

**Testimony of Dr. Courtney C. Radsch**  
Advocacy Director, Committee to Protect Journalists

Hearing on “International Human Rights and the Closing Civic Space”

U.S. House of Representatives

Committee on Foreign Affairs

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

December 9, 2020

Chairwoman Bass, Ranking Member Smith, and other distinguished members of this subcommittee, thank you for hosting this important hearing and for inviting the Committee to Protect Journalists to testify.

My name is Courtney Radsch, and I serve as CPJ’s director of advocacy and communications. The Committee to Protect Journalists is an independent, nonprofit organization that promotes press freedom worldwide and defends the right of journalists to report the news safely and without fear of reprisal. CPJ protects the free flow of news and commentary by taking action wherever journalists are under threat.

We are driven to do this because we recognize that press freedom is among the most fundamental of human rights. It protects the individual rights of people to engage in journalism, and benefits society at large by ensuring citizens have the information they need to hold their leaders and governments accountable. It is essential to democracy, accountability, and global security.

In the context of today’s hearing, journalists play a critical role in protecting human rights and civic space. As CPJ Executive Director Joel Simon testified to this very subcommittee in May 2019, journalists around the world have faced intimidation, harassment, imprisonment, and even death for their reporting on human rights violations.<sup>1</sup>

Unfortunately, the situation has not improved since May 2019. If anything, the COVID-19 pandemic has provided autocratic and dictatorial governments an excuse to further their crackdowns on civil society, including news organizations and journalists.<sup>2</sup> The result is a world in which the press is even less free to report, at a time when the public needs reliable information more than ever. This only motivates us to continue our work.

---

<sup>1</sup> Testimony of Joel Simon, House Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations hearing on “The Dangers of Reporting on Human Rights””  
<https://www.congress.gov/116/meeting/house/109482/witnesses/HHRG-116-FA16-Wstate-SimonJ-20190516.pdf>

<sup>2</sup> <https://cpj.org/covid-19/>

## The Global State of Press Freedom

Journalists around the world face unprecedented threats to their ability to do their jobs, and new threats seem to emerge every day. The following is a summary of those CPJ considers to be the most pressing.

### Criminalization of journalism

One way governments censor reporting is by outright criminalizing the act of journalism. CPJ has now recorded at least 248 journalists behind bars for four consecutive years.<sup>3</sup> The pandemic has provided governments with a new excuse to wield laws criminalizing the spread of “fake news” or information that is not in line with the official narrative.

Given the spread of COVID-19, imprisonment can now represent a death sentence for some journalists. Consider the case of Azimjon Askarov, in Kyrgyzstan. Askarov reported on human rights violations in his hometown of Bazar-Korgon amid ethnic violence that swept southern Kyrgyzstan in June 2010. He exposed fabricated criminal cases, arbitrary detentions, and the rape and abusive treatment of detainees in the Jalal-Abad region. He was arrested, convicted on charges that included incitement to ethnic hatred and complicity in the murder of a police officer, and sentenced to life in prison. A CPJ investigation found that authorities retaliated against Askarov for his reporting.<sup>4</sup> In July, Askarov died in prison, and his wife told CPJ that she suspected he contracted COVID-19. We are now working with others to pursue justice.

In our most recent census of imprisoned journalists, CPJ found that 98 percent were locals imprisoned by their own governments—and the beat most likely to land a journalist behind bars was politics. This underscores the connection between journalism and attacks on civic space. as it is political leaders who lead attempts to restrict civic space.

The use of national security or anti-terror laws to justify crackdowns on the press is particularly disturbing. Roughly two-thirds of all imprisoned journalists in 2019 were jailed on anti-state charges, including accusations of terrorism. The false dichotomy between national security and journalistic practices makes it increasingly difficult for journalists and media organizations to report freely and independently.

One case we have been tracking closely is that of Hopewell Chin’ono in Zimbabwe. Chin’ono is an award-winning journalist who was arrested ahead of a national anti-corruption protest and

---

<sup>3</sup> CPJ special report. “China, Turkey, Saudi Arabia, Egypt are world’s worst jailers of journalists” <https://cpj.org/reports/2019/12/journalists-jailed-china-turkey-saudi-arabia-egypt/>

<sup>4</sup> CPJ special report. “In Kyrgyzstan, injustice and torture in Askarov case” <https://cpj.org/reports/2012/06/in-kyrgyzstan-injustice-and-torture-in-askarov-cas.php>

charged with incitement, after reporting on alleged COVID-19 procurement fraud within Zimbabwe's Ministry of Health that led to the arrest and sacking of its health minister.

After more than six weeks in pretrial detention in a maximum security prison, Chin'ono was released on bail in September, then re-arrested at his home in November for alleged contempt of court, and he was later charged with obstruction of justice for a tweet about the National Prosecution Authority. He was originally denied bail, and then released on bail on November 20.

Even after being released from prison, journalists can remain unable to work freely. Egyptian photojournalist Mahmoud Abou Zeid, also known as Shawkan, was released after spending more than five years behind bars in relation to his work. But, following his release, he was ordered to return to a police station each night to sleep under observation. Authorities have effectively rendered his release moot.<sup>5</sup>

The same applied to Egyptian journalist Alaa Abdelfattah.<sup>6</sup> That is, until Abdelfattah was re-arrested and thrown back in jail just six months after his release in 2019, over an article he wrote.<sup>7</sup> In Egypt, as in many other countries, harassment never ends for some journalists.

### Fake news

Another concerning trend is the increasing extent to which political leaders accuse news organizations and journalists that publish critical information of being "fake news."

In some cases, the rhetoric is simply an attempt to smear the source of the reporting and undermine public confidence in the media. But undermining public confidence in the media can open the door to legal restrictions. Accordingly, CPJ has seen an increase in the passage and use of "false news" statutes to jail journalists. In 2019, we found the number of journalists imprisoned on "false news" charges rose to 30, up from 28 in 2018. Use of the charge has climbed steeply since 2012, when CPJ found only one journalist worldwide imprisoned for such an offense.

Even in robust democracies, notably the United States, elected officials have accused legitimate news organizations and journalists of being "fake news." Some democracies with strong institutions have resisted most legal threats to reporting, but the rhetoric itself is deeply troubling. It inspires threats against journalists and media outlets, and it empowers autocratic leaders around the world who are seeking a justification for their own repressive media policies.

---

<sup>5</sup> CPJ blog. "Restrictive terms of Shawkan's release from Egyptian jail highlighted to UN." <https://cpj.org/2019/10/egypt-shawkan-photojournalist-arbitrary-detention/>

<sup>6</sup> CPJ blog. "In Egypt, 'freedom' ends daily at 6pm for Shawkan and Abdelfattah." <https://cpj.org/2019/04/egypt-shawkan-abdelfattah-release-custody/>

<sup>7</sup> <https://cpj.org/data/people/alaa-abdelfattah/>

## Legal attacks

When direct attacks on the press fail, governments and individual actors sometimes opt to attack journalists through a variety of legal mechanisms. These include accusing journalists and their outlets of financial crimes or criminal defamation. In some countries, provisions inhibit reporting on public officials or criminalize “insult.” Defamation laws are easily misused by governments to suppress critical speech and intimidate reporters with the threat of criminal prosecution, fines, or jail time.

Consider the case of Philippine online news outlet *Rappler* and its executives and reporters, including CEO and Executive Editor Maria Ressa, who is an American citizen. Collectively they have faced myriad libel, tax, and regulatory lawsuits, and arrests, and had to pay tens of thousands of dollars in bail and bonds. At the moment, Ressa alone faces at least eight open cases on a range of charges, including two libel charges.<sup>8</sup> If convicted on all accounts, she could be looking at life in prison.

Another way in which journalists come under legal attack is through Strategic Lawsuits Against Public Participation, or SLAPPs.<sup>9</sup> These are brought forward by powerful bodies or individuals—corporations, public officials, high-profile persons—to censor, intimidate, and silence journalists and other critics for their expression on public interest issues by burdening them with the cost of a legal defense until they abandon their public position. In many cases, the plaintiff does not even seek to win the case, but these lawsuits are effective because even a baseless suit can take years of legal proceedings and require significant financial resources to defend. SLAPPs also contribute to a “chilling effect” and, if successful and known to other journalists, could discourage others from taking up similar subjects of public interest in their reporting.

## Elections

CPJ has found that elections are often a dangerous time for journalists. Autocrats seeking to control the narrative around elections may move to censor what the press can publish, and punish news organizations or journalists who cross a perceived line.

Threats to journalists during elections are especially intense when the campaigns are marked by protests and violence. Journalists covering unrest related to elections often find themselves caught between protesters and police. To ensure elections are transparent and fair, we believe there must be an open media environment that ensures public debate and accountability.

---

<sup>8</sup> CPJ alert. “CPJ calls on Philippine authorities not to contest editor Maria Ressa’s cyber libel appeal.” <https://cpj.org/2020/06/cpj-calls-on-philippine-authorities-not-to-contest-editor-maria-ressas-cyber-libel-appeal/>

<sup>9</sup> <https://anti-slapp.org/what-is-a-slapp>

One recent example of election-related attacks on the press is the situation in Belarus. Following the contested August 9 presidential election, in which incumbent Aleksandr Lukashenko announced victory, protests have erupted across the country. Since then, at least 320 journalists have been detained for covering the protests, according to the Belarusian Association of Journalists, and the U.S. Congress-funded broadcaster Radio Free Europe/Radio Liberty reported that several journalists were under investigation for “organizing mass riots.”<sup>10</sup>

## Protests

Journalists covering protests and other civil disturbances face legal and physical risks from all sides, often simultaneously. For some journalists, simply being present at a protest is enough to put them behind bars.

As I detailed in testimony to the U.S. Commission on Security and Cooperation in Europe, this year has seen a particularly dramatic increase in attacks on the press covering protests in the U.S.<sup>11</sup> The U.S. Press Freedom Tracker is in the process of documenting more than 960 attacks on journalists covering protests, including arrests, physical attacks, equipment damage, tear gassings, and rubber bullets.<sup>12</sup> These attacks represent a 600% increase of press freedom violations in the United States since 2019.

CPJ proactively issued safety guidance for journalists covering these protests, and has also engaged with elected officials to ensure any attacks are investigated and justice is pursued.<sup>13</sup> There has been some progress, but not enough.

This is a problem domestically, but it is also a global problem. What happens in the U.S. has implications around the world. A deterioration of press freedom in the United States hurts the ability of the U.S. government to advocate for press freedom in its foreign policy.

---

<sup>10</sup> CPJ alert. “Belarus authorities arrest journalists, issue jail sentences, launch investigation.” <https://cpj.org/2020/11/belarus-authorities-arrest-journalists-issue-jail-sentences-launch-investigation/>

<sup>11</sup> Testimony of Dr. Courtney C. Radsch, U.S. Commission on Security and Cooperation in Europe Hearing on “Human Rights at Home: Media, Politics, and the Safety of Journalists” [https://www.csce.gov/sites/helsinkicommission.house.gov/files/2020.07.23\\_CSCE\\_Radsch\\_testimony\\_final\\_written%202.pdf](https://www.csce.gov/sites/helsinkicommission.house.gov/files/2020.07.23_CSCE_Radsch_testimony_final_written%202.pdf)

<sup>12</sup> <https://pressfreedomtracker.us/>

<sup>13</sup> CPJ safety advisory. “Covering U.S. protests over police violence.” <https://cpj.org/2020/05/cpj-safety-advisory-covering-u-s-protests-over-police-violence/>; and, CPJ alert. “Trump, U.S. governors must stand up for press freedom, CPJ and other groups say.” <https://cpj.org/2020/06/trump-u-s-governors-must-stand-up-for-press-freedom-cpj-and-other-groups-say/>

## Technology

CPJ has closely tracked how the proliferation of spyware technologies, in a largely unregulated market, has allowed governments to more easily surveil and spy on journalists.

Because spyware is inherently difficult to trace, and is becoming increasingly sophisticated and undetectable, documenting concrete cases involving journalists can be a challenge. In many cases, a clear pattern of surveillance emerges, but not all of the pieces—the agency involved in surveillance, the names of victims, the surveillance vendor, and the immediate consequences—have been exposed.

Still, the public record is disturbing. Companies across Europe and the Middle East are developing and selling spyware to governments and other actors with records of press freedom violations, and those tools are being used to target journalists, CPJ has found.

Relatedly, many governments also have the authority to search the electronic devices of journalists and activists at national borders. This includes the U.S., where we have reported on how border agents have tracked and stopped journalists, and searched their electronic devices.<sup>14</sup> Electronic device searches threaten the protection of sources, have a chilling effect on journalists that impacts broader society, and raise serious privacy rights issues.

While social media platforms have expanded the free flow of information, they too suffer from problems.

Social media platforms continue to allow anonymous users to harass journalists and are still struggling to enact mechanisms to effectively address this problem. This creates a chilling effect for journalists, and impacts women journalists most severely.<sup>15</sup>

These platforms are also not immune from pressure themselves. Governments regularly ask social media companies to censor content on their platforms they deem critical—or else completely block the services in the country. Since 2012, 13 countries have used Twitter's “country withheld content” tool to effectively censor content, according to the social media platform's transparency reports. Governments usually cite laws around national security, counter-terrorism, defamation, or hate speech when requesting such removals.<sup>16</sup>

---

<sup>14</sup> CPJ special report. “Nothing to declare: Why U.S. border agency’s vast stop and search powers undermine press freedom.” <https://cpj.org/reports/2018/10/nothing-to-declare-us-border-search-phone-press-freedom-cbp/>

<sup>15</sup> CPJ blog. “Survey details risks for female journalists in U.S., Canada.” <https://cpj.org/2019/09/canada-usa-female-journalist-safety-online-harassment-survey/>

<sup>16</sup> CPJ blog. “How Turkey silences journalists online, one removal request at a time” <https://cpj.org/blog/2018/08/how-turkey-silences-journalists-online-one-removal.php>

## Impunity

The ultimate form of censorship is murder, insofar as the perpetrators seek to kill a story by killing the person who is telling it. Since CPJ began tracking such data in 1992, more than 880 journalists have been murdered in relation to their work.<sup>17</sup> During a 10-year index period ending on August 31, 2019, 318 journalists were murdered for their work worldwide, and in 86% of those cases no perpetrators were successfully prosecuted.<sup>18</sup> Until this changes, journalists around the world will continue to work in an environment of uncertainty and vulnerability.

Perhaps the most prominent such case is that of Jamal Khashoggi, the *Washington Post* columnist who was murdered and dismembered in the Saudi consulate in Istanbul by officials widely believed to be dispatched from Riyadh. This abominable crime has thus far gone mostly unpunished. CPJ has reported on how the Saudi government was likely spying on Khashoggi by using a piece of spyware that could allow them to listen to his phone calls with Saudi dissident Omar Abdulaziz.<sup>19</sup> Despite obstruction from the Trump administration, we continue to push for full justice in his case, and urge the Biden administration to make public the U.S. intelligence community's findings on the Khashoggi murder, and use targeted sanctions on anyone found to have played a role in the crime.<sup>20</sup>

Obstruction and delay have a price as well. The lack of pushback from the Trump administration over the Khashoggi murder has been perceived by the Saudi regime as a greenlight to oppress, and regime's censorship and aggression toward dissent has only worsened since his killing.<sup>21</sup>

## **Conclusion and Recommendations**

These are just a few examples that illustrate the lengths to which governments will go to ensure the press is not free to report, and their citizens are not exposed to critical reporting.<sup>22</sup> Beyond the examples cited, and behind the figures and statistics, are compelling stories of people deprived of their right to work or to access and share information about their communities and

---

<sup>17</sup> [https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&tyPeOfDeath%5B%5D=Murder&start\\_year=1992&end\\_year=2020&group\\_by=year](https://cpj.org/data/killed/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&tyPeOfDeath%5B%5D=Murder&start_year=1992&end_year=2020&group_by=year)

<sup>18</sup> CPJ special report. "Getting Away With Murder." <https://cpj.org/reports/2019/10/getting-away-with-murder-killed-justice/>

<sup>19</sup> CPJ blog. "How the Saudis may have spied on Jamal Khashoggi" <https://cpj.org/blog/2018/10/how-the-saudis-may-have-spied-on-jamal-khashoggi.php>

<sup>20</sup> CPJ blog. "Amicus briefs support CPJ's appeal in Khashoggi lawsuit." <https://cpj.org/2020/07/amicus-briefs-support-cpjs-appeal-in-khashoggi-lawsuit/>

<sup>21</sup> *The Hill*. "Saudi regime's brazen disregard for human rights a pattern that must be stopped." <https://thehill.com/opinion/international/481012-saudi-regimes-brazen-disregard-for-human-rights-a-pattern-that-must-be>

<sup>22</sup> For additional cases, the One Free Press Coalition maintains a monthly list of the 10 most urgent cases: <https://www.onefreepresscoalition.com/list>

countries. Attacks on journalists are attacks on civil society and the open public square that citizens depend upon to exchange information, stay updated, and mobilize when necessary.

We are grateful that so many members of Congress are active on press freedom, and are willing to speak out in defense of journalists under threat. But given the severity of the threats against the press, more must be done. We make the following general recommendations to Congress:

- Commit to not attacking news media for critical coverage, and refrain from using the terms false or fake news;
- Speak publicly about the importance of a free and independent press to democracy;
- Issue public statements on cases of imprisoned and killed journalists, and political and legal attempts by governments to restrict press freedom;
- Include press freedom violations, including cases of imprisoned and killed journalists, in human rights measures moving through Congress;
- At the outset of 2021, work with members and staff of the subcommittees of the Committee on Foreign Affairs to hold a series of hearings on the unique regional and country-specific threats to press freedom, and what the U.S. can do to reverse violations;
- Support efforts to strengthen State Department support for press freedom, including urging U.S. embassies to apply maximum pressure on governments to release imprisoned journalists, ensure justice in the cases of murdered journalists, and reform any laws or practices that infringe on the rights of journalists;<sup>23</sup>
- Ensure that the State Department supports journalists who are forced, because of credible threats to their lives, to flee their countries, and move to ensure the U.S. government provides emergency visas or asylum for persecuted journalists;<sup>24</sup>
- Ensure the independence of U.S. government-funded media, including Voice of America, Radio Free Asia, and Radio Free Europe/Radio Liberty;
- Where possible, use federal government authority to ensure attacks against journalists in the U.S. are tracked, and accountability is sought;
- Ensure robust federal compliance with the Freedom of Information Act, which is a key avenue for the press to gain information on government activities;
- Move to consider a legal framework to regulate the sale and export of technologies from the U.S. that can be used to spy on journalists.

Thank you again for holding this important hearing, and for inviting the Committee to Protect Journalists to testify before you.

Thank you.

---

<sup>23</sup> <https://cpj.org/restoring-u-s-press-freedom-leadership-biden/>

<sup>24</sup> CPJ blog. "CPJ joins call for new emergency visa regulations to protect journalists fleeing threats." <https://cpj.org/2020/11/cpj-joins-call-for-new-emergency-visa-regulations-to-protect-journalists-fleeing-threats/>