of the EU media to fully play its expected role. As recent history, especially since September 2001, suggests, a majority, if not the majority of EU media outlets, added to those of other Western democracies such as the United States, have in fact become major promoters of Islamophobia through their biased reporting.

In conclusion, the media is like a double-edged sword. It can be constructive or destructive regardless of the issue at hand depending on *who* is in its control

and *what* interests that controlling force seeks to secure. Undoubtedly, the media can and does play a role in intra- and inter-state conflicts whether they take place in “mature democracies” or “developing” and transitional countries. The lesson that could be drawn from this study is that the prevailing political system in a given country (whether democracy or dictatorial) provides an indicator as to what kind of role the media could potentially play. However, it cannot guarantee without any reservation that the practice would substantiate the theory. One should hope that media workers committed to professionalism and good journalism make an effort to use their outlets as a means for conflict prevention, diffusion and transformation to achieve and promote peace and reconciliation in their respective societies without regard to the restrictions imposed by their respective political systems.

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# Violence against Media Workers in the ASEAN States

Being located in South East Asia, the Association of Southeast Asian Nations (ASEAN) region consists of ten countries, namely Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), the Philippines, Singapore, Thailand and Vietnam. Without any exception, all the ASEAN countries have experienced a period of colonisation prior to their independence, which occurred at different points during the two decades following the end of WWII.<sup>1</sup> Today, they have different national characteristics and levels of economic, political and social development.<sup>2</sup> Hence, the ASEAN region is not a cohesive region formed by countries with more or less similar characteristics. Nevertheless, they share one thing in common, namely the lack of democratic society and corresponding government.

The absence of democracy has many manifestations of which one is shared by all the regional countries: various government-imposed restrictions on the activities of their media which directly affect the welfare of their workers in one form or another. In particular, violence against media workers is quite common in just about all the ASEAN countries although the frequency and the form of such violence varies from one country to another. The exceptions include Brunei and Singapore being two countries which lack investigative journalism and strong opposition groups, and whose governments are unchallenged and in full control of their societies. The other two exceptions are Vietnam and Laos where authoritarian governments use their powers to officially and severely punish any media worker who deviates from the government-approved line of journalism.

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<sup>1</sup> For accounts on the history of South East Asia, please see: Peter Church, *A Short History of Southeast Asia* (Hoboken, NJ: John Wiley & Sons, 2009); Milton Osborne, *Southeast Asia: An Introductory History*, 9<sup>th</sup> edition (Crow's Nest, Australia: Allen & Unwin, 2005).

<sup>2</sup> For general information on the contemporary situation in South East Asia, please see: Mark Beeson, *Contemporary Southeast Asia*, 2<sup>nd</sup> edition (New York: Palgrave Macmillan, 2008); Mark Beeson, *Regionalism and Globalization in East Asia: Politics, Security and Economic Development* (New York: Palgrave Macmillan, 2009).

This leaves no need for resorting to violence the way it is used in other ASEAN countries to fill the gap between what their governments want to do to suppress media workers committed to free reporting and investigative journalism and what their undemocratic laws and regulations allow. This point is reflected in the 2008 statement by a foreign journalist who has contributed to the Laotian press. Accordingly, Laotian journalists “practise self-censorship because they know what will not be published. Few of them are prepared to take the risk of pushing at the limits of censorship.”<sup>3</sup>

Against this background, this study explores the overall media environment in the ASEAN region in which media workers operate. Within this context, the study focuses on a few major regional countries where credible reports on violence against media workers are available. These are Cambodia, Indonesia, Malaysia, Myanmar (Burma), Thailand and the Philippines.

## **Media in the ASEAN Region**

The independence of ASEAN countries paved the way for their economic development, but failed to lay the ground for a process of democratisation to facilitate tolerance of dissent and opposite views on issues of relevance to their respective societies. Gaining independence in the 1950s and 1960s, these countries have since registered a limited degree of democratisation, the depth of which varies from one country to another. To a varying extent, such a process has mainly been successful with respect to a degree of personal and social freedom while, by and large, failing in other realms, including in the political and media arenas. Being enshrined in their constitutions, the freedom of press is of course recognised and guaranteed in all ASEAN countries without exception.

However, there is a big gap between theory and practice in this regard. In practice, all the ASEAN governments have restricted this freedom on different grounds with the effect of creating a barrier to the free operation and independence of their media. Various legal and illegal measures have been employed to force media outlets and workers to operate within a clearly-defined framework that is acceptable to their governments. Of course, within this context, the regional media have enjoyed a varying degree of freedom and thus ability to report freely. This has depended on the overall degree of success in democratisation in their respective countries and the existence and, if so, the strength of popular support for a free and vibrant media. Such conditions have limited the ability of

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<sup>3</sup> Reporters Without Borders, “Laos,” Annual Report 2008; [www.rsf.org/en-rapport67-id\\_rubrique736-Laos.html](http://www.rsf.org/en-rapport67-id_rubrique736-Laos.html) (accessed on 1 October 2009).

the relatively more democratic regional governments to restrict their media. Consequently, certain regional media are comparatively free while others are clearly restricted and thus incapable of performing their journalistic duties, to investigate thoroughly and report freely on the developments affecting their societies. The Filipino media is the example of the former operating in the region's most democratic country. The Vietnamese media is an example of the latter as Vietnam is by far the most undemocratic regional country. Having said that, it should be pointed out that just about all other regional countries fall within the category of Vietnam, particularly Myanmar (Burma) and Cambodia – two extremely undemocratic ASEAN countries. Within this context, what makes Vietnam the most visible example is the fact that its entire media (print and non-print) is government owned and run, apart from a very limited web-based amateurish media that is constantly suppressed by the Vietnamese government.<sup>4</sup> In other countries, there are varying degrees of private media.

However, despite their differences, all the ASEAN governments have put in place a mechanism to discourage independent and free media. Such mechanisms also provide for punishing those media workers and their outlets daring to pass the government-drawn red line. To achieve these objectives, government measures consist of legal ones and sheer violence. The latter is the focus of this study. A short summary of the legal measures is provided below to shed light on the situation within which ASEAN media workers operate.

### **Restrictive Legal Measures**

By and large, the ASEAN governments have put in place many legal measures to discourage professionalism and thus free reporting. Despite their differences, their essence is to spread fear of the serious consequences of doing so among media workers while severely punishing those media workers who dare to commit themselves to free reporting on all media-related issues. This is regardless of whether or not such reporting is critical of government activities and thus may or may not receive government sanction. With respect to the above-mentioned government measures, the major ones include the following.

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<sup>4</sup> For an account on the state of the media in Vietnam, please see: UNHCR, "Freedom of the Press 2008 – Vietnam," *Refworld*, 29 April 2008; [www.unhcr.org/refworld/country,,FREEHOU,,VNM,4562d8cf2,4871f63f25,0.html](http://www.unhcr.org/refworld/country,,FREEHOU,,VNM,4562d8cf2,4871f63f25,0.html) (accessed on 1 October 2009).

### *Licensing*

Requiring all media workers to apply for licenses on a regular basis (usually once a year) is a measure employed in all ASEAN countries without any exception. This requirement enables their governments to suspend licenses or refuse to renew them in the case of media workers who are not considered as desirable for their free reporting.

### *Law Suits*

Another measure is to file law suits against media workers and their outlets under various pretexts – a quite common measure in virtually all ASEAN countries. The major legal pretexts are the provisions of anti-defamation, anti-secrecy and anti-sedition laws. Used extensively against media workers committed to professionalism and objectivity, such legal measures enable the regional ruling elites, government officials, security forces and individuals to file law suits against media workers and their respective news outlets. The main objective is to exhaust the targeted news outlets or media workers financially, physically or both to make the cost of free reporting too high to be acceptable for the overwhelming majority of players in the media field. Resulting in heavy fines, prison terms or both, the threat of such law suits have made many journalists reluctant to become professional.

### *Punitive Laws*

Using punitive laws to force media workers to operate within a framework acceptable to their respective governments is another common measure. Through detention, arrest, trial and sentencing based on fabricated charges, the regional governments resorting to this measure clearly abuse their power to create an environment of fear for media workers. Although those governments resort to these measures to a varying degree as justified by their perception of threat of free media reporting, they have all used punitive laws in their dealing with their respective media.

### *Legal Rights*

Establishing legal rights to restrict free reporting is yet another common measure in all ASEAN countries. Many ASEAN countries have legalised their suppression of free reporting to ensure the docility of media. They have therefore provided themselves with various legally-acceptable pretexts to that effect. Apart from enforcing harsh and restrictive press codes, such pretexts could take different forms and titles to include preserving national security in emergency situations. They could also be translated into passing pieces of legislation to provide for

punitive actions against individuals opposing certain government projects or policies. These mentioned legal provisions enable the regional governments to legalise their suppressive policy towards their respective media, which is otherwise seen as human rights abuse.

### ***Censorship***

Finally, a commonly used restrictive measure is censorship. Without any exception, all the ASEAN governments impose censorship on their media outlets enshrined in laws and regulations governing their media. Accordingly, certain issues are off limits for media workers to be reported or commented on. Apart from the issues considered morally appalling such as pornography and promoting indecency, they include issues related to corruption, human rights abuses, security forces and ruling elite, for their weakening effect on the regional regimes' legitimacy.

### **Violence against Media Workers**

Regardless of its form of presentation, violence constitutes a major barrier to the operation of media as an objective and independent institution in the ASEAN region. With only a few exceptions mentioned earlier, media workers have been subjected to violence in different forms and to a varying extent in other ASEAN countries based on credible and verifiable reports. The main perpetrators have been security forces, the latter's affiliated or supported groups (such as paramilitary units) and/or pro-government vigilante groups. In particular, security forces, and especially police forces, have been the major agent of violence against media workers. On the one hand, they have been directly involved in acts of violence targeting media workers. On the other, and perhaps more important than the former, their practical, but not necessarily official, refusal to protect media workers facing credible threats of violence has created a suitable ground for violence against media workers. Closely related to this, another contributing factor in this situation has been their refusal to apprehend those pro-government or pro-big business individuals perpetrating acts of violence against the media workers and seriously investigate or even investigate at all cases of violence against media workers. Unsurprisingly, the result has been impunity for perpetrators of violence against media workers in the affected ASEAN countries. In turn, this reality has encouraged the continuity and expansion of such violence.

The role of police in acts of violence against media workers is in tune with the role of police in undemocratic societies. In such societies, police mainly function as the agent of the ruling political system/elite to preserve their interests at any price as they see justifiable. In performing their duties, they therefore operate as

they wish with impunity since they are basically non-accountable bodies. For that matter, police operate within a self-serving framework, which may or may not be institutionalised officially by the law of their respective country. In short, police forces are the agents of persecution in undemocratic and authoritarian societies mandated with the suppression of any opposition voice and activity endangering the stability and/or continuity of their respective political systems.

The security forces and their affiliated and supported groups are not the only entities behind violence against ASEAN media workers. In certain ASEAN countries, particularly in the Philippines, but also in Indonesia and Malaysia (though on a smaller scale), large corporations (both domestic and foreign, including multinationals) have also resorted to violence against media workers exposing their wrongdoings backed or at least tolerated by their respective host governments. Such corporations conduct acts of violence with impunity as they enjoy the explicit or implicit backing of the security forces and judiciaries of the countries in which they operate. The latter's refusal to investigate cases of violence against media workers, including murder, has enabled corporations to continue their crimes while discouraging any journalistic investigation into the operation of big corporations, including multinationals.

Violence against media workers employed by the aforementioned governmental and non-governmental entities has created a sentiment of fear among the affected media communities already operating in a difficult situation. Such difficulty is the result of numerous obstacles put in their way by their respective governments as mentioned briefly earlier. The violence-induced fear has been created by the latter as a means to deter media workers from pursuing free reporting based on investigative journalism, which could reveal their shortcomings. When such deterrence fails, violence in different forms is used to punish those media workers who cannot be deterred for various reasons, including their deep commitment to free reporting. Compared to the numerical strength of the ASEAN media workers, the number of such workers falling victim to violence is relatively small. However, it is surely significant enough to alarm local and international human rights activists.

There is no doubt that the certainty about the dire consequences of crossing red lines set by the regional governments as conveyed to the affected ASEAN countries' media workers through violence simply discourages the overwhelming majority of them from crossing such lines. Thus, violence and resulting fear have resulted in a vicious circle. They are meant to impose restrictions on media outlets and their workers as a means of securing the stability and continuity of the existing regional governments which are marred by corruption, incompetence

and extensive human rights abuses. In such situations, the absence of security for professional media work and thus the impossibility of the survival of free journalism put limits on the extent of free reporting. In turn, this unfortunate result helps perpetuate the existing political systems with all their shortcomings, which restrict such journalism as a means for prolonging their existence.

## **Country Cases of Violence against Media Workers**

Violence against ASEAN media workers has taken different forms over time. It ranges from limited punitive measures to “correct” the targeted media workers “wrong” journalism to the highest form of violence, namely murder. ASEAN countries have registered different types of records in this regard reflecting certain realities of their countries. These realities include the degree of tolerance for free reporting in a regional country, the strength of its democratic institutions to include its civil society and the strength of democratic values among its population at large. They also include the stability of its political system/government and the existence or absence of major challenges to its respective government. To this list, it should be added the extent of influence of a regional country’s private sector and also that of foreign corporations operating within its territory. All these factors have determined and will continue to determine the type and frequency of violence to which media workers in a given ASEAN country have been exposed. The following is an account on the violence that has taken place in these countries.

### **The Philippines**

The Philippines is theoretically the most open ASEAN country where journalists have a freer hand in reporting than their regional counterparts.<sup>5</sup> However, in reality, it is not very different from the least democratic ASEAN countries such as Myanmar (Burma) and Cambodia when it comes to violence against media workers. In fact, its record of violence, especially murder of media workers, is the worst in the ASEAN region. This reality is clearly reflected by the fact that between 2001 and 2008 “some 70” journalists were killed in the Philippines,

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<sup>5</sup> For an account on the state of the media in the Philippines, please see: UNHCR, “Freedom of the Press 2008 – The Philippines,” *Refworld*, 29 April 2008; [www.unhcr.org/refworld/publisher,FREEHOU,,PHL,4871f627c,0.html](http://www.unhcr.org/refworld/publisher,FREEHOU,,PHL,4871f627c,0.html) (accessed on 14 October 2009).

according to the country's Supreme Court Chief Justice.<sup>6</sup> In 2008 alone, at least 11 journalists, mostly local radio commentators, were killed in separate incidents by "unknown perpetrators."<sup>7</sup> According to the *Reporters Without Borders*, these media workers were "tackling corruption and other issues."<sup>8</sup> The sensitivity of corruption for the Filipino government has provided grounds for pointing fingers to the Filipino security forces as a likely culprit.

Until the publication of the report in October 2009, the Philippines was practically the only ASEAN country where media workers were killed in 2009. Thus, according to *Reporters Without Borders*, at least two Filipino journalists fell victim to violence in 2009. These were Ernesto Rollin working for *DxSY-AM* and Jojo Trajano working for *Remate* who were killed respectively on 23 February and 3 June 2009.<sup>9</sup>

In the same year, three other Filipino journalists escaped murder attempts.<sup>10</sup> Of these, one was Nilo Labares, the presenter of the radio program *Radio Mindanao Network* (RMN). He became the target of a murder attempt by unknown individuals in March 2009 after he exposed "corruption and illegal activities such as gambling and secret gaming rooms."<sup>11</sup> Yet, it is believed, based on the Filipino government's record, that those who committed such crimes were somehow related to the government or major foreign and domestic corporations operating in the Philippines under Filipino government protection. Thus, according to *Reporters Without Borders*, in the Philippines, violence against media workers is "fed by corruption and links between politicians and criminal networks and constitutes a permanent danger to journalists who are too critical."<sup>12</sup>

Against this background, it is little wonder that many cases of violence are yet to be resolved. Of all the cases filed in this regard between 2001 and 2008, only one was reportedly resolved at the end of 2008 while "six were undergoing trial

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<sup>6</sup> Amnesty International, "Philippines," Amnesty International Report 2009 (London: Amnesty International, 2009); <http://thereport.amnesty.org/en/regions/asia-pacific/philippines> (accessed on 4 September 2009).

<sup>7</sup> Ibid.

<sup>8</sup> Reporters Without Borders, *Journalists Killed in 2009* (2009); [www.rsf.org/en-barometre57-Journalists\\_killed.html](http://www.rsf.org/en-barometre57-Journalists_killed.html) (accessed on 11 October 2009).

<sup>9</sup> Ibid.

<sup>10</sup> Reporters Without Borders, "Philippines," Annual Report 2008 (2009); [www.rsf.org/en-rapport76-Philippines.html](http://www.rsf.org/en-rapport76-Philippines.html) (accessed on 9 October 2009).

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

and 18 were under investigation.”<sup>13</sup> As reported by *Amnesty International* in 2009, this apparent inaction of the Filipino government prompted human rights groups such as *The National Union of Journalists of the Philippines* and *The Center for Media Freedom and Responsibility* to criticise the government in 2008 for failing to protect journalists.<sup>14</sup> They also accused the police and the government of failing to adequately investigate these killings and of subjecting journalists to harassment and surveillance.

However, as reported by *Human Rights Watch*, the Filipino government continues to deny any “complicity of security forces in most such acts despite considerable evidence to the contrary.”<sup>15</sup> Even though there has been evidence of the involvement of the Filipino police and the military in acts of violence against Filipino media workers, “not a single soldier” has been held accountable and brought to justice for the crimes committed in the first decade of the 21<sup>st</sup> century.<sup>16</sup> On the contrary, the Filipino government attributes the “extrajudicial killings” and “disappearances” of critical intellectuals, including media workers, to “internal purges within the communist movement.”<sup>17</sup> This is notwithstanding of the fact that UN expert Philip Alston and human rights organisations have found “evidence of military involvement in many cases.”<sup>18</sup> Moreover, the abovementioned statement is also contrary to the fact that in cases such as the killing on 4 August 2008 of radio commentator Dennis Cuesta in General Santos City, eye witnesses even identified one of the gunmen involved as a known police officer, as reported by the *Reporters Without Borders*.<sup>19</sup>

## Indonesia

Indonesia is a major case when it comes to government-sponsored intimidation of media workers justified by laws and perpetrated by the police, judges and state officials.<sup>20</sup> This is quite evident in the reports of various professional

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<sup>13</sup> Amnesty International, “Philippines.”

<sup>14</sup> Ibid.

<sup>15</sup> Human Rights Watch, “The Philippines,” World Report 2009 (New York: Human Rights Watch, 2009); [www.hrw.org/en/node/79344](http://www.hrw.org/en/node/79344) (accessed on 1 October 2009).

<sup>16</sup> Ibid.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

<sup>19</sup> Reporters Without Borders, *Journalists Killed in 2009*.

<sup>20</sup> For an account on the state of the media in Indonesia, please see: UNHCR, “Freedom of the Press 2008 – Indonesia,” *Refworld*, 29 April 2008; [www.unhcr.org/](http://www.unhcr.org/)

associations (unions) of Indonesian media workers and also human rights groups concerned with the plight of journalists. For instance, during the period 2005-08, *Reporters Without Borders* reported many cases of assaults, kidnapping and murder of Indonesian media workers. Among the reported cases in 2005, one is prominent because of its gravity as an unresolved case four years after fact. Accordingly, Elyuddin Telaumbanua was “beaten and abducted by a group of six unidentified men on 22 August [2005] on the island of Nias, off the northwestern coast of Sumatra.”<sup>21</sup> He was a reporter for *Berita Sore*, a daily newspaper based in Medan, in the north of Sumatra.<sup>22</sup> Reportedly, there has been no word of him since then.

In 2006, there was a significant rise in cases of violence against Indonesian media workers. Indonesia’s largest association of journalists (union), the Alliance of Independent Journalists (AIJ), reported 53 cases of threats or physical attacks on journalists in the first five months of the year ending 3 May, of which 11 took place in eastern Java.<sup>23</sup> Among the affected journalists, at least one freelance journalist named Herliyanto investigating corrupt officials in eastern Java was killed by six men on motorcycles on 29 April near Tarokan, in the Probolinggo district of eastern Java.<sup>24</sup> The disappearance of his camera and notebook right after his murder suggested a link between his investigative journalism and his murder.<sup>25</sup>

As an authoritative source on the state of the media in Indonesia, the AIJ has also reported on violence against Indonesian media workers since 2006. Its reports for 2007 stresses the continuity of violence and intimidation of journalists all over the country as it refers to “75 cases of press freedom violations in 2007, including incidents of physical violence, verbal threats and legal harassment, an

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refworld/country,,FREEHOU,,IDN,4562d8cf2,4871f60b44,0.htm (accessed on 14 October 2009).

<sup>21</sup> Reporters Without Borders, “Indonesia – Still no news of journalist kidnapped two weeks ago,” 5 September 2005; <http://www.rsf.org/Still-no-news-of-journalist.html> (accessed on 11 October 2009).

<sup>22</sup> Ibid.

<sup>23</sup> Reporters Without Borders, “Indonesia – Journalist killed while investigating on corruption,” 25 September 2007; [www.rsf.org/Journalist-killed-while.html](http://www.rsf.org/Journalist-killed-while.html) (accessed on 9 October 2009).

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

increase over the previous year's 53 cases."<sup>26</sup> According to AIJ, in that year the most dangerous province for journalists was Jakarta.<sup>27</sup> Similarly, the AIJ report for 2008 suggests the continuity of violence against the Indonesian media workers. According to the report, the AIJ recorded "44 incidents of violence against journalists across the country in the past year (2008)," which the journalist union describes as the "main hindrance to press freedom in Indonesia."<sup>28</sup> Yet, despite the severity of threats to the media, many Indonesian journalists have continued reporting on certain sensitive issues such as the Indonesian government's wrongdoings. This factor has turned the Indonesian media into a vibrant one compared to those of many other regional countries.

Moreover, the AIJ reports, like those of many other concerned groups, stress that, as a rule, the Indonesian government takes no legal action against persons responsible for crimes committed against Indonesian media workers. This indicates the involvement of the government in one form or another in the recorded acts of violence against the aforementioned media workers. For instance, such a conclusion is reflected in the AIJ's breakdown of the individuals perpetrating such acts in 2008. Accordingly,

Police officers dominated the list of perpetrators with 12 cases, followed by civilian officials with seven cases and military officers with five cases. The AIJ also recorded violence committed by supporters of gubernatorial candidates and workers (three cases each), while university students, businessmen and thugs had two cases each.<sup>29</sup>

Violence against Indonesian media workers has continued in 2009 although by October 2009 no murder case has been reported.

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<sup>26</sup> UNHCR, "Freedom of the Press 2008 – Indonesia," *Refworld*, 29 April 2008; [www.unhcr.org/refworld/country,,FREEHOU,,IDN,4562d8cf2,4871f60b44,0.htm](http://www.unhcr.org/refworld/country,,FREEHOU,,IDN,4562d8cf2,4871f60b44,0.htm) (accessed on 14 October 2009).

<sup>27</sup> *Ibid.*

<sup>28</sup> Wahyoe Boediwardhana, "Violence hindering press freedom in Indonesia," *The Jakarta Post*, 5 June 2009; <http://www.thejakartapost.com/news/2009/05/06/violence-hindering-press-freedom-indonesia.html> (accessed on 14 October 2009).

<sup>29</sup> *Ibid.*

## Cambodia

The Cambodian government has had a very negative human rights record for the last few decades.<sup>30</sup> Within this context, it has made an especially poor reputation for itself with respect to violence against media workers. Unsurprisingly, such violence has spread fear among Cambodian journalists to the extent that it has forced them to accept self-censorship out of self-preservation. According to *Reporters Without Borders*, violence against media workers includes killing although media workers are “rarely murdered” in Cambodia.<sup>31</sup> However, over the last two decades a few journalists have been killed apparently by the government, which is in full control of the country with the exception of a small portion of land that is controlled by rebel groups. Killings of media workers have long been ignored by the Cambodian government. Hence, although nine journalists have been killed since 1994, no-one has been brought to justice to this date, according to *Amnesty International* (October 2009).<sup>32</sup> Recent major cases in this regard include the murder of Chuor Chetharith, the deputy editor of *Ta Prum*, a radio station linked to the opposition royalist party FUNCINPEC. He was gunned down on 18 October 2003 in Phnom Penh, reportedly because of his journalistic work.<sup>33</sup> Another recent major unresolved case took place in May 2006 when the body of Pov Sam Ath, the editor of the newspaper *Samleng Khmer Krom* (Voice of the Khmers Kroms), was found in “a suitcase in the Pich Nil valley in Kampong Speu province in the south of the country.”<sup>34</sup> In December of the same year, Sok Serei, one of the correspondents of *Radio Free Asia*’s Khmer-language service, was seriously injured in an “accident” in Phnom Penh under

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<sup>30</sup> For an account on the state of the media in Cambodia, please see: UNHCR. “Freedom of the Press 2008 – Cambodia,” *Refworld*, 29 April 2008; [www.unhcr.org/refworld/publisher,FREEHOU,,KHM,4871f5f5c,0.html](http://www.unhcr.org/refworld/publisher,FREEHOU,,KHM,4871f5f5c,0.html) (accessed on 14 October 2009).

<sup>31</sup> Reporters Without Borders, “Cambodia – Opposition Newspaper Reporter Gunned Down Two Weeks before General Elections,” 15 December 2006; [www.rsf.org/Radio-Free-Asia-correspondent-in.html](http://www.rsf.org/Radio-Free-Asia-correspondent-in.html) (accessed on 10 October 2009).

<sup>32</sup> Amnesty International, “Cambodia,” *Amnesty International Report 2009* (London: Amnesty International, 2009); <http://thereport.amnesty.org/en/regions/asia-pacific/cambodia> (accessed on 4 September 2009).

<sup>33</sup> *Ibid.*

<sup>34</sup> Reporters Without Borders, “Cambodia – Newspaper Editor Found Dead in Suitcase,” 12 May 2006; <http://www.rsf.org/Newspaper-editor-found-dead-in.html> (accessed on 11 October 2009).

suspicious circumstances.<sup>35</sup> Given Sok Serei was known for his investigative reports into “allegations of corruption by government officials” broadcast by *Radio Free Asia* throughout the year, the case prompted *Reporters Without Borders* to call for a “thorough and impartial investigation into a traffic accident.”<sup>36</sup> In the same year, six Cambodian journalists received death threats apparently because of their work, as reported by *Reporters Without Borders*.<sup>37</sup>

Violence against media workers has continued. In 2008, for instance, a journalist by the name of Khim Sambor and his son were killed during the election campaign.<sup>38</sup> According to *Amnesty International*, the killings followed an article by Khim Sambor in the opposition affiliated newspaper *Moneaksekar Khmer (Khmer Conscience)* alleging serious illegal actions by an unnamed senior government official.<sup>39</sup> In the same year, as reported by *Human Rights Watch*, a correspondent for Radio Free Asia (Lem Piseth), who was covering the alleged involvement of government officials in a drug trafficking and murder case, fled the country after receiving death threats.<sup>40</sup> His flight clearly revealed the lack of protection for media workers and the government’s tolerance of violence against them. It also implied the latter’s complicity in the case.

## Thailand

Among the ASEAN countries, Thailand is an open society regarding personal issues and quite possibly the most open.<sup>41</sup> Nonetheless, when it comes to violence against media workers, Thailand, which is also politically more open than other regional countries such as Myanmar (Burma) and Cambodia, also has a poor record. The Thai security forces have been implicated in acts of violence against media workers. In particular, the Thai police’s record in this regard is quite poor as it has established a reputation for its excessive use of force

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<sup>35</sup> Reporters Without Borders, “Cambodia – Radio Free Asia Correspondent in Coma after Suspicious Road Accident,” 12 July 2008; [www.rsf.org/Opposition-newspaper-reporter.html](http://www.rsf.org/Opposition-newspaper-reporter.html) (accessed on 10 October 2009).

<sup>36</sup> *Ibid.*

<sup>37</sup> *Ibid.*

<sup>38</sup> Amnesty International, “Cambodia.”

<sup>39</sup> *Ibid.*

<sup>40</sup> Human Rights Watch, “Cambodia,” World Report 2009 (New York: Human Rights Watch, 2009); [www.hrw.org/en/node/79298](http://www.hrw.org/en/node/79298) (accessed on 5 September 2009).

<sup>41</sup> For an account on the state of the media in Thailand, please see: UNHCR, “Freedom of the Press 2008 – Thailand,” *Refworld*, 29 April 2008; [www.unhcr.org/refworld/publisher,FREEHOU,,THA,4871f63744,0.html](http://www.unhcr.org/refworld/publisher,FREEHOU,,THA,4871f63744,0.html) (accessed on 14 October 2009).

against targeted individuals. Against this background, the situation has become worse since the 2006 coup. Leading to a change of government by force, this major development has further opened the hand of the Thai security forces to use violence against free-minded and professional journalists who do not promote the government-desired line of reporting.

Today, the Thai government authorises violence against media workers who criticise the government and particularly the security forces in its pursuit of a policy of zero tolerance for any type of major criticism of the Thai authorities. It therefore denies them protection, which is a necessity for free investigative reporting. On the contrary, the Thai government uses the legal system to help perpetrators get away with their crimes by failing to investigate cases or even dismiss them altogether on occasion despite the existence of evidence which merits investigations. For instance, the shooting case of journalist Manop Ratanajaroongporn in Phang Nga Province in 2006 was dismissed in 2008 for reasons of lack of evidence. Nor was there any resolution to the 2006 killing of Santa Lammaneevil, owner of the Pattaya Post and a freelance reporter.<sup>42</sup> Reportedly, both journalists were believed to have been targeted for “their politically sensitive reporting.”<sup>43</sup> In 2008, a reporter with *Matichon* (Surayud Yongchaiyudh) survived a shooting in Prachuab Kirikhan Province.<sup>44</sup> However, another *Matichon* reporter (Atiwat Chainurat) was shot and killed at his home in Nakhon Sri Thammarat.

In 2008, violence against media workers also took other forms. For example, the car of Samraeng Khamsanit, a reporter with the Thai-language daily newspapers *Matichon* and *Khao Sod* in Anghong Province, was set on fire.<sup>45</sup> The Thai authorities did not conduct any serious investigation into the case. Nor did they detain or question anyone regarding the case.

The perpetrators of crimes against media workers are not confined to the Thai security forces and their affiliated groups and individuals. In fact, as reported by *Human Rights Watch* in November 2008, attacks by pro-government armed groups on media outlets and journalists occur on occasion in Thailand:

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<sup>42</sup> UNHCR, “2008 Country Reports on Human Rights Practices – Thailand,” *Refworld*, 25 February 2009; <http://www.unhcr.org/refworld/country,,USDOS,,THA,4562d8cf2,49a8f14bc,0.html> (accessed on 2 October 2009).

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

About 200 red-clad members of the Love Chiang Mai 51 Group stormed into the regional office of the Thai Public Broadcasting Service [TPBS] in Chiang Mai province. They cut open the fence and blocked the building's entrance with tents, threatening to cut electricity and water supplies after TPBS reported that members of the Love Chiang Mai 51 Group were paid 2,000 baht (about US\$57) each to join the pro-government rally in Bangkok organised by the pro-government DADD on November 1.<sup>46</sup>

Criminals, namely professional hit-men, have also been implicated in murder cases involving media workers. Credible sources report cases involving the latter during 2008 when the expanding popular opposition in support of ousted Prime Minister *Taksin* turned many Thai urban areas into scenes of mass protests. In this regard, the following *Reporters Without Borders*' account is noteworthy.

Professional hit-men took advantage of the political chaos [in Thailand] to shoot dead four journalists in 2008, including two correspondents for Bangkok's celebrated newspaper *Matichon*.<sup>47</sup>

Apart from the Thai government and groups affiliated with it, anti-government armed groups have also been implicated in cases of violence against Thai media workers. *Reporters Without Borders* has provided information on such cases. Its 2008 Annual Report refers to the casualties of Thai media workers at the hand of anti-government armed groups. In the southern part of Thailand, "where the army is battling an Islamist rebellion, one reporter was killed and several others wounded in bombings" in that year.<sup>48</sup>

Murders of Thai journalists from earlier years are yet to be investigated and by October 2009, there was no credible reporting on the murder of media workers in 2009.

## Myanmar (Burma)

Myanmar is an authoritarian ASEAN country with a very poor human rights record.<sup>49</sup> This includes violence against media workers, mainly Burmese, but on

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<sup>46</sup> Human Rights Watch, "Thailand," World Report 2009 (New York: Human Rights Watch, 2009); [www.hrw.org/en/node/79243](http://www.hrw.org/en/node/79243) (accessed on 28 September 2009).

<sup>47</sup> Reporters Without Borders, "Thailand," Annual Report 2008 (2009); [www.rsf.org/en-rapport81-Thailand.html](http://www.rsf.org/en-rapport81-Thailand.html) (accessed on 9 October 2009).

<sup>48</sup> *Ibid.*

<sup>49</sup> For an account on the state of the media in Myanmar, please see: UNHCR, "Freedom of the Press 2008 – Burma," *Refworld*, 29 April 2008; [www.unhcr.org/refworld/country,,FREEHOU,,MMR,,4871f5f4c,0.html](http://www.unhcr.org/refworld/country,,FREEHOU,,MMR,,4871f5f4c,0.html) (accessed on 14 October 2009).

occasion also against foreign correspondents based in Myanmar. The absence of protection for media workers has created a very difficult situation for Burmese media workers with the effect of severely decreasing the possibility of free reporting.

In general, violence against media workers in the ASEAN region includes assault and murder, but it is not confined to it in the case of Myanmar. Thus, even though, legally speaking, imprisonment is not considered as a case of violence because it falls within the category of prosecution, it is very much so in the case of Myanmar. This is due to the fact that the Burmese authorities deliberately subject imprisoned media workers to harsh and inhuman treatment at a scale much larger than in any other ASEAN country. In this regard, *Reporters Without Borders* provides the following account on the situation in 2008:

The junta sets out to physically and psychologically break imprisoned journalists by sending them to insalubrious prisons far from the capital. The Than Shwe regime has a criminal approach to political prisoners, refusing to allow them medical treatment when they need it. Worse still, a young poet was infected with the AIDS virus in prison in 2006 as a result of a forced blood transfusion.<sup>50</sup>

Myanmar's treatment of media workers has been appalling since the ascension to power of the Burmese military junta. Nevertheless, such treatment has become worse since the re-rise of the pro-democracy movement in 2007 as people from different walks of life, including Buddhist monks, resort to mass protests across the country. The junta's resort to a widespread crackdown to quell the expanding protest has included the suppression of the media in order to deny the opposition the means for disseminating information about its activities and objectives. As a result, the freedom of press, which was already under severe distress in 2007, has been further limited as a result. In part, this has been evident in a growing number of acts of violence against Burmese media workers since the start of the anti-government demonstrations on 19 August 2007. Only a month after this development, *Reporters Without Borders* and the Burma Media Association reported "24 serious violations of press freedom, including arrests and assaults."<sup>51</sup> Apart from the Burmese media workers, two foreign journalists also fell victim to the Burmese government's suppression of the press. Report-

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<sup>50</sup> Reporters Without Borders, "Burma," Annual Report 2008 (2009); [www.rsf.org/en-rapport53-Burma.html](http://www.rsf.org/en-rapport53-Burma.html) (accessed on 9 October 2009).

<sup>51</sup> Reporters Without Borders, "Cambodia – One Photographer Killed and Six Journalists in Jail," 25 September 2007; [www.rsf.org/One-photographer-killed-and-six.html](http://www.rsf.org/One-photographer-killed-and-six.html) (accessed on 11 October 2009).

edly, a Japanese news photographer, Kenji Nagai, was killed on the streets of Rangoon on 27 September 2007.<sup>52</sup> The fifty-year old photographer worked for the photoagency APF.<sup>53</sup> Another foreign journalist whose name was not released was reportedly injured on the same day, according to *Reporters Without Borders*.<sup>54</sup> The independent and reliable source attributes the two mentioned press casualties to the Burmese security forces' opening fire on demonstrators near the Tarder Hotel in the centre of Rangoon.<sup>55</sup>

The suppression of Burmese media workers has continued to this date in different forms although there has not been any confirmed report of media workers being subjected to injury or death. However, other measures have been put in place, such as keeping journalists under constant surveillance, as a means of intimidation. In this regard, a recent major reported case is that of "renowned journalist U Win Tin, who was cited as a defence witness in the 2009 trial of Aung San Suu Kyi," the leader of the Burmese pro-democracy movement.<sup>56</sup> Reportedly, he has been under constant surveillance by the special police,<sup>57</sup> presumably to limit his mobility and to deter him from bearing witness in support of Aung San.

## Malaysia

As a country with a growing intolerance for dissent, Malaysia is yet another ASEAN country with a poor record when it comes to violence against media workers.<sup>58</sup> Direct acts of violence against Malaysian media workers have not been very common since 2007 at least for the following reason: other measures, including direct censorship, filing law suits and imprisonment on false charges,

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<sup>52</sup> Reporters Without Borders, "Burma – Japanese Photographer Killed, Another Foreign Journalist Injured," 27 September 2007; [www.rsf.org/Japanese-photographer-killed.html](http://www.rsf.org/Japanese-photographer-killed.html) (accessed on 11 October 2009).

<sup>53</sup> *Ibid.*

<sup>54</sup> *Ibid.*

<sup>55</sup> *Ibid.*

<sup>56</sup> Reporters Without Borders, "Burma – Arrest, Censorship and Manipulation amid Trial of Aung San Suu Kyi," 26 June 2009; [www.rsf.org/Nouvel-articleArrest-censorship.html](http://www.rsf.org/Nouvel-articleArrest-censorship.html) (accessed on 12 October 2009).

<sup>57</sup> *Ibid.*

<sup>58</sup> For an account on the state of the media in Malaysia, please see: UNHCR, "Freedom of the Press 2008 – Malaysia," *Refworld*, 29 April 2008; [www.unhcr.org/refworld/publisher,FREEHOU,,MYS,4871f61828,0.html](http://www.unhcr.org/refworld/publisher,FREEHOU,,MYS,4871f61828,0.html) (accessed on 14 October 2009).

have been widely employed by the Malaysian governments to suppress the media reporters advocating free reporting critical of the governing elite.

Having said this, there have been a few reported cases of assault and murder threats against Malaysian journalists who are critical of certain government policies.

As reported by *Reporters Without Borders*, in the beginning of November 2008, the photojournalist R. Raman of the Tamil-language *Malaysia Nanban* was assaulted by “two thugs in his office in Johor Baru” in the southern part of the country.<sup>59</sup> He was left in a coma after being attacked only to wake up “several weeks later but remained paralysed.”<sup>60</sup> Reportedly, his colleague (M. Nagarajan) received a phone call ten days later through which he was threatened to be killed if he continued to write articles about “poor conditions in the schools.”<sup>61</sup>

The two reporters reportedly challenged the “management of the Tamil schools by leaders of the Malaysian Indian Congress (MIC), a member of the ruling Barisan National coalition.”<sup>62</sup>

In both cases, the Malaysian authorities failed to thoroughly investigate and bring the culprits to justice, indicating the involvement of pro-government elements.

In November 2008, there were other reported cases of assaults. According to *Reporters Without Borders*, the “ruling party militants” in Malaysia assaulted other journalists, including a photographer working for the *Guangming Daily*.<sup>63</sup> Reportedly, he was beaten “after taking shots of activists in the prime minister’s party as they insulted a political opponent.”<sup>64</sup>

## Conclusion

The ASEAN region has developed significantly in building infrastructure, industry and technology since the 1960s. Most of its countries have also registered substantial progress in international trade reflecting their growing economic achievements. However, the region is yet to make notable advancements in democratisation. The region particularly lags behind when it comes to freedom of

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<sup>59</sup> Reporters Without Borders, “Malaysia,” Annual Report 2008 (2009); [www.rsf.org/en-rapport68-id\\_rubrique736-Malaysia.html](http://www.rsf.org/en-rapport68-id_rubrique736-Malaysia.html) (accessed on 9 October 2009).

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

the press. Without exception, all the ASEAN governments have established a wide range of obstacles to block the achievement of a free press. In addition to legal measures to this effect, violence is employed by many of them as a deterrent to discourage professionalism and good journalism by making the cost of such objectives too high to be acceptable by the overwhelming majority of media workers. In such a situation, journalists committed to free and investigative reporting risk isolation and suppression.

To that end, the regional security forces, their affiliated paramilitary entities, pro-government vigilante groups and pressure groups formed by big businesses have been active either individually or in concert with each other. They have enjoyed impunity for committing acts of violence, including murder, against regional media workers. It is little surprise that those ASEAN countries which are subject to these types of violent activities have failed to provide protection for their media workers who are facing threats by the very pressure groups that are tied to the government directly or indirectly, or representing government interest or those of big businesses. Violence against media workers has been a major factor preventing the establishment of a viable and lively independent media committed to good journalism and thus free and investigative reporting in most of the regional countries that are discussed above. Needless to say, a major complementary factor to the same effect in the countries practicing such violence as well as in other ASEAN countries has been the regional countries' use of methods other than direct exposure of media workers to violence as briefly discussed. Against a background of numerous obstacles to free reporting, the continuity of direct violence against media workers will perpetuate the achievement of this objective to ensure the underdevelopment of the media in the ASEAN region.

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