



Innovative Media for Change

Opportunities and Challenges of Media Collaboration in Transitional Justice

Julia Viebach, Leila Ullrich, Matilde Gawronski, and Carolyn Hoyle

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Abbreviations |

AHRC	Arts and Humanities Research Council
BIRN	Balkan Investigative Reporting Network
ESRC	Economic and Social Research Council
FH	Fondation Hironnelle
FPU	Free Press Unlimited
HRW	Human Rights Watch
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTs	International Criminal Trials
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFJ	International Federation of Journalists
FY	Former Yugoslavia
IJNet	International Journalists' Network
IWPR	Institute for War and Peace Reporting
KE	knowledge exchange
NGO	non-governmental organisation
OTJR	Oxford Transitional Justice Research
PI	People's Intelligence
RJ	restorative justice
SCSL	Special Court for Sierra Leone
TJ	transitional justice
TRC	Truth and Reconciliation Commission

| Glossary of Key Terms

citizen journalist public citizen who is actively involved in the process of collecting, reporting, analysing, and disseminating information.

media communication channels through which news, entertainment, education, or promotional messages are disseminated.

new media means of mass communication using digital technologies. It usually contains interactive user feedback and creative participation. Examples include mobile phone apps, media online platforms, and crowdsourcing.

social media online communication channels dedicated to community-based input, content sharing, and collaboration, enabling users to participate in social networking. Examples include Twitter and Facebook.

traditional media conventional form of print, analogue, and digital media. Examples include newspapers, radio, and television.

transitional justice full range of processes and mechanisms associated with a society's attempts to address the legacies of human rights violations, mass violence, and authoritarian rule in order to ensure accountability, justice, and reconciliation. Measures include judicial and non-judicial mechanisms such as trials, reparations, truth-telling, amnesties, institutional reform, memorialisation, or a combination thereof.

verification the process of identification of the content (the 'what', 'who', 'when', and 'how') and the metadata (for example, the original digital source, time and geo-location of recording) of a piece of digital information. This identification is usually done by cross-referencing the available information with other available sources.

Foreword |

Nearly a year ago, in June 2015, my colleagues from Fondation Hirondelle and I were at the University of Oxford for a two day workshop on *Innovative Media for Change*, with our partner [Oxford Transitional Justice Research](#) (OTJR) and the [Oxford Centre for Criminology](#). We were thrilled by the event for several reasons.

The first reason is related to an old saying attributed to Lord Hewart: ‘Not only must Justice be done, it must also be seen to be done’. This has never been so true as it is today with the development of justice without borders. Let us remember the Pinochet case in 1998, in which a Spanish judge indicted a former Chilean dictator who was on British soil. Whether be it the principle of universal jurisdiction, as in that case, or the way international justice is working, justice must not only be done, but also closely monitored and analysed for audiences that may be thousands of kilometres apart from each other and often far from the place where the judicial proceedings are happening. Ever since the Pinochet case, this justice without borders has continued to develop, boosted by the development of electronic media and social networks.

Hence the extraordinary importance of the media and academics to report and analyse both judicial news linked to mass human rights abuses and reconciliation processes that are put in place. Our conviction is based on the need to bring together the right to justice and the right to information. Media have a key role to play, given the extent to which for better or for worse they forge public perceptions. Media can inform, but they can also deform public opinion.

Indeed, Fondation Hirondelle was founded as a reaction against hate media in Rwanda which incited and encouraged genocide perpetrators to kill during those terrible weeks of 1994. The aim of Fondation Hirondelle is to provide professional, balanced, impartial news and information and,

thanks notably to OTJR, enrich it with research, analysis, and opinion pieces by academics and transitional justice practitioners from all horizons.

The second reason we were thrilled to collaborate with OTJR and the Oxford Centre for Criminology was to launch, with our partner OTJR, the first French and English online media dedicated to transitional justice issues: JusticeInfo.net. Our challenge was to bring together in a single platform international news and information on transitional justice and high-level academic analyses, accessible to very different audiences – victims' groups, lawyers, media, people interested in transition societies, academics, diplomats, and those in the political sphere.

We also wanted JusticeInfo.net to be independent. For, given the emotionally-charged legal and ethical issues concerned, it seemed to us essential to maintain a healthy distance from the tribunals and other justice mechanisms – which are also subject to pressure in conflict or divided societies – without nevertheless resorting to radical ideological criticism.

Nearly a year after the launch of our partnership with OTJR, JusticeInfo.net is meeting the challenge. Thousands of people in America, Africa, Asia, and Europe read the website, and JusticeInfo.net articles are republished by various online and print media. But we hope this is only the beginning of a story that started, in June 2015, with a workshop in Oxford.

Pierre Hazan

Editorial Advisor, JusticeInfo.net

Introduction |

Background to the report

This report is the result of a two day *Innovative Media for Change* interactive workshop held in June 2015 at the University of Oxford, hosted by [Oxford Transitional Justice Research](#) (OTJR) in conjunction with the [Oxford Centre for Criminology](#) and the Swiss NGO [Fondation Hirondelle](#) (FH). *Innovative Media for Change* was generously funded by the ESRC ‘kick-start’ Impact Acceleration Account scheme.¹ The workshop brought together academics, transitional justice (TJ) practitioners, journalists, and representatives of new media and social media initiatives in order to:

1. initiate a long-overdue discussion on pathways to impact through partnership between academia, TJ practice, and the media;
2. gain knowledge on the role of the media in TJ contexts; and
3. raise awareness of the online media platform JusticeInfo.net and discuss its potential in informing TJ practices.

Between 2013 and 2015, OTJR and FH developed a collaborative project, the innovative multimedia online platform JusticeInfo.net that went online in June 2015 and was launched at the workshop *Innovative Media for Change*.

JusticeInfo.net draws together the expertise of academics and journalists in the field of transitional justice in order to more effectively inform policy-making and practice. In doing so, it combines real-time journalistic coverage, policy advice, and academic analysis of TJ processes, globally.

¹ We would also like to thank the Planethood Foundation for its ongoing financial support for OTJR activities, the Faculty of Law and the Centre for Criminology for their administrative support, and the Leverhulme Trust Fund. Thanks also to Talita Dias and Daniel Franchini for drafting summaries of the plenary sessions. Last, but not least, we would like to thank the many workshop rapporteurs, who drafted summaries of the working group discussions: Elena Butti, Rachel Rawana, Claire Vergerio, Isabel Ebert, Jessie Hronesova, Julia Liebermann, Vincent Druliolle, Yuna Han, Ndjodi Ndeunyema, and Tijana Stolic.

[JusticeInfo.net](#) functions as a resource for the general public, local media, and policy makers and practitioners, helping them to engage with and tailor justice initiatives to meet both local needs and the constraints of political decision making. OTJR delivers rigorous [academic analysis](#) of ongoing TJ processes, while FH covers the journalistic reporting of the online platform. [JusticeInfo.net](#) is a unique collaborative project that is a result of a previous ESRC funded Knowledge Exchange project on ‘[Ways of Knowing Atrocity](#)’ that was run by OTJR, King’s College London, Swisspeace, and the Oxford Centre for Criminology.

This collaboration led to an in-depth discussion about the role of media in TJ processes and the mechanism for furthering knowledge exchange between the media, TJ practice, and academia.

Aims and overview

This report intends to be a repository for TJ practitioners, journalists, non-governmental organisations, and researchers. It aims to further discussion between and within these professions concerning the role of the media in transition contexts. It raises questions that need to be addressed when designing media interventions in transition contexts and when collaborating with local, national, and international TJ and media actors. Although the sections ‘The Role of Media in Transitional Justice’ and ‘Knowledge Exchange in Difficult Settings’ make recommendations, we do not want to suggest a ‘one size fits all’ approach that would fundamentally neglect the complexity not only of transition contexts, but also of the varying relationships between the media and transitional justice more specifically. Therefore, this report should be read as a first attempt to map the diverse experiences, challenges, and complexities that emerge when the varied roles of media meet TJ processes.

The report is divided in three sections. The first section, ‘Workshop Summaries’, provides precises of the panel presentations and discussions of the working group sessions and frames these in broader TJ terms such as truth, punitive justice, and victim-centred approaches. The second section, ‘The Role of Media in Transitional Justice’, outlines and discusses key challenges of media in transitional justice and develops a preliminary

typology of media roles in transition contexts. This section also develops recommendations on how to navigate the different roles of the media in transitional justice in order to achieve balanced reporting that does justice to the complexity and diversity of TJ experiences. The third part, ‘Knowledge Exchange in Difficult Settings’, formulates ideas and key challenges around knowledge exchange between the media, TJ practice, and academic research. In doing so, it draws together the vibrant discussions of the workshop and provides some initial reflections on furthering the conversation and collaboration between these different professions. It concludes with recommendations for transitional justice, media, and academia on measures to be taken in order to better understand the constraints of knowledge exchange in transition contexts.

The results presented here are drawn from the presentations during the plenary sessions and discussions at the interactive break-out sessions, filtered by analysis from the report authors. The different parts of the report highlight contested areas as well as points that were agreed upon. The recommendations were formulated by the authors after a rigorous analysis of the workshop material and further consultations with workshop participants. Unless otherwise indicated, points made refer to speakers (particularly regarding the workshop summaries), workshop discussants, or additional literature on the topic. The views expressed herein therefore do not necessarily represent the views of the Oxford Centre for Criminology, of Oxford Transitional Justice Research, or of Fondation Hirondelle.

All the workshop panels can be accessed as video on our YouTube channel and in audio format in the OTJR podcast series. Please visit the Oxford Transitional Justice Research website for more information.

A knowledge gap

Innovative Media for Change aimed to fill an important knowledge gap in the research and practice of media in TJ processes. It asked what role media play in TJ processes and what particular role it plays at different stages of transitional justice; as, for instance, in the early stages of the current transition in Colombia. While scholarship and practice at present have failed to comprehensively address these questions, there have been important stud-

ies on the role media have played during violent conflict and human rights violations, globally. For example, we have profound insights into the many ways in which the media, particularly radio, newspapers, and television, have manipulated, legitimized, and incited the use of violence in Rwanda, the former Yugoslavia (FY), and other arenas of mass atrocity and genocide. However, we still know little about the role that media can play in dealing with the legacy of gross human rights violations, particularly in divided societies. *Innovative Media for Change* thus interrogated the media landscape of ongoing TJ settings to analyse the role media played during the conflict and the ways its reporting can either further polarize or build bridges between divided societies. In addition, there is a knowledge gap at present about the relationship of the media to formalized TJ mechanisms and the role it plays within their institutional structures and practices. *Innovative Media for Change* took this lacuna as a starting point to look specifically into the role of media in the practice of fact-finding at international criminal trials and the challenges that arise when two different professional fields overlap, in an attempt to report on and build an evidentiary foundation for human rights violations. It also explored the role of different media outlets in institutional outreach of Criminal Tribunals in different transition contexts such as Sierra Leone and Uganda. *Innovative Media for Change* therefore explored different formalised TJ measures such as international criminal tribunals and truth and reconciliation commissions and their relationship with media.

The potential and pitfalls of new media

At present, we are witnessing an acceleration and proliferation of information through social media outlets and websites dedicated to the reporting of ongoing TJ processes. This new media has come to play an important role at least in areas where internet access is available. Beyond the more common opportunities offered by Twitter, Facebook, YouTube, and other similar platforms, some more TJ-specific new media outlets have also emerged. One of these is the recently launched online platform [Justice-Info.net](#), which at present is in a developmental stage. Other new media outlets that have emerged include [People's Intelligence](#) (PI), [eyeWitness](#),

and other mobile apps designed to help ordinary people to collect evidence on human rights abuses. New media therefore provides opportunities for people affected by human rights violations to actively demand a right to information and to effectively exercise their right to freedom of expression. In particular, social and new media can empower people to feed information they regard as worthy of reporting into a national or even international media agenda. Ordinary people can thus become citizen journalists who can potentially shape TJ processes and even produce evidence for international criminal trials (ICTs). Yet, new technologies also bring new risks: citizen journalists often take personal risks they may not always understand when reporting about human rights abuses. The power of social media can also be misused to produce hate speech, which can result in further polarization within divided societies. New media has also come to the forefront in human rights advocacy, where it can be used to promote human rights awareness, lobby for particular TJ measures, or to make information about abuses publicly available. Against this backdrop, *Innovative Media for Change* critically discussed how media is related to, and different from, human rights advocacy. It concluded that the role of media as ‘witness to human rights violations’ is fraught with tensions and lack of security for the people involved such as citizen journalists. Moreover, it critically assessed both the potential and pitfalls of these new technologies in the local and global media landscape. Discussions concluded that a better understanding of the potential and pitfalls of new media is crucial for using innovative media to bring about positive changes in transitional justice.

Bridging professions through collaboration

Innovative Media for Change also explored the relationship between media, academics, and TJ practitioners. This objective was rooted in the observation that these professional fields are in need of an in-depth exchange of knowledge and experience. We strongly believe that a better understanding of the challenges, roles, and limitations of these different fields can foster effective and sustainable cooperation between them. Such cooperation can make an important contribution to TJ decision-making – in the

medium to long term – by providing affected communities and politicians with reliable information and analysis of TJ needs, perceptions, and processes. We hope that the results of this workshop serve as a starting point for further exchange and discussion between these actors in transitional justice. All exchange, however, starts with communication through language. Therefore, it is first necessary to know the meaning of terms used and agree on a mutual understanding. We need to consider what we really mean when talking about ‘the media’, ‘the transition’, or ‘the victim’. Often-times, different languages can prevent meaningful exchange from leading to tangible results. This workshop was a first attempt to communicate about and with each other. We would like to thank all participants for their meaningful contributions, the sharing of ideas, concerns and in particular for looking to the future with us in order to bring about *Innovative Media for Change*.

The Role of Media in Transitional Justice

Introduction

Transitional justice practice and scholarship has paid little attention to the role that media plays in transition contexts.¹ In established democracies, media can play the role of a ‘watchdog’, among others, and democratize and pluralize public debates. Mass media is used here as an open channel of communication to the wider public. In transition contexts, however, the role of media is more complex, contested, and potentially more dangerous. In fact, as workshop discussions revealed, media is often fragmented and polarized itself, mirroring pre- and post- conflict social divisions. The acceleration and proliferation of social media adds further complexity: social media can empower people to become independent citizen journalists,² but at the same time, because of its ‘free nature’, it does not guarantee and guide the production and re-production of information on the basis of accepted journalistic principles and best practice. Generally, as described below, media can exercise multiple functions in transition contexts that come with many challenges which may affect their practice.

This section first reflects on media in TJ more generally, before drawing out several key challenges that media meets in transition contexts. It will then develop a preliminary typology of different roles media can play in transitional justice. In a final step, this section collates some recommendations aimed at media, TJ practitioners, and academia.

Media in transitional justice

Media has the potential to ‘provide a safe battleground to help transform destructive conflicts into non-destructive debates’³ and to put transitional justice themes on the public agenda. For instance, in Spain the media

1 Lisa Laplante & Kelly Phericie (2009), ‘Mediating post-conflict dialogue: the role of media in transitional justice processes’, *Marquette Law Review* 93:251–81; Nicole Stremlau & Monroe E. Price (2012), ‘Media in transitional justice’, *International Journal of Communication* 6:177–99. See also the online debate of The International Centre for Transitional Justice ‘The role of media in transitional justice’, <https://www.ictj.org/news/debate-role-media-transitional-justice>, 30 April 2014.

2 See further Institute for War and Peace Reporting, video clip ‘The Role of Social Media in Transitional Justice’, <http://wezank.com/portfolio/role-social-media-transitional-justice/>.

3 United Nations Educational, Scientific and Cultural Organization, UNESCO (2014): Report ‘Media and Conflict Prevention’.

played a crucial role in breaking the '*pacto del olvido*' following the state atrocities committed under the Franco regime. Spanish media challenged the silence surrounding these atrocities, which in turn led to the exhumations of mass graves and a public debate about these events.¹ This exemplifies that media can play an important role in facilitating public debate and deliberation on difficult truths about a collective past.²

The media's framing of events can also determine the parameters for interpreting TJ measures and their key aims, including 'justice', 'reconciliation', and 'truth'. For example, the South African Truth and Reconciliation Commission (TRC) (1995–2002) enjoyed broad media coverage which made the quest for a mutual understanding of the past a truly societal event, but at the same time also influenced public opinion about the work of the TRC.³ Likewise, the media portrayal of the trial of Milošević at the ICTY (2002) had a great impact upon public opinion in Serbia. As discussed in one of the panels, Milošević instrumentalized the media to depict himself as an innocent hero of the war and to dismiss the ICTY's work as mere 'victor's justice'.⁴ As these examples illustrate, the media has the power to shape but also to distort and manipulate public perceptions of what justice, truth, and reconciliation mean in transition contexts. The media's use of language can either promote or mitigate polarization in divided, transitional societies. For example, the way that events are depicted during conflict can easily dehumanize or glorify certain societal groups or give credibility to dichotomous labelling of 'perpetrators' and 'victims' which, in turn, shapes identity formation and perceptions of

1 Madeleine Davis (2005), 'Is Spain recovering its memory? Breaking the *pacto del olvido*', *Human Rights Quarterly* 27:858,873–74.

2 Laplante & Phericie 2012, 267.

3 See further South African TRC Report, Vol. 1, 108–10. Also, Paul Gready (2013), *The Era of Transitional Justice: The Aftermath of the South Africa Truth and Reconciliation Commission and Beyond*, New York, NY: Routledge Series of Transitional Justice.

4 See further Payam Akhavan (2001), 'Beyond impunity: can international criminal justice prevent atrocities?', *American Journal of International Law* 95(1):7–31; also Jelena Tosic (2007), 'Transparent broadcast? The reception of Milošević's trial in Serbia', in Marie-Bénédicte Dembour & Tobias Kelly (eds.), *Paths to International Justice: Social and Legal Perspectives* 83, 90, 94.

victimhood.¹ The way in which media represents information, events, and TJ mechanisms can either promote or hinder reconciliation and justice processes.

Media can also function as a ‘watchdog’ for TJ mechanisms by critically assessing their role and impact in the societies concerned. In other words, media has the potential to be an intermediary between the public and TJ institutions. This is particularly true in light of the proliferation of new media channels, including social media, grassroots communication, and multimedia platforms, that enable direct communication to and from society.

Against this backdrop, it seems crucial firstly to draw out some of the key challenges faced by media in transitional justice and, secondly, to break down the different and often overlapping roles that media can play in transition contexts. In doing so, *Innovative Media for Change* is a starting point for further reflection and analysis of this emerging and important new field of research and practice in transitional justice.

Key challenges

The *Innovative Media for Change* workshop identified several challenges for the role and identity of media in TJ processes that relate new key developments in the global media landscape. These challenges are centered on (a) new technologies, and (b) balancing different rights.

A. *New technologies*

Many workshop participants drew a sharp distinction between ‘traditional’ and ‘new’ media in discussing their role in TJ processes. The idea of ‘old journalism’ – the impartial reporter – was contrasted with the plurality of uncontrolled discourses, generated by social media and other types of new media. The advent of social media has challenged the traditional role of the journalist as the exclusive disseminator and evaluator of information.

1 See also Kieran McEvoy & Kirsten McConnachie (2012), ‘Victimology in transitional justice: victimhood, innocence and hierarchy’, *Journal of Criminology* 9(5):527–38; Tristan Anne Borer (2003), ‘A taxonomy of victims and perpetrators: human rights and reconciliation in South Africa’, *Human Rights Quarterly* 25(4):1088–116.

This shift in the media landscape has revolutionized access to information, but has also created new distortions. In many transitional societies, traditional media is in the hands of a few strong economic and political groups promoting their interests and hegemonic discourses. For example, in the wake of the conflict in FY, the media was widely used as a propaganda tool by conflict parties and journalists were perceived as ‘servants of the state’. In a similar vein, the discussion on media in Colombia, for example, revealed that the most powerful media outlets are often controlled by political and societal elites that pursue their own agendas through them. By breaking journalists’ monopoly over public debate, social media has democratized information and analysis. But participation in social media is limited to those who have access to the necessary technology. Yet many of the people affected by conflict and human rights violations come from the lower socio-economic strata of society and have limited or no access to the internet. Traditional media outlets such as radio stations are usually more important sources of information for marginalized groups, such as victims of human rights violations.

B. *Balancing the right to freedom of expression and the right of freedom from discrimination*

The shift in information power goes hand in hand with a new type of journalist: the citizen journalist. While professional journalists are bound to evidentiary standards, such as using multiple sources and fact-checking the veracity of sources, citizen journalists simply exercise their right of freedom of expression and their right to information through social media, and cannot be held accountable to professional and ethical standards. Yet, particularly in conflict and transitional countries, journalistic impartiality and commitment to reporting the truth is essential not only to prevent conflict escalation through one-sided media reports, but also to ensure people’s security.

According to Leon Willems, the Director of Free Press Unlimited, the emergence of citizen journalists and their ability to bring news of events online quickly has made obsolete the prerogative of traditional journalists to bring the news first. This in turn warrants and necessitates deep thinking about the function and role of professional journalism. One important

question concerns how traditional journalists should engage with citizen journalists and social media discourse. Marija Ristić gave the example of her organization the Balkan Investigative Reporting Network, which runs a media platform with a public commentary section. Whenever a TJ topic is posted, the debate often blurs into hate speech. The discussion turns to who committed a crime and what is a lie. There is, therefore, a constant editorial struggle between facilitating a debate and involving as many people as possible on the one hand, and deleting comments that could amount to ‘hate speech’ on the other. These developments raise the question of how we should balance the right to freedom of expression and the right to freedom from discrimination.

A typology of media roles in transitional justice

The discussions of the workshop shed light on the vastly different roles that media can play in TJ processes. This section develops ideas around a typology of key roles media can play in transition contexts: (a) the media as victim, (b) the media as perpetrator, (c) the media as witness, (d) the media as truth-finder, and (e) the media as activist.

A. *The media as victim*

The polarized social environment in which TJ processes or peace negotiations unfold makes every journalistic report liable to heavy criticism and contestation. Many journalists also face threats to their security due to their reporting. The 2015 report of the International Federation for Journalists (IFJ) counts 109 journalists and media staff killed across 30 countries.¹ In Kenya, for example, the ICC has even been referred to as a ‘silent killer’, as journalists reporting on its cases in Kenya have allegedly been killed due to their ICC association.² In 2013 in transitional Egypt, three Al Jazeera journalists were arrested and initially sentenced to up to 10 years imprisonment for allegedly ‘spreading false news’, giving rise to

1 International Federation of Journalists Report, 2015.

2 The Hague Trials Kenya, ‘ICC: A silent killer in Kenya’, 11 May 2015: <http://america.aljazeera.com/articles/2015/8/24/kenyas-dark-path-to-justice.html>.

Al Jazeera's 'Journalism is Not a Crime' campaign.¹ Journalists have often endured conflict and violence themselves. This experience may make unbiased reporting in the aftermath of human rights violations difficult and prone to a one-sided view by journalists themselves regarding past abuses and official attempts to right the wrongs of the past.² For instance, this problem occurred during the media coverage of the Liberian Truth and Reconciliation Commission, despite formal training in transitional justice received by journalists covering the events. According to a review of the Liberian TRC media coverage, it was hard to tell when a story was news or opinion.³ Journalists who have been victimized during conflict are more prone to play an activist role in promoting particular views on TJ measures or to lobby for certain victim groups. To that end, bringing knowledge into the open about the way in which media was victimized and threatened during the conflict is a crucial step towards enabling media to reflexively acknowledge the need to contextualize and evaluate journalistic reports, despite the trauma experienced.

B. *The media as perpetrator*

The next question concerns whether new media, such as social media, is more conducive to hate speech and conflict instigation than traditional media due to its speed, its reach, and the sense of anonymity prevalent among its users. For example, Iginio Gagliardone and his team have tracked online debates in Kenya and Ethiopia, analysing to what extent social media users could become 'potential perpetrators' by stirring violence through 'hate speech'. Of course, media was a tool or even a party to conflict long before the advent of social media. The radio, for example, played an important role in inciting violence in the lead-up to the Rwandan genocide in 1994 and the Kenyan election violence in 2007–8. In addition, in her presentation on the conflict in Somalia, Nicole Stremlau explained

1 <http://www.journalismisnotacrime.com/en/>; see also Al Jazeera Stream, 'Journalism is not a crime'; Al Jazeera, 'On the record: Journalism is not a crime', 6 April 2014.

2 See further Laplante & Phericie 2012, 280.

3 Lawrence Randall & Cosmer Pulano Jr (2008), 'Transitional justice reporting audit: a review of media coverage of the truth and reconciliation process in Liberia', Liberia: Liberia Media Centre.

how traditional media such as radio stations, newspapers, and satellite television networks were central to the waging of war and used by warlords to cement control over territory. When it emerges that media has acted as direct or indirect perpetrator of crimes, it should be held accountable for its actions. The ICTR, in its ‘media case’ charged Rwandan Radio Mille Collines and the newspaper *Kangura* with incitement to genocide.¹ Too often, however, media is not held to account for its role in conflict: for instance the ICTY missed the chance to try national media that was instrumental to spreading and legitimizing violence in FY. Generally, media in TJ does not exist in a vacuum, but inherits the role it played during the conflict. It is not uncommon in transition contexts for media outlets to be associated with partisan political parties and local powers. This clearly undermines their post-conflict independence and may potentially affect their ability to analyse objectively the facts of the past and thus to contribute neutrally to the building of the future.² It is therefore crucial to comprehensively reform the post-conflict media sector by enacting new media laws and guidelines, so that the role played by the media during conflict may be identified and reframed or adapted (at times even erased) to the needs of a post-conflict context.

C. *The media as witness*

When thinking about the role of the media in transitional justice, the first image that typically comes to mind is not that of media as victim or perpetrator but rather that of media as witness. Traditionally, a journalist’s role in conflict is to witness and report on unfolding events such as mass crimes. This also means that sometimes the journalist may become a witness in the legal sense. In FY, journalistic reports and photos of unfolding crimes caused international outrage and thereby paved the path for the

1 On the role of media in the Rwandan genocide see further Allan Thompson (ed.) (2007), *The Media and the Rwanda Genocide*, London: Pluto Press.

2 Monroe E. Price (2000), ‘Restructuring the media in post-conflict societies: four perspectives: the experience of intergovernmental and non-governmental organizations’, 2 *Cardozo Online Journal of Conflict Resolution*, (1)31, 3.

establishment of the ICTY.¹ Yet, once trials began, journalists were also called to testify as witnesses before the ICTY. This raised certain questions.² Should war correspondents be compelled to testify before courts or does that undermine the perception of their impartiality and put them under risk? Should they collect evidence in a way that ensures its admissibility in court or does that interfere with their journalistic responsibility of informing the public of unfolding events? These questions become even more complex when taking into account the development of new apps such as [eyeWitness](#) that enable citizen journalists or accidental witnesses to transform what they witness into evidence that is admissible in court. Yet Leon Willems and Christopher Billen cautioned that this new technology is no silver bullet: it is difficult to fully eliminate the security risks involved in the recording of evidence of war crimes. In fact, there is an inherent danger that people will take risks which they do not fully understand in order to collect evidence with apps that may actually have little value for future court proceedings, if there are any proceedings at all. And, while courts recognize ‘journalistic privilege’ – whereby professional journalists generally (though not absolutely) cannot be compelled to testify in court – it is not clear whether the same privileges will be extended to citizen journalists. As becomes clear, the role of media as witness is fraught with tensions and uncertainty concerning the verification of data collected and the risks associated with being citizen journalists, who lack protection

1 Ed Vullyami of *The Guardian* and others reportedly were the first Western journalists who discovered the existence of concentration camps in FY. One of the videos they provided (ITN Channel and *The Guardian*) which was also used by ICTY as evidence was <https://www.youtube.com/watch?v=w6-ZDvwPvk8>. See also <http://www.theguardian.com/world/1992/aug/07/warcrimes.edvullyami>, which Vullyami wrote in 1997 and ‘provides the first eyewitness account in a British newspaper of the starvation and human rights abuses being inflicted on the captives’; <http://www.independent.co.uk/news/world/the-bosnia-crisis-sight-that-shook-the-world-it-was-these-emaciated-ribs-filmed-in-a-serb-camp-that-1539303.html>; and <http://www.theguardian.com/media/2000/mar/15/pressandpublishing.tvnews> (in this article Vullyami refers to the claim that he and his colleagues had ‘fabricated’ their footage); http://shorensteincenter.org/wp-content/uploads/2012/03/1994_01_gowing.pdf (this other article claims, however, that TJ reporting in conflict does not trigger ‘action’). For an assessment of the impact of the ICTY see Janine Natalya Clark (2014), *International Trials and Reconciliation: Assessing the Impact of the International Criminal Tribunal for the former Yugoslavia*, Oxon: Routledge.

2 See further <http://nimanreports.org/articles/consequences-occur-when-reporters-testify/>

and knowledge of the risks undertaken. This, in turn, can lead to victimization of those journalists.

D. *The media as truth-teller*

Many journalists and media NGOs such as Fondation Hirondelle and FPU promote the idea of ‘impartial journalism’: they only report ‘the facts’ and are committed to ‘uncovering the truth’. Yet a unitary and untested ‘truth’ is a notable absentee of complex post-conflict settings, as, for instance, in Colombia, the site of a fifty-year long multi-party conflict. How can the media then do justice to conflicting versions of ‘the truth’ and to the diversity of voices and opinions emanating from conflict and post-conflict scenarios? What role can professional versus citizen journalists play in truth-finding? To that end, journalistic standards and guidelines on TJ reporting may help to mitigate the pitfalls of ‘truth-telling’. The International Journalist Network (IJNet) states on its website ‘We have an obligation to report on the conflict fairly and in a balanced way. We must make every effort to report the complexities and opinions of all factions and sub-factions in a conflict. We should always make our own allegiances clear. As journalists, we must let the reader know where we stand if we are on any one side.’ This ‘duty to report fairly’¹ is a fruitful starting point for media in transition contexts to reach a balanced view on accounts of the conflict and ongoing TJ measures. Even if the search for a single ‘truth’ and one overarching narrative of the conflict is almost impossible, the media can mediate diverse accounts of the past by reporting fairly and transparently. The workshop considered that the traditional journalist may find a new role in the ‘duty to report fairly’: he or she can help to analyse, contextualize, and deconstruct the different and sometimes divisive narratives promoted by both conflict parties and social media channels. A balance between new and old media where citizen journalists democratize access to information and professional journalists add analysis and context may help people to navigate an uncontrollable flow of information and help to apply ethical standards of truth-reporting.

1 Institute of War and Peace Reporting, *Guidelines for Peace Reporting*, published on IJNet website, 2008: <http://ijnet.org/en/blog/guidelines-peace-reporting>.

E. *The media as activist*

Innovative Media for Change discussions revealed that the media often fails to produce a nuanced account of TJ processes, thereby exacerbating existing political and social tensions instead of critically examining them. For example, powerful actors in divided societies often invoke the ‘terrorism discourse’, which media picks up on. For instance, during the human rights trial of Peru’s former president Alberto Fujimori the national media in Peru was sympathetic to its former president, distorted information about the trial, and framed the legal process in sensational terms.¹ In addition, in post-conflict situations media often represents communities using generalizing and divisive categories, such as ethnicity or religion, instead of drawing on their common experiences of suffering and war. *Innovative Media for Change* discussions made the case for a more balanced relationship between media and advocacy on the basis of the professional journalistic mandate. It was argued, for example, that when reporting about militant organizations or governmental military forces it remains important for journalists to report objectively and not become a voice for their agendas. By the same token, journalists should not be linked to advocacy groups, including TJ advocacy groups, to preserve their ‘neutral reporter’ role. In a more positive way, however, the media can contribute to ‘victim-centred approaches’ by recording grassroots testimonies, by covering needs expressed, and by putting these on the public agenda. This form of ‘media activism’ can facilitate voices that cannot speak for themselves and at the same time translate information and ‘bring it in’ so that this may be used and acted upon by grassroots and victims’ organizations. However, regardless of the nature of the link between journalists and TJ actors, biased reporting damages the potential for collaboration on the ground since people will not provide information if media is perceived to advocate a certain point of view.

1 See further Lisa Laplante ‘Media and transitional justice: a complex, understudied relationship’ in ICTJ online debate, 14 May 2014: <https://www.ictj.org/debate/article/media-and-transitional-justice-complex-understudied-relationship>.

Recommendations

Innovative Media for Change is a starting point for further reflection and thorough academic research into the various roles the media can play in transition contexts. As the workshop revealed, it is paramount to share experiences and exchange knowledge gained in different transition contexts in order to bring this issue forward. New and traditional media are both susceptible to manipulation and bias in different ways, but a better cooperation between media, practice, and academia can be a fruitful way to maximize their informational and analytical roles while reducing their divisive potential. The following recommendations have been developed:

- A redefined and expanded typology of media's roles in transition contexts is crucial to design better media interventions and to foster partnerships between TJ institutions and media.
- The media should rely on journalistic principles and report about TJ as objectively as possible in order to gain trust not only from the public but also from TJ institutions. To that end, the development of international guidelines and best practices is recommended.
- TJ institutions, academics, and the public at large should hold to account media actors who incite violence: 'media vetting' and media reforms in these contexts would be a first important step in that direction.
- TJ scholarship needs to do a greater amount of rigorous research on the role of media in transitional justice. To that end, continued knowledge exchange through a three-way dialogue between TJ practice, media, and academia would be fruitful.
- Any best practice guidelines developed to guide the relationship between the media and TJ mechanisms should be based on an understanding of the role, capabilities, and limits of traditional as well as new media and citizen journalism in these processes.

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About OTJR

[Oxford Transitional Justice Research](#) is an interdisciplinary network of academics and students working on issues of transition in societies recovering from conflict and/or repressive rule. Founded in 2007, it is now a large and diverse academic community conducting research in this field. OTJR is dedicated to producing high quality scholarship that connects intimately to practical and policy questions in transitional justice, including research with the following themes: domestic and international prosecutions, institutional reform and the rule of law, truth commissions, reparations, amnesty processes, memorialisation, and other emerging topics.

About Fondation Hironnelle

[Fondation Hironnelle](#) is a Swiss non-governmental organization of journalists and humanitarian aid professionals. Since 1995, it has been creating or supporting independent, civic-minded news media in conflict, post-conflict and crisis zones. FH works to create or support sustainable media that can run themselves without further help from FH or international aid donors. To this end it also develops media management, advertising, and revenue-generating structures which can help ensure the financial and institutional independence of its media in the longer term.

This report is the result of the two day Innovative Media for Change interactive workshop held in June 2015 at the University of Oxford and is intended for transitional justice practitioners, journalists, non-governmental organisations, and researchers. Summarizing the workshop sessions and drawing recommendations from them, it aims to further discussion between and within these professions concerning the role of media in transition contexts. It raises questions that need to be addressed when designing media interventions in transition contexts and when collaborating with local, national, and international transitional justice and media actors.

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