

Public Awareness of Human Rights: Distortions in the Mass Media

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Abstract. The mass media decisively shape global perceptions about human rights, yet fail to reflect the realities of global violations. Situations of egregious abuse are often overshadowed by those which receive attention for reasons extraneous to any specific concern for human rights. Distortions in established media sources arise not necessarily from deliberate misrepresentation, but from the inevitable disparities that arise when human rights abuses are reported as by-products of military, economic, or other interests. This study examines day-by-day coverage of global human rights, during the three-month period from October to December 2006, in two American and two British broadsheets: *The New York Times*, *The Wall Street Journal*, *The Guardian* and *The Financial Times*. The aim is to understand the kinds of factors which, albeit tangential to violations of fundamental human rights, nevertheless influence both the quantity and the quality of reporting. While various editorial pressures, such as the need to focus on topical stories, are not denied, it is argued that the news media must make greater efforts to achieve proportionality between the gravity of human rights situations and the degree of coverage those situations receive.

Keywords: Afghanistan, China, Darfur, Democratic Republic of Congo, Iraq, Israel, Japan, Human Rights, International Law, Journalism, Media, Terrorism

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0. Introduction

Have millions of lives destroyed in Congo received coverage comparable to the media spotlight on Guantanamo Bay? Has scrutiny of China arisen more from the 2008 Olympic games than from any ongoing concern for gross and systemic violations? If human rights abuses within Libya or Syria scarcely receive attention in comparison to near-daily reporting about the abuse of Palestinians by Israel, is it because Libya or Syria are more humane—or is it precisely because their machinery of repression functions so pervasively, so efficiently, that there is ‘nothing’ to report?

A 2008 poll, surveying more than 17,000 people in 34 countries, placed Japan in second place for positive public perceptions among a list of fourteen countries.⁴ That result is, on first glance, unsurprising. Japan has generally avoided the kinds of headline-grabbing embarrassments attracted by states involved in anti-terror

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⁴ ‘World views US “more positively”’, report of 2 April 2008, *BBC News*, available at <http://news.bbc.co.uk/1/hi/world/americas/7324337.stm> (visited 01/09/2008). The title of the article refers to a boost, albeit modest, in the otherwise poor image of the US.

campaigns or botched military operations. But does that public perception reflect actual circumstances?

In 1966, Japan withheld its signature from the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).⁵ It acceded only decades after ratification by most of the original signatories, and by states possessing far fewer resources for effective implementation.⁶ As of this writing, the Japanese government still refuses to accept international procedures for individual complaints⁷ promulgated pursuant both to ICERD and to the International Covenant on Civil and Political Rights⁸ (ICCPR). Japan has long closed its borders to refugee and asylum seekers, perennially failing to adopt internationally prescribed procedures.⁹

⁵ Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, 660 U.N.T.S. 195 (entered into force Jan. 4, 1969). For periodically updated data on ratifications, accessions, successions, reservations and declarations for international human rights treaties, see, e.g., Office of the United Nations High Commissioner for Human Rights (UN-HCHR), Ratifications and Reservations, <http://www2.ohchr.org/english/bodies/index.htm> (visited 01/09/2008).

⁶ On Japan's accession in 1995, and data on other states parties, see generally UN-HCHR, *supra* note 5.

⁷ See Office of the United Nations Commissioner for Human Rights (UNCHR), Statistical Survey of Individual Complaints Considered Under the Procedure Governed by Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, For ICERD art. 14 available at <http://www2.ohchr.org/english/bodies/ratification/2.htm> (visited 01/09/2008). See also Office of the United Nations Commissioner for Human Rights (UNCHR), 'Statistical survey of individual complaints dealt with by the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights', available at <http://www2.ohchr.org/english/bodies/ratification/5.htm> (visited 01/09/2008). Those sources reveal that, of this writing, over 100 states are parties to the ICCPR Optional Protocol and almost 50 have declared acceptance of the ICERD individual complaint procedure.

⁸ International Covenant on Civil and Political Rights, Dec. 16, 1966, 993 U.N.T.S. 3 (entered into force Jan. 3, 1976). [Hereinafter ICCPR]; Optional Protocol to the International Covenant on Civil and Political Rights, 999 U.N.T.S. 302 (entered into force Mar. 23, 1976).

⁹ Although improvements have been noted, they are recent, and start from very low performance levels. See, e.g., United Nations High Commissioner for Refugees, *Country Operations Plan 2007: Japan*, 1 – 2 (2006). The more

Foreigners, according to one observer, 'are often regarded as culturally inferior.'¹⁰

Popular media in Japan commonly portray Koreans and Chinese as 'base' or 'depraved'.¹¹ Japan has counted among the wealthiest states in the post-World War II era, but has, over decades, taken few steps to improve longstanding and systemic racism and xenophobia. Authorities have scarcely combated age-old discrimination against the Ainu, Buraku or ethnic Koreans,¹² an injustice seldom reported in the world press. Remarkably, then, the poll participants awarded high marks for a 'positive' global image to one of the world's most discriminatory and xenophobic states. Does a state's positive or negative image correlate, then, to its actual human rights performance? Or is it a product of mass media decisions about which states will receive the greatest scrutiny?

recent liberalised immigration results largely from the pressures of a steeply declining population. Hussain Khan, 'Japan's employment paradox', article of 21 Nov. 2003, *Asia Times Online*, <http://www.atimes.com/atimes/Japan/EK21Dh01.html> (visited 01/09/2008). See also, e.g., See Peter Harris, 'Japan and Refugees', editorial of 2 April 2008, in *Japan Inc. Newsletter*, No. 459, available at <http://www.japaninc.com/jin459> (visited 01/09/2008) (suggesting that Japan's relatively high levels of foreign aid do not compensate for its failure to fulfil international responsibilities towards refugees and asylum seekers).

¹⁰ See Khan, *supra* note 9.

¹¹ See, e.g., Norimitsu Onishi, 'Japanese fad: Comics that degrade Chinese and Koreans', report of 20 Nov. 2005, *International Herald Tribune*, available at <http://www.ihf.com/articles/2005/11/20/news/comics.php> (visited 01/09/2008). See also, e.g., Justin McCurry, 'Magazine plays to Japanese xenophobia', report of 2 Feb. 2007, in *Guardian.co.uk*, <http://www.Guardian.co.uk/media/2007/feb/02/pressandpublishing.japan> (visited 01/09/2008).

¹² As recently as 2001, these problems had not yet been seriously addressed. See, e.g., Report of the Committee On the Elimination of Racial Discrimination, *Conclusions and recommendations of the Committee on the Elimination of Racial Discrimination: Japan*, ¶¶ 14, 16, 18, U.N. Doc. A/56/18 (Sept. 8, 2001). Cf., U.N. Human Rights Committee (UN-HRC), *Concluding Observations of the Human Rights Committee: Japan*, ¶¶ 13, 14, 15, U.N. Doc. CCPR/C/79/Add.102 (Nov. 19, 1998) (criticising government's failure to combat discrimination against those groups).

If asked about the current state of global human rights, and asked to cite reliable evidence, the skilled professional would probably discuss findings of the UN treaty-based committees, or of the UN Human Rights Sub-Commission, or of Amnesty International, Human Rights Watch, Article 19, Minority Watch Group, Save the Children, and other respected organisations. The expert's reply would be complex, nuanced, and often highly ambiguous. It would generally attract the attention of only a handful of other experts and specialists. But what does the ordinary person, even the ordinary educated person, know about human rights? What does the ordinary politician, government official, or business executive know?

Widespread information about human rights comes mostly from the mass media. If the media fails to report fairly, accurately, or consistently, public perceptions will, in turn, be unfair, inaccurate or inconsistent. In this article, we examine distortions of human rights reporting in four leading media sources. From the United States we review *The New York Times* (NYT) and *The Wall Street Journal* (WSJ). From the United Kingdom we review *The Guardian* and *The Financial Times* (FT). We shall not suggest that those newspapers are engaged in deliberate or systematic manipulation. To the contrary, we believe that, in intent, these papers' editors and journalists maintain a plausible commitment to human rights reporting. The core question we are posing is: How do influential news sources distort information about human rights, even with the best of intentions?

Even-handed coverage of human rights has long been a concern, but has often been directed at professional bodies, such as the United Nations and its specialised

agencies, or at non-governmental organisations, such as Amnesty International.¹³ As of this writing, we have located no systematic study on the reporting of human rights in the mass media. In this article, we identify the kinds of distortions that are likely to be, and to remain, entrenched within the mass media, in view of its generalist readership and marketplace pressures. We begin with detailed methodological considerations, in order to identify a number of factors which would be relevant to future study of human rights and the mass media. We suggest ways in which the quantity, style, fairness and consistency of human rights journalism can be evaluated, recalling that distortions can have real impacts on perceptions and policies. While attempting to remain realistic about the possibilities and limits of the mass media, we suggest that some improvements are feasible.

In Section 1, then, we examine methodological questions concerning the kinds of media that should be examined in the search for distortions, along with questions about the nature of distortions, and techniques for identifying them. In Section 2, we adopt the Amnesty International's *Report 2006* as a benchmark for assessing our four selected newspapers, in order to suggest that important human rights situations are often disproportionately under-reported in the media. In Section 3, we examine the media distortions that arise in conflict zones, in view of the presence or absence of foreign troops. In Section 4, we cite China as an example of a state whose human rights record, particularly before the Olympic Games, has often been eclipsed by economic considerations. In Section 5, we examine the irony of disproportionately higher attention paid to relatively open and democratic countries, with a focus on the

¹³ See, e.g., 'Many Rights, Some Wrong', *The Economist*, Mar. 22, 2007, p. 75. For further analysis, see Eric Heinze, 'Even-handedness and the Politics of Human Rights', 21 *Harvard Human Rights Journal* 7 (April 2008) (examining problems of bias in human rights activism and advocacy).

USA and Israel. In Section 6, we examine disparities arising from coverage of states seen as allies, as opposed to those seen as enemies, in the ‘war on terror’.

1. Methodology

Journalists rarely receive formal training in the theory or practice of international human rights, which would include issues such as norm creation and interpretation, the structure and procedures of institutional and regional organisations, techniques of fact-finding, or human rights litigation. Pressures to attract reader interest, and to respond to the most topical and controversial issues, overpower any priority that might be placed on comprehensive human rights coverage. If distortions cannot be wholly remedied, it nevertheless remains worthwhile to consider how they arise, and how public awareness is affected. To do so, we must first resolve some preliminary problems. Which sources should we examine? Television? Radio? The internet? Newspapers? Magazines? What does it mean to ‘report’ on human rights? What counts as a human rights issue within the context of the mass media? What counts as a ‘distortion’, and how do distortions arise?

1.1. The Corpus: Elite, Print Journalism

Print versus electronic media. Radio, and then television, have long driven public discourse. Other electronic media, such as the internet, are increasingly playing the same role. The approaches we propose in this study may indeed prove useful for scrutinising human rights coverage in those broadcast media. For purposes of the present study, however, traditional print journalism will offer several advantages. Questions about ‘distortion’ introduce elements of subjectivity and judgment. The best way to identify distortions is to reduce as far as possible the numbers of elements

which may be open to divergent interpretations. Radio introduces a number of variables which are absent from traditional, broadsheet journalism, such as soundtracks or reporters' tone of voice or accent. Television adds further ones, such as video footage, or indeed presenters' looks, clothing or gestures.¹⁴

Internet news sites, too, are becoming exceptionally varied. The traditional distinctions between 'world' and 'news', between 'journalist' and 'reader', become blurred as such sites involve viewer participation, and as they, through links to other, multimedia outlets, erase the boundaries of the 'news source' that were long so familiar within the four corners of the traditional broadsheet.¹⁵ That more fluid relationship between sources internal and external to editorship, and between presenter and audience, injects further variables that may be subject to divergent interpretations.

Admittedly, elite, mainstream print journalism reaches only a small, and also rather privileged readership. In this article, we shall note apparent patterns, but, in so doing, we are aware that such extrapolations are products of our own judgment, and always open to challenge or revision. Our assumption in this study will be that the elite broadsheets, while not wholly avoiding subjective variables, tend to reduce their impact in comparison to the more popular media. Note also that our four selected newspapers all operate internet sites, but this study will focus on their printed editions.

Elite versus popular media. Even within the bounds of print journalism, the range of sources is vast, and further selections must be made. If we wished to study

¹⁴ On the impact of television on public perceptions of law, see, e.g., Barbara Villez, *Visions de la Justice*, Paris, FR: Presses Universitaires de France, 2005.

¹⁵ For mainstream interactive news sites, see, e.g., *BBC News*, <http://news.bbc.co.uk/> (visited 01/09/2008); *CNN Online International*, <http://edition.cnn.com/> (visited 01/09/2008); *NYT*, <http://www.nytimes.com/> (visited 01/09/2008); *Guardian.co.uk*, <http://www.Guardian.co.uk/> (visited 01/09/2008).

mass responses to more 'hyped' issues, such as terrorism or paedophilia, popular tabloid newspapers (typical examples would include *The New York Daily News* or Britain's *Daily Mail*) would stand as obvious candidates. Similar to much broadcast media, tabloids draw strongly upon copious and dramatic visual imagery, colloquial and idiomatic language, and, analogous to vocal inflection, broadly mixed and modulated typeface.

If such variables are not wholly absent from the elite broadsheets, they are less prominent. *NYT* and *Guardian* are generally expected to maintain a substantial but critical and dispassionate interest in global human rights. Meanwhile, *WSJ* and *FT*, while commenting broadly upon political affairs, target powerful global business and financial communities. The readership of these elite sources, although small, is influential, and disproportionately represented in positions of political and social prominence, with the attendant consequences for political or institutional action on human rights.

Dailies versus weeklies. A further question is whether to examine weekly news magazines, such as *Time*, *Newsweek* or *The Economist*, in addition to daily papers. A difficulty with weeklies is that they may function more strongly as supplements either to the dailies or to non-print media. Our interest in this article is in sources that, even in today's electronic world, aim to be largely self-contained newspapers 'of record'. The elite dailies aspire to provide thoroughgoing coverage for readers lacking the time or desire to access additional sources. We have, in other words, applied a 'desert island' test: if an individual had to choose only one printed, non-electronic source for purposes of learning as much about current affairs as possible, which would it be? We have proceeded on the assumption that most readers would choose a daily.

Which dailies? Readers familiar with the American press might wonder why we have omitted a broader range of dailies, such as *The Washington Post* or *The Los Angeles Times*. British readers may wonder why we have omitted national papers such as *The Independent*, or leading regional publications, such as *The Scotsman*. Others may wonder why only American and British papers have been included. Global human rights reporting within the mass media is always likely to be subject to local demographics. For example, the French press place greater emphasis on their former colonies in North and West Africa. The Dutch press reports extensively on its former colonies of Indonesia, Surinam or the Netherlands Antilles. Germany, due to its great post-war influxes of labour, has long focussed on Turkey. The UK media, too, have a special interest in the Indian Sub-Continent and other former colonies and commonwealth members.

Inevitably, detailed examination of the media in each of those countries would yield different emphases and perspectives. It must be borne in mind, however, that we shall not attempt to draw absolute conclusions about the whole of the media, or even about the elite media. Any media source that reaches a large or influential audience is worthy of study. Our goal is only to suggest some ways in which distortions in human rights reporting can be identified and understood. Our view is that the overall approach adopted in this study remains applicable to a broad number of other news sources.

1.2. Modes of Human Rights Reporting: Quantitative and Qualitative

Public awareness of human rights will be influenced by the frequency, intensity and style of media reporting. Those elements can be called ‘quantitative’ and ‘qualitative’.

Quantitative Factors. Quantitative factors include (i) numbers of items on a given human rights issue throughout our selected time frame, and (ii) the number of words devoted to each report. Insofar as our four newspapers aim to be sources of record, they commonly include ‘snippets’—a term we shall use to denote brief inserts or summaries (no more than a few dozen words), which provide data relevant to human rights, without further description or analysis. Snippets are common, and provide an intermediate between detailed reporting and outright neglect. In *WSJ* and *NYT* they generally appear without authors or titles. In *Guardian* they may include authors or titles. In the case of *FT*, we shall also use the term ‘snippet’ to denote pieces slightly longer (up to 1/10 of one page) than the snippets appearing in *NYT*, *WSJ* or *Guardian*, and also generally including authors or titles, but still limited to the recording of basic facts without analysis. Accordingly, under heading (ii), we can distinguish three general quantitative categories: (a) detailed or ‘featured’ reports; (b) snippets or other generally minor reports; (c) absence of reports, or near absence, such as an issue mentioned only in passing in the context of some other report. A central question is whether all stories of generally comparable gravity receive, or should receive, comparable coverage.

Qualitative Factors. Qualitative factors include, for example, (i) location of an item within the newspaper (a front-page story carries greater weight than one, even of similar scope, printed in middle or later pages); and (ii) supplements such as photographs. A further qualitative component of particular interest we shall call (iii) ‘humanising’ or ‘richly descriptive’ prose. In contrast to ‘snippets’, more detailed items will often include depictions of victims’ lives, personal or communal struggles, family members, environments, and the like. Humanised or richly descriptive reporting is important to public awareness of human rights. It renders an otherwise

distant story familiar and ‘real’, thereby promoting empathetic responses.¹⁶ A crucial factor in assessing human rights coverage would be to ask how evenly humanising and richly descriptive language is distributed. Does a given media source use that technique more intensively for some abuses than for others?

1.3. Civil and Political Rights: ‘Event’ , ‘Overview’ , ‘Time Frame’

The focus on civil and political rights. Questions about how the media report on human rights will also depend on what count as human rights issues. Shall we include climate change? Preservation of books in minority languages? Loss of insurance coverage? There are few issues of gravity that cannot be linked to today’s expansive notions of human rights. Questions about what count as human rights, or whether there are hierarchies of relatively more and less important rights, have figured among the leading concerns of human rights theorists, scholars and activists. Those questions must remain beyond the scope of our study. To keep our analysis within manageable limits, we shall focus on customary civil and political rights,¹⁷ and, in particular, upon gross and systemic abuses. However limited some scholars or activists may feel traditional civil and political rights to be,¹⁸ such issues adequately narrow our study, while still spanning a wide thematic, geographical and cultural

¹⁶ By analogy, the technique of ‘storytelling’ has arisen in critical legal scholarship, on the view that abstract analysis fails to provide full accounts of oppression or exclusion. See, e.g., Richard Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, 87 MICH. L. REV. 2411 (1989). See also, critically, Eric Heinze, ‘Truth and Myth in Critical Race Theory and LatCrit: Human Rights and the Ethnocentrism of Anti-Ethnocentrism’, 20 *National Black Law Journal* 107, 115, 116 and *passim* (2008).

¹⁷ See generally, e.g., ICCPR (setting forth standard civil and political rights).

¹⁸ See, e.g., Vienna Declaration, World Conference on Human Rights, para. 5, Vienna, 14 - 25 June 1993, U.N. Doc. A/CONF.157/24 (Part I) at 20 (Jun. 25, 1993) (stating that ‘[a]ll human rights are universal, indivisible and interdependent and interrelated.’)

range. Future studies of distortions in reporting on other kinds of rights would, however, be both worthy and feasible.

The 'Human Rights Event'. What counts as human rights 'news'? Shall we examine only reports about abuses? Or also reports about trials of perpetrators? Or about international human rights conferences? Or public campaigns? Or subtler changes in cultural attitudes? Many types of reporting can influence public awareness of human rights. In this study, we shall introduce the concept of the 'human rights event' (HRE). Under 'event', we certainly include discrete, self-contained incidents of abuse, such as specific acts of murder, torture, detention, and the like. In view of this study's focus on a limited time frame and on gross and systemic abuses, those HREs will be of prime importance. It is important to bear in mind, however, that HREs could also include events such as conferences, public demonstrations, trials, or other, subtler phenomena. For example, even a journalist's impressionistic sense that cultural attitudes towards, for example, women or gays are 'slowly changing' could count, for our purposes, as a newsworthy HRE. One HRE, such as a genocide, might well be deemed more important than another, such as a conference on human rights organised more for show than for substance. The concept of an HRE is therefore intended only as a marker of some relevant set of circumstances, and not as a measure of their significance.

The 'Human Rights Overview'. Random, isolated reports on a handful of HREs would not, in themselves, add up to a broader view of the overall state of human rights in the world, or in any particular state or region. Indeed, a premise of the present study is that mass media sources, even when they do report competently on specific HREs, do not necessarily create accurate overviews. We shall also introduce the concept of the 'human rights overview' (HRO), which signifies a broader,

cumulative understanding of the human rights situation of any particular state or area, or indeed of the whole world. To recall an example noted in the introduction: a thorough set of reports on HREs in the Palestinian Occupied Territories, but without any comparable quantity or depth of reporting on HREs in Libya or Syria, might provide a reliable HRO for Palestine, but a poor regional HRO, within which the former would have to be understood.

Time Frame. The worldwide HRO that a reader can draw from a newspaper will be greater than the sheer sum-total of specifically reported HREs. Only over time does it become apparent whether stories are being neglected, or being reported in ways that reveal a pattern, possibly a bias. For example, a series of reports about Iraq ultimately generates a newspaper's 'Iraq HRO'—a broader perspective on Iraq, which may, throughout a limited period, reveal, or conceal, important elements about the overall human rights situation there. In reality, of course, no one human being, even the most dedicated human rights jurist, activist or scholar, could ever grasp all facts about all the human rights of all individuals on the planet, nor indeed can all such facts be reported. The overall world HRO that emerges from a given newspaper will always be incomplete.

Our aim was to keep the time frame broad enough for us to identify emerging patterns in the way each paper was reporting human rights, but brief enough for that large amount of data to remain within manageable limits. Accordingly, this study is limited to the three-month period from October to December 2006. Some factors contain research spanning the entire three-month period. Others contain research ranging from three to six week periods within those three months. The decision to include only articles from those shorter periods was made when the sheer volume of

articles allowed clear patterns to emerge within briefer time frames. Further documentation on those topics would have proved repetitive.

To be sure, the ways the newspapers reported HREs from October through December 2006 may not reflect the ways it reports human rights at other times. Editors change, reporters change, attitudes and public concerns change. An important question arises, then, about how much our study can draw out of a three-month period. Our aim has been to use that time frame only as an example of the modes of distortion that any media source might generate at one time or another, and not to draw any definitive conclusions about the newspapers or the media generally.

1.4. ‘Criterion’ and ‘Distortion’: The Amnesty International Reports

The concept of a ‘distortion’ is inherently problematical. It presupposes some reality which can be demonstrated to be truthful, and can thereby serve to show what, in any given report, is being distorted. We cannot identify distortions in human rights coverage unless we assume some background source of correct information. While no source lies beyond reproach, some sources have established generally solid reputations for fairness and accuracy. For civil and political rights, one such source might be the published reports of the UN Human Rights Committee (UN-HRC).¹⁹ UN-HRC has long stood out among the more thorough and impartial international human rights bodies. One option, then, would be to compare human rights items in our four newspapers to published UN-HRC reports.

There would be problems, however, with adopting UN-HRC as our background source. UN-HRC’s mandate is limited to the application of ICCPR.²⁰ Not all states

¹⁹ See ICCPR arts. 40 – 42 (according supervisory responsibility for the Convention to UN-HRC).

²⁰ ICCPR arts. 40 – 42.

in the world are Parties to it.²¹ Nor have all consented to face the same degrees of scrutiny. UN-HRC by definition subjects States Parties to the First Optional Protocol²² to greater scrutiny, even though those Parties often have better overall domestic records.²³ A further problem is that UN-HRC generally issues reports on individual states only every few years.²⁴ For some states, it would be difficult to find an adequate statement of the HRC relevant to a relatively specific time period such as the brief one we have adopted, i.e., October – December 2006.

In view of such difficulties, the benchmark we have adopted for the present study is Amnesty International's *Annual Report* for 2006 (*AIAR-2006*).²⁵ AI annual reports (*AIARs*) highlight issues of global concern in an ongoing, regularly updated format. The reports cover a wide range of states, aiming at an overall proportion between the frankness of its condemnations and the gravity of the abuses that have occurred. Even generally compliant states, like Sweden²⁶ or the Netherlands²⁷, have not been immune from criticism—*AIARs* know no concept of the perfect state, the state lying beyond legitimate scrutiny—though not, of course, to the extent of larger, more complex entities, such as China, the United States or Russia. *AIARs* also note

²¹ See UN-HCHR, *supra* note 5.

²² *Id.*

²³ The earliest adherents to the Optional Protocol were generally prosperous, democratic states, see *id.*, as more oppressive states, notably during the gestational Cold War period, resisted intrusive international scrutiny.

²⁴ See UN-HRC, 'General Comment 30: Reporting Obligations of States Parties under Article 40 of the Covenant', U.N. Doc. CCPR/C/21/Rev.2/Add.12 (2002), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 193 (2003). See also 'Human Rights Committee Comments on Country Reports', available at <http://www1.umn.edu/humanrts/hrcommittee/hrc-country.html> (visited 01/09/2008).

²⁵ Amnesty International (AI), *Annual Report 2006* (2007) [hereafter *AIAR-2006*]

²⁶ *Id.* at 248-9.

²⁷ *Id.* at 196-7.

improvements in certain states. Within the report of any given year, attention will inevitably fall more on some perpetrators than others, which is why *AIAR-2006* must ultimately be judged in the contexts of previous and subsequent *AIARs*. In our view, however, *AIAR-2006* is sufficiently representative to stand on its own for the purpose of assessing our four newspapers during the selected three-month period.²⁸

To be sure, even the most conscientious AI reports will be influenced by their authors' political perspectives, which will not be universally shared. Over the years, AI has not avoided criticism for bias.²⁹ Eric Heinze has argued that non-governmental organisations (NGOs) must be free to choose their own mandates, and to make their own choices about the issues, victims or territories with which they will be concerned. Once an NGO has made those choices, however, if it is to maintain legitimacy as a credible human rights actor, its duty to the human rights community is to display overall even-handedness in condemning perpetrators relevant to that mandate: on the whole, and over time, the level of condemnation directed by that NGO at perpetrators of human rights violations should be roughly proportionate to actual levels of abuse. Heinze argues that *AIARs* generally satisfy that criterion.³⁰

'Proportionality' and 'balance' in condemnation can have no precise, quantitative meaning. Some levels of disproportion will be inevitable. The US, for example, has received a high degree of attention for Guantanamo Bay, even if the actual numbers of victims is dwarfed by mass slaughters in, for example, the

²⁸ A converse problem can also be noted. In view of the immensity of HREs in any given year and the limited space available for an AI annual survey, it is inevitable that the news media will report HREs not mentioned by AI in any given year. It is our view, however, that Amnesty reports generally succeed in identifying the principle patterns of abuse relevant to their mandate.

²⁹ See, e.g., 'Many Rights, Some Wrong', *supra* note 13.

³⁰ See generally Heinze, *supra* note 13.

Democratic Republic of Congo or Darfur during the same period. Even taking such inevitabilities into account, Heinze argues that the AI annual reports, over time, demonstrate an overall acceptable level of proportionality in selecting and condemning perpetrators. For purposes of the present study, our view has been that, if one had to select the single best HRO for the year 2006 through available published sources—although many are very good—*AIAR-2006* would provide a more accurate single, unified source for civil and political rights than any other. The value of *AIAR-2006* lies above all in the general worldwide overview of human rights situations that it provides.

That last point also sheds light on what might be called the ‘democratic dilemma’. It is unfortunate that the most abusive states have often been the most closed, generating the paradox that the most democratic states, allowing easiest access to journalists, will receive more attention, even for abuses which, on the whole, pale in comparison to those occurring within more closed societies, such as Burma, Libya or North Korea. *AIARs* suggest, however, that ease of access must not be exaggerated as an excuse for failing to report on the most abusive states. In a globalised, computerised age, indirect and expert testimony is available, and leading NGOs have been able to compile extensive records despite government attempts to halt the flow of information.

1.5. Hypotheses: Constant and Contingent

Our choice of *AIAR-2006* as benchmark explains our selected time frame. Research for this study was begun in 2007. At that time, *AIAR-2006* was the most recently available annual report. The period from October to December 2006 therefore provided the most recent three-month block. No additional considerations influenced

that choice, as any choice of time frame would inevitably mean that certain HREs would receive more attention than others.

The kinds of conclusions that can be drawn from the present study are, then, of different types. Conclusions can be drawn about which newspapers provided the best coverage, in either quantitative or qualitative terms; but such conclusions remain contingent, in view of our very limited time frame. Our primary aim, however, has not been to dish out prizes or penalties to particular news agencies, but rather to identify the deeper, more constant factors that must be taken into account when *any* media organisation is scrutinised for its human rights reporting. Above all, we have asked what kinds of military, diplomatic, economic or other political factors may tend to deflect attention from gross and systemic human rights violations.

2. Global Human Rights in 2006

AIAR-2006 highlighted a number of grave HREs that received little or no mention in our four newspapers. In this article, we shall not be making any recommendations on whether, or to what extent, such an imbalance should be redressed. Such recommendations would require insights into the theory and practice of journalism that lie well beyond our own expertise as human rights scholars. Our reasons for examining such imbalances is not necessarily to condemn them, but merely to identify them as distortions which may influence readers' views about what were and were not major HREs during that period.

AIAR-2006 reported extensively on the two conflict zones of Afghanistan and Iraq. In Section 3 we shall see the emphasis placed in particular by US newspapers on American military casualties. *AIAR-2006*, by contrast, focussed attention upon harm to civilians, and upon violations committed by all parties to the conflicts, with

separate sections detailing the gravest violations by each of the main parties. The report on Iraq, for example, noted the discovery of seventeen beheaded Shiite workers³¹, the suspension of an entire police force pending investigation into the abduction of 26 Sunni workers³²; and the deaths of eleven people when armed forces stormed a television station.³³ On Afghanistan, *AIAR-2006* reported, for example, the displacement of at least 15,000 Afghans³⁴, along with the allied bombing of the village of Zangawat, which killed at least 70 civilians³⁵.

AIAR-2006 coverage of sub-Saharan Africa included widespread cross-border and internal hostilities, attacks on freedom of expression, the repression of human rights advocates, journalists and political figures. For example, situations in Darfur³⁶ or the Democratic Republic of Congo³⁷ were reported to have claimed massive deaths, injuries and displacements. Congo was reported to have widespread torture, extra-judicial killings, and other human rights abuses such as the use of child soldiers and attacks on human rights defenders.³⁸ In Cameroon, the government was stated as having made at least 400 people homeless in the capital city of Yaounde by destroying their homes.³⁹ Burundi was noted as having witnessed widespread, state-sanctioned extra-judicial executions, arbitrary detentions, torture and ill-treatment, along with the detention of prisoners of conscience, and impunity for human rights

³¹ *AIAR-2006*, *supra* note 25, at 143.

³² *Id.*

³³ *Id.* at 144.

³⁴ *Id.* at 47.

³⁵ *Id.*

³⁶ *Id.* at 242.

³⁷ *Id.* at 100

³⁸ *Id.* at 101-102.

³⁹ *Id.* at 78.

violations attributable to government agents.⁴⁰ Ongoing violence was noted in Ivory Coast, where UN peacekeepers were targeted during the resumption of hostilities.⁴¹ *AIAR-2006* devoted a level of attention to sub-Saharan Africa comparable to the level allotted for the Middle East. For example similar emphasis, quantitative and qualitative, was placed on Sudan and Iraq. To be sure, our four newspapers did not entirely neglect sub-Saharan Africa. However, such situations, for reasons we shall examine, did not receive the frequency or intensity devoted to such situations as the engagements in Afghanistan or Iraq.

In addition to Iraq, the four newspapers focussed on Israel and Palestine, with only occasional reporting on grave situations elsewhere in the Middle East. By contrast, *AIAR-2006* noted, for example, the death of a prisoner and injuries to scores of others in violent prison riots in Libya. Idrees Boufayed, a long standing critic of the Libyan government, was arrested and taken into incommunicado detention.⁴² At the same time, thousands of suspected supporters of terrorist groups were held without trial in Egypt.⁴³ Iran increased executions, including for child offenders, and further curbed freedoms of expression and assembly. Sentences of flogging, amputation and eye gouging continued to be passed.⁴⁴ Amnesty also reported growing concerns about Saudi Arabia, especially with regard to women's rights, freedom of expression, detention of political prisoners and the use of torture.

The dearth of reporting on a tightly controlled state like Libya can, in part, be attributed to restrictions placed on journalists reporting from within the state

⁴⁰ *Id.* at 74-76.

⁴¹ *Id.* at 93-94.

⁴² *Id.* at 173.

⁴³ *Id.* at 106.

⁴⁴ *Id.* at 139-141.

concerned. However, that explanation falls short of a justification. *AIAR-2006*, along with its annual predecessors, have shown, over many years, that reliably attested evidence of gross and systemic human rights violations can be compiled even for states imposing press restrictions, which, indeed, many despotic states have traditionally imposed. In our view, if such evidence is available to AI, it is surely available to relatively well-established news agencies such as our four newspapers. Arguably, then, the lack of reporting on such states and situations arises more from newspapers' market pressures, or sheer lack of insights into global human rights, than from any inability to report. Ironically, situations within states that allow relatively free journalism, such as Guantanamo Bay or Israel, receive far more coverage than situations in states whose human rights record is, presumably, aggravated by the violation of rights of free expression that, in a more democratic state, would shine a more relentless spotlight on other human rights abuses.

Before the Beijing Olympics of 2008, mass media reports on China specifically focussing on human rights tended to be more sporadic than continuous, as examined in Section 4. By contrast, *AIAR-2006* noted an increase in the numbers of journalists and lawyers harassed and detained by authorities, along with the perennial repression in Tibet. Thousands of people were sentenced to death or executed during 2006, with questionable due process. The majority of transplanted organs in China were reported to have originated from executed prisoners. The government also increased censorship of journalists and the internet.⁴⁵ The financial newspapers painted a different picture, promoting the impression of a country vastly improving its human rights record. Unlike its approach to a number of other countries, *AIAR-2006* did not view any improvements in China to be worthy of mention.

⁴⁵ *Id.* at 85-87.

Other Pacific Asian states, too, received certain but not sustained attention in the newspapers. *AIAR-2006* reported an increase in disappearances in North Korea, particularly of families of those people who had sought political asylum abroad, along with the generally severe levels of repression.⁴⁶ By contrast, the newspapers focussed almost entirely on the issue of nuclear testing, with little serious examination of gross abuses in their own right. *AIAR-2006* noted further deterioration of human rights in Burma, due to widespread and systemic violations of international and humanitarian law, collective punishments, use of landmines, forced labour, and political imprisonments.⁴⁷ The dissident Win Ko was sentenced to three years imprisonment for collecting signatures for a petition against the detention of political prisoners. Activist Thet Win Aung died in prison after being imprisoned since 1998.⁴⁸ The newspaper coverage, by contrast, was sparse, and limited to second-hand reporting, such as UN or NGO visits, noting those organisations' concerns. Again, limited journalist access to Burma provides a partial, but not complete explanation for the relative lack of reporting.

October saw Russia in the headlines for two salient events. First, Anna Politkovskaya, a journalist who had reported on Russian human rights abuses, was murdered, on alleged orders of the Kremlin.⁴⁹ In addition, Russia and Georgia

⁴⁶ *Id.* at 159-160.

⁴⁷ *Id.* At 191

⁴⁸ *Id.* at 191-193.

⁴⁹ See, e.g., Guy Chazan, 'No Suspects in Russian Journalist's Slaying: Latest Death Shows Risks Facing Reporters Who Take On the Powerful', *Wall Street Journal*, 9/10/2006, p.6, Guy Chazan, 'Russians Mourn Slain Journalist: Putin Ends Silence: 'Cruel' Killing of Top Critic Marks Demise of Dissent In Media and Politics', *Wall Street Journal*, 11/10/2006, p.7, Steven Lee Myers, 'In a Risky Place to Gather News, a Very Familiar Story', *New York Times*, 11/10/2006, p.4, C.J. , Chivers, 'Slain Reporter's Last Story Bares Chechen Torture', *New York Times*, 13/10/2006, p. 3, David Hearst, 'Anna Politkovskaya', *Guardian*, 9/10/2006, p. 36, Tom Parfitt, 'Putin

became embroiled in mutual accusations of espionage. Georgia arrested four Russian military intelligence officers on charges of spying, and Russia retaliated, *inter alia*, by imposing economic sanctions, detaining and deporting Georgians, and blocking transport routes.⁵⁰ Whilst these events were of undeniable importance for human rights, the floods of reporting largely overshadowed other gross abuses of human rights. *AIAR-2006* went beyond such high-profile events, reporting, for example, the use of torture ‘across the country’ committed, or overlooked, by police.⁵¹ Neither that finding, nor indeed a November 2006 report by the UN Committee on Torture⁵² received any serious attention in the four newspapers. Similarly, although Politkovskaya’s earlier reporting on Chechnya had been mentioned, ongoing abuses throughout the North Caucasus attracted little interest, despite Amnesty’s finding that ‘[e]xtrajudicial executions, enforced disappearances and abductions [and] arbitrary detention and torture’, as well as widespread internal displacements, had been

silent as fiercest critic murdered’, *Guardian*, 9/10/2006, p. 18, Thomas de Waal, ‘The Chechen silence’, *Guardian*, 12/10/2006, p. 32, Neil Buckley, ‘Moscow journalist’s killing fuels free speech concerns’, *Financial Times*, 9/10/2006, p. 6.

⁵⁰ Marc Champion, ‘Georgia Frees Russian Officers, But Moscow Moves to Retaliate’, *Wall Street Journal*, 3/10/2006, Steven Lee Myers ‘Russia Severs Transport Links With Georgia’, *New York Times*, 3/10/2006, p.9, Steven Lee Myers, ‘Russians Deport Georgians and Increases Pressures on Businesses and Students’, *New York Times*, 7/10/2006, p.8, Tom Parfitt, ‘Kremlin targets Georgians aFter spy row’, *Guardian*, 05/10/2006, p. 24, Michael Mainville, ‘Furious Moscow orders ‘shoot to kill’ as Georgia crisis escalates’, *Guardian*, 2/10/2006, p. 17, Simon Tisdall, ‘Cold war battle still simmers in Tbilisi’, *Guardian*, 3/10/2006, p. 19, Neil Buckley, ‘Russia keeps sanctions against Georgia’, *Financial Times*, 3/10/2006, p. 6, Neil Buckley, ‘Russia steps up ‘ethnic cleansing’ of Georgians’, *Financial Times*, 7/10/2006, p. 7, Guy Dinmore, ‘Georgia feels at the mercy of bog powers’ manoeuvres’, *Financial Times*, 21/10/2006, p. 9.

⁵¹ *AIAR-2006*, *supra* note 25, at p. 218.

⁵² Committee Against Torture, ‘Conclusions and recommendations of the Committee against Torture, Russian Federation’, U.N. Doc. CAT/C/RUS/CO/4 (2007). See also AI, *supra* note 25, at p. 218 (noting the report’s publication).

common.⁵³ Racist and xenophobic incidents, too, ‘including murders’, remained a permanent feature of the Russian landscape.⁵⁴ In Georgia, too, *AIAR-2006*, found that ‘[p]olice officers continued to enjoy impunity in dozens of cases in which torture, ill-treatment and excessive use of force have been alleged.’⁵⁵

The treatment of the Roma in Europe, also an issue only marginally covered in the four newspapers, was criticised, e.g., in the *AIAR-2006* report on Slovenia. Approximately thirty Roma from one family were forcibly evicted from their home in the midst of inter-ethnic violence.⁵⁶ Police used excessive force in quelling fighting involving four hundred Roma in the Bulgarian area of Pazardzhik. Bulgaria was also criticised for systematic police violence against other minority groups⁵⁷. In Romania, discrimination, and violent clashes with, the Roma, and repression of other minorities, also continued.⁵⁸ In our view, *AIAR-2006* conveyed a more accurate sense of the systemic nature of official and popular anti-Roma sentiment. Although the newspapers did report somewhat on this issue, the limited context created an impression of isolated incidents, as opposed to the entrenched, state-sanctioned discrimination suggested by Amnesty.

AIAR-2006 raised a number of concerns regarding human rights situations in Central and South American states, which also received only limited attention in our four broadsheets. Violent clashes led to the killing of nine Bolivian mine workers.⁵⁹ In Mexico, civilians were killed in civil unrest after police attacked barricades, and

⁵³ *AIAR-2006*, *supra* note 25, at p. 217.

⁵⁴ *Id.* at p. 219.

⁵⁵ *Id.* at p. 121.

⁵⁶ *Id.* at 233.

⁵⁷ *Id.* at 73.

⁵⁸ *Id.* at 215.

⁵⁹ *Id.* at 66.

over 140 civilians were arrested following clashes with police.⁶⁰ The UN Special Rapporteur on Torture criticised prisons and police stations in Paraguay for their abusive conditions.⁶¹ Unrest also continued in Ecuador, where prison conditions were sub-standard and torture was common.⁶² The papers' occasional mention of incidents from this region were equally limited in their focus. For example, the coverage of the clashes at the Bolivian mines was reported more in terms of business impact, then in terms of engrained political failure.⁶³

3. Armed Conflict Involving Domestic Troops: The Examples of Afghanistan, Iraq and Darfur

One source of distortion arises from armed conflicts in which the newspapers' home states are involved. For obvious reasons of reader interest, HREs within such contexts receive greater attention, even when they claim far fewer victims than situations elsewhere in the world. The conspicuous examples in late 2006 were the military engagements in Afghanistan and Iraq. HREs arising from both conflict zones received far greater attention than HREs, even claiming greater numbers of victims, in areas, such as China, Congo or Darfur, which were not conflict zones involving US or UK troops.

3.1. Afghanistan

⁶⁰ *Id.* at 182.

⁶¹ *Id.* at 207.

⁶² *Id.* at 106.

⁶³ *Eg:* Associated Press, *Wall Street Journal*, Oct 10 2006, p.8.

WSJ generally covered deaths or injuries of allied troops in Afghanistan through snippets.⁶⁴ That systematic recording of the deaths of national troops compares to a lack of record of civilians, or of other non-US allied troops, within the same conflict. By contrast, *AIAR-2006*, as noted, reported thousands of Afghani civilian harmed or displaced. *WSJ*'s only mention of the death of a NATO peacekeeper was when it occurred in the same incident that killed American troops.⁶⁵

NYT included some longer articles along with snippets.⁶⁶ Its overall approach⁶⁷, however, also greatly emphasised deaths to US troops over deaths either to other NATO personnel (whose nationality was often not mentioned⁶⁸) or to civilians. One lengthier article reported on the kidnapping and murder of foreign journalists and photographers, and was accompanied by one photograph and four related stories.⁶⁹ An opinion piece by Bob Herbert reported on the impact of war upon troops sent to Afghanistan⁷⁰. Rarely did ordinary civilian casualties, even in great numbers, receive such care. Where they did, it was often to suggest the ongoing need for the presence of foreign troops.⁷¹

⁶⁴ See, e.g., for October 2006, *WSJ* Oct 4, 2006, p. 1; *WSJ* Oct 5, 2006, p. 1; *WSJ* Oct 10, 2006, p. 1; *WSJ* Oct 14, 2006, p. 1; *WSJ* Oct 19, 2006.

⁶⁵ *WSJ*, Oct 4 2006, p.1

⁶⁶ See, e.g., Abdul Waheed Wafa, *NYT*, 19/10/2006, p.8 (recording action by NATO troops in which eleven civilians were killed). See also, e.g., Carlotta Gall, *NYT*, 14/10/2006, p. 7; Abdul Waheed Wafa, *NYT*, 17/10/2006, p.6; Abdul Waheed Wafa, *NYT*, 20/10/2006, p. 6.

⁶⁷ See, e.g., Thomas J Lueck, 'A Most Violent Month and Many Final Farewells', *NYT*, 30/10/2006, p.. 18.

⁶⁸ See, e.g., Abdul Waheed Wafa, 'NATO Forces Fight Taliban in 5 Provinces of Afghanistan', *NYT*, 2/11/2006, p.14.

⁶⁹ Carlotta Gall *NYT* 16/10/2006, p. 6.

⁷⁰ 'Sacrifice of the Few', *NYT*, 12/10/2006, p. 29.

⁷¹ See, e.g., Abdul Waheed Wafa, 'Blast in South Afghan Suburb Kills 14 and Wounds 3', *NYT*, 28/10/2006, p. 8.

We observe, then, examples of discrepancies between media reporting and the approach that would be expected within trained international human rights circles. A domestically-identified news source is likely to consider itself bound to focus upon nationals affected by international conflicts, particularly, as in the case of the US media, where national deployments are massive. Professional human rights reporting such as *AIAR-2006* faces no such pressure. *WSJ* and *NYT* assumed the role of near-daily chronicles with a primary focus on US troops, whereas *AIAR-2006* spread its attention more evenly over troops and civilians. Whilst such a comparison is hardly surprising, the focus of *WSJ* readers on US casualties will inevitably outweigh their awareness of other HREs in these and other regions.

Due perhaps to a slighter presence of British troops, *Guardian* and *FT* reported more extensively on non-British military and civilian casualties. *FT* reports were generally limited to snippets,⁷² but did mention civilian casualties.⁷³ In *Guardian*, through snippets as well as longer articles, deaths of soldiers and civilians were given greater parity, with qualitative reporting focussed more noticeably on the latter. An article reporting the death of a Royal Marine went on to indicate civilian, including child, casualties in the second paragraph.⁷⁴ Other articles focussed solely on the impact upon civilians.⁷⁵ *Guardian* came closest to striking the balance reflected in *AIAR-2006*.

⁷² See, e.g., Demetri Sevastopulao, *FT*, 19 Oct., p. 10. See also, e.g., *FT*, 20/10/2006, p. 11.

⁷³ See, e.g., *FT* 19/10/2006, p. 8.

⁷⁴ Richard Norton-Taylor, 'Soldier killed in suicide bombing of Afghanistan patrol', *Guardian*, 20 Oct. 2008, p. 17.

⁷⁵ See, e.g., Declan Walsh, 'Troops under investigation for Kandahar shooting spree: Fury in Afghan city after targeted British convoy kills civilians', *Guardian*, 9/12/2006, p. 1.

3.2. Iraq

Afghanistan received far greater attention than grave HREs elsewhere in the world, but, unsurprisingly, less than the conflict in Iraq, which was largely reported in the context of three general concerns: (a) US or UK troops and their families; (b) the question of an ongoing allied presence; and (c) the conduct of allied troops. These factors illustrate important differences between specialist and mass-media concerns. The relatively greater controversy about the Iraq invasion⁷⁶, which lacked express UN Security Council authorisation⁷⁷, might well account for those differences, as the focus on Iraq was extensive throughout the world media. Worldwide anti-war protests, had created a virtual compulsion for the media to spotlight the invasion and its consequences.

Reporting on individual Iraq-deployed soldiers appeared in *NYT's* daily information boxes, which highlighted dead US soldiers. The boxes appeared in the paper's dedicated daily reports on the conflict. Reports on those pages included 'humanised' articles, which painted portraits of the lives, characters, family or friends of the fallen troops. Special mention was made when Iraqi insurgents had used terrorist tactics to kill Americans, and deeply humanised stories were often reported in such context.⁷⁸

⁷⁶ See, e.g., "'Million' march against Iraq war", report of 16 Feb 2003, *BBC News*, <http://news.bbc.co.uk/1/hi/uk/2765041.stm> (visited 01/09/2008).

⁷⁷ See, e.g., Rachel R. Taylor, 'The United Nations, International Law, and the War in Iraq,' Special Report for *World Press Online*, available at <http://www.worldpress.org/specials/iraq/> (visited 01/09/2008) (noting the absence of a resolution expressly authorising the invasion, subsequent to UN Sec. Council Resolution 1441).

⁷⁸ See, e.g., C.J. Chivers, 'Tending a Fallen Marine, With Skill, Prayer and Fury', *NYT*, 2/11/2006, pp. 1 and 12.

That focus on US casualties overshadowed coverage of Iraqi victims, which lacked such extensive or humanised attention. Reports on civilians focussed more on harms committed by Iraqi insurgents than by allied troops, as, for example, in the case of staff working at a television station.⁷⁹ Abuses by US troops were reported mostly in egregious cases. For example, *NYT* reported on a US soldier who was imprisoned for raping and murdering a 14-year old Iraqi girl and savagely killing her family.⁸⁰ It seemed that US abuses had to reach that excessive level in order to claim any focussed attention. Similarly, *NYT* recorded the verdict of a British coroner who ruled that American troops had illegally fired at journalists in Iraq, killing an ITN reporter.⁸¹ It might be argued that the focus on US losses served to spur public scrutiny, focussing readers' attention on the price paid at home.⁸² Nevertheless, readers relying predominantly on *NYT* could not easily have gained an equal appreciation of Iraqi civilian costs.

Guardian in no way approached the *NYT* in terms of sheer volume of reporting. Its focus was on grave violations, reporting more evenly on military and civilian casualties. During the first three weeks of October 2006, there was little coverage of harms to soldiers. The only discussion regarding troops, lacking any specific reference to numbers, arose in a anti-war op-ed by the well-known political activist

⁷⁹ Kirk Semple, 'Gunmen kill 11 Employees of a Satellite Television Station in Baghdad', *NYT* 13/10/2006. Cf. *AIAR-2006*, p. 144.

⁸⁰ Carolyn Marshall, 'Corpsman Who Failed to Halt Killing of Iraqi Receives Prison Sentence', *NYT* 07/10/2006, p. 11

⁸¹ *WSJ* 14/10/2006, p. 1. See also, e.g., *WSJ* 07/10/2006, p. 1 (noting that a sailor had told a court martial that marines had killed an Iraqi civilian)

⁸² By early 2007, there was evidence of declining support among Americans for the invasion. See, e.g., Ben Arnoldy, 'US public's support of Iraq war sliding faster now', report of 20 Mar 2007, *Christian Science Monitor*, available at <http://www.csmonitor.com/2007/0320/p01s01-ussc.html> (visited 01/09/2008).

George Monbiot.⁸³ Abuses perpetrated by national or regional troops was reported more extensively and evenly in *Guardian* than in the three other newspapers. One snippet recorded the deaths of thirty people killed by allied troops in the city of Diwanyia as well as the indefinite curfew imposed there.⁸⁴ A longer article, accompanied by a background box and four human stories, reported that a number of allied soldiers had faced courts martial and trials for murder, rape and other war crimes.⁸⁵ A front page article the next day accompanied by one photograph and one human story⁸⁶ suggested that courts martial failed to deal with the troops who had raped and murdered the aforementioned Iraqi girl and murdered her family.⁸⁷ The graphic descriptions and prominence of the reporting indicates the importance of these HREs in terms of the HRO given to the newspaper's readers, underscoring the affects on the Iraqi people in terms of their perceptions of allied troops.

Again, as a primarily financial journal, *WSJ* often reports items unrelated to business through snippets. The considerable quantity of snippets recording sectarian violence in Iraq, deaths and injuries to civilians, kidnappings and other HREs, but was also, like *NYT*, more likely to identify the insurgents, rather than allied troops, as perpetrators.⁸⁸ These items suggested lawlessness and lack of stability throughout

⁸³ George Monbiot, 'The court's are starting to accept that the war against Iraq is a crime', *Guardian*, 17 Oct. 2006, p. 31.

⁸⁴ *Guardian* 09/10/2006 p. 23

⁸⁵ Suzanne Goldenberg 'US troops face trial over abuse and murder claims' *Guardian* 19/10/2006, p. 19

⁸⁶ Ghaith Abdul-Ahad "'We have been silent about many crimes but we will not stand rape'" *Guardian* 20/10/2006, pp. 1 and 2

⁸⁷ *Guardian* coverage was more detailed than the *NYT* on this event. See text accompanying note 80 *supra*.

⁸⁸ See, e.g., *WSJ* 04/10/2006, p. 1; *WSJ* 05/10/2006, p. 1; *WSJ* 10/10/2006, p. 1; *WSJ* 09/10/2006, p. 1; *WSJ* 14/10/2006, p. 1.

Iraqi society, suggesting, in turn, a need for continued US military presence.⁸⁹ *WSJ* did include coverage of a major report published in *The Lancet*,⁹⁰ stating that 600,000 Iraqis had died violently since the invasion of the country.⁹¹ This snippet was supported on the same day by a longer article⁹² about the report. Neither report, however, included significantly descriptive elaboration.

Guardian was conspicuously critical of the war in Iraq. The reporting of civilian deaths and sectarian violence laid a degree of blame on the invasion for the occurrence of these events rather than, as often seemed to be the case with *NYT* and *WSJ*, using them to support a continued allied presence. Articles detailing beheadings⁹³, death squads⁹⁴ and the death toll since the invasion⁹⁵ were all accompanied by photographs or humanised reporting. The weariness with the invasion was reflected in one column suggesting that grave violations perpetrated by insurgents would worsen as long as the invasion continued.⁹⁶ That theme was pursued in a number of articles, accompanied by four photographs, two background boxes and numerous human interest stories, which detailed violations caused by all sides, including allied forces. These articles suggested that violence and instability

⁸⁹ *WSJ* 09/10/06, p. 18

⁹⁰ Gilbert Burnham *et al.*, 'Mortality after the 2003 invasion of Iraq: A cross-sectional cluster sample survey', report of 11 Oct. 2006, *The Lancet*, available at <http://www.thelancet.com/webfiles/images/journals/lancet/s0140673606694919.pdf> (visited 01/09/2008).

⁹¹ *WSJ* 11/10/2006, p. 1;

⁹² Neil King Jr. *WSJ* 11/10/2006, p. 4: See also ; See also Sabrina Tavernise and Donald McNeil Jr, *NYT* 11/10/2006, p. 16.

⁹³ Peter Beaumont, 'Aura of fear and death stalks Iraq', *Guardian* 12/10/2006, p.18.

⁹⁴ Peter Beaumont, 'Sunnis change names to avoid Shia death squads', *Guardian* 10/10/2006, p. 21.

⁹⁵ Sarah Boseley, 'One in 40 Iraqis 'killed since invasion'', *Guardian* 12/10/2006, pp. 1 – 2.

⁹⁶ Simon Tisdall 'In Iraq, the worst is still to come', *Guardian* 17/10/2006, p. 24.

would cease only after the Iraqi government had assumed full control.⁹⁷ *Guardian's* coverage was often supplemented by depictions of graphic violence or abuse suffered by civilians as well as soldiers.⁹⁸

In view of those differences between the two American newspapers and *Guardian*, the *FT* occupied a middle ground. *FT's* coverage of the *Lancet* article⁹⁹ was accompanied by a photograph and a background box.¹⁰⁰ Devoting one-third of a page to this issue represented a significant step for the business-related newspaper, as compared with *WSJ's* restraint. A front page article on the following day reported that the Army chief had called for British troops to pull out of Iraq due to their exacerbating the situation and causing security problems and HRE merely by their presence.¹⁰¹ By contrast, a further article noted that the death toll for both soldiers and civilians had risen, and suggested that the military's ongoing presence was necessary in order to stem violence.¹⁰² Despite the greater focus on Iraq than on HREs in the rest of the world, important abuses in Iraq were nevertheless overlooked.¹⁰³

⁹⁷ See Michael Howard, 'Disarm the militias and take control – White House issues demands to embattled PM', *Guardian* 23/10/2006, p. 4

⁹⁸ See, e.g., Richard Norton-Taylor & Tania Branigan, 'Army chief: British troops must pull out of Iraq soon' *Guardian* 13/10/2006, p. 1; Michael Howard, 'Iraq cancels peace talks after scores more die', *Guardian* 16/10/2006, p. 19; Suzanne Goldenberg, 'We've lost battle for Baghdad, US admits', *Guardian* 20/10/2006, p. 21.

⁹⁹ See text accompanying note 90 *supra*.

¹⁰⁰ Clive Cookson & Steve Negus, 'Iraq conflict has killed 600,000 since 2003 invasion, says Lancet', *FT* 12/10/2006, p. 7

¹⁰¹ Stephen Fidler & James Blitz, 'Army chief says UK presence is worsening Iraq situation', *FT* 13/10/2006, p. 1.

¹⁰² Demetri Sevastopulao *FT*, 'Death toll mounts for U S forces in Iraq as violence escalates', 19/10/2006, p. 10.

¹⁰³ Abuses not reported in the newspapers included, for example, 'increased violence against women including abductions, rapes and "honour killings" by male relatives'. In addition, '[a]cademics, teachers and members of the medical profession were kidnapped for ransom', along with the killings of religious leaders from the Mandaean

3.3. Darfur

By late 2006, civil war in Darfur had already claimed hundreds of thousands of dead and displaced¹⁰⁴, suggesting levels of abuse comparable to Iraq. However, only when, in October 2006, proposals for international military interventions involving Western troops emerge, do we observe a marked increase in reporting. In October, US insistence on a peacekeeping force rendered more likely the prospect of UN intervention.¹⁰⁵ The news that Sudan had agreed to a hybrid UN-AU force was reflected in increased media coverage.¹⁰⁶

The newspapers' interest in the deployment of national or regional troops to new conflict zones, either to actively participate in fighting within the region, or as part of new peacekeeping forces, focussed on two elements: (1) the necessity of a dispatch in terms of regional stability and conflict resolution, and (2) fears both for the safety of domestic troops, and in terms of the overstretching of the armed forces. Such issues cannot, of course, be neglected, yet can dilute any focus on human rights violations in

community and the Syriac Orthodox Church, which occurred in the first fortnight of October 2006. *AIAR-2006*, *supra* note 25, at 142 – 45.

¹⁰⁴ *AIAR-2006*, *supra* note 25, at.242; James Randerson, 'Darfur conflict death toll could be 255,000, say researchers' *Guardian*, 15/09/2006, p.26; Jeffrey Gettleman, 'Toll of Darfur Underreported, Study Declares', *NYT*, 15/09/2006, p.8.

¹⁰⁵ See *NYT* 21/10/2006, p. 17. See also Jonathan Steele 'Britain to look at boost in Darfur force' *Guardian* 18/10/2006, p. 22.

¹⁰⁶ See, e.g. Robert Worth, 'Sudan says it will accept UN-African peace force in Darfur', *NYT* 17/11/2006, p. 3; Lee Glendining 'Sudan agrees to allow UN troops in Darfur' *Guardian* 17/11/2006, p. 19. See also, e.g., *WSJ* 17/11/2006, p. 1.

their own right.¹⁰⁷ Reporting on the spill-over of the conflict into Chad again emphasised the essentially military and political nature of the conflict, often sidelining the human rights violations.¹⁰⁸

WSJ suddenly drew greater attention to human rights abuses, not as an intrinsic evil, but within the context of—as an interest effectively subordinated to—prospects of an international deployment in the region. The same kind of internal violence that had long raged with little *WSJ* scrutiny now attracted attention. One snippet, recording over 50 dead and many injured,¹⁰⁹ was the type of event that had not been unusual throughout the conflict, but received greater attention with the prospect of international mobilisation. (In the same way, gross violations in other African states, such as Congo, Zimbabwe and Liberia received little mention.)

FT also augmented its focus during this period, with quantitative and qualitative reporting of somewhat higher quality. One article reported on a number of violations, drawing greater attention to the overall regional crisis, and emphasising the desirability of UN intervention to stabilise the region.¹¹⁰ That approach was maintained by Frances Williams, in an article that reported on the UN call for an independent inquiry into the previous year's armed attacks in Darfur, which left hundreds dead and were carried out by government-backed militia. Her focus on earlier events underscored the gravity of the abuses in themselves, and not only as

¹⁰⁷ See, e.g., Robert F. Worth, 'Sudan Says It Will Accept U.N.-African Peace Force in Darfur', *NYT*, 17/11/2006, p. 3 (examining the conflict in detail, but without mentioning human rights).

¹⁰⁸ See, e.g., Frances Williams, 'Darfur 'a dangerous regional crisis' – UN', *FT*, 30/11/2006, p.6 (examining the extension of the conflict into Chad, but without mentioning human rights).

¹⁰⁹ See *WSJ* 04/11/2006, p. 1.

¹¹⁰ George Parker, 'Sudan may be open to stronger Darfur mission', *FT* 02/10/2006, p. 5

objects of military and diplomatic activity.¹¹¹ In November, Andrew England reported on further developments in the creation of a peacekeeping force to the region in an article accompanied by a photograph.¹¹² *FT* coverage stressed prospective UN peacekeeping within nearly every article published during the first six weeks.¹¹³

The non-financial papers generally devoted greater coverage to Darfur—here again, more than to other crisis states such as Congo or Zimbabwe. They, too, vastly increased coverage once the UN intervention was in view. *NYT* noted atrocities perpetrated against civilians in Darfur and Chad, including massive inter-ethnic violence, resulting in large-scale civilian deaths, injuries, rapes, and displacements, with more frequently ‘humanised’ writing.¹¹⁴ Nicholas Kristof argued that global neglect of Darfur had resulted in inter-ethnic violence spreading to Chad, where civilians, armed only with bows and arrows, had vainly attempted to defend themselves against the Janjaweed.¹¹⁵ In a subsequent piece, Kristof reported on a boy whose family had been massacred, also painting a disturbing picture of the effects of genocide spreading into Chad.¹¹⁶ Interspersed with such articles were pieces suggesting the need for international peacekeeping.¹¹⁷

Guardian published noticeably fewer articles, and included fewer qualitative features, than *NYT*. That discrepancy reflects the generally greater attention to Darfur

¹¹¹ Frances Williams *FT* 10/10/2006, p. 7

¹¹² Andrew England ‘Khartoum curbs UN role in Darfur force’ *FT* 18/11/2006, p. 7

¹¹³ For example; Andrew England, ‘UN condemns militia as scores more die in Darfur’, *FT*, 04/11/2006, p.5

¹¹⁴ See, e.g., Lydia Polgreen, ‘Sudanese Soldiers Flee War to Find a Limbo in Chad’, *NYT* 18/10/2006, p. 12. See also, e.g., *NYT* 10/11/2006, p. 14, and *NYT*, 14/10/2006, p. 9.

¹¹⁵ Nicholas Kristof, ‘Poisoned arrows vs machine guns’, *NYT* 14/11/2006, p. 27.

¹¹⁶ Nicholas Kristof, ‘Boy’s wish: kill them all’, *NYT* 21/11/2006, p. 29.

¹¹⁷ See, e.g., Reuters, *NYT*, 11/10/2006, p. 14 (reporting Nigeria’s call for a peacekeeping force to prevent further atrocities).

in the US¹¹⁸ as opposed to Europe.¹¹⁹ Much of *Guardian's* reporting was provided by staff journalist Jonathan Steele. In one piece, Steele noted apparent Sudanese government complicity in violations.¹²⁰ He described attacks on a number of villages, including the impact upon civilians. The severity of these abuses was also highlighted in a report that aid workers had abandoned one of the largest refugee camps in Darfur, due to clashes claiming at least forty lives.¹²¹

In general, the four newspapers' coverage of Darfur broadly matches *AIAR-2006*, in terms of the kinds of violations reported, especially in relation to violence against civilians and the spread of violence into Chad. However, the quantity and intensity of reporting, once international involvement accelerated, greatly surpassed either the attention devoted to the crisis in earlier months, or that devoted to regions not attracting international intervention. That disproportion contrasts noticeably with the more even-handed attention devoted by *AIAR-2006* to the fuller range of global crises during that period.

4. Gross and Systemic Violations of Human Rights: The Example of China

The Beijing Summer Olympic Games of 2008 inaugurated unprecedented scrutiny of China. Although gross abuses dating back to the Maoist revolution of 1949 have long

¹¹⁸ See, e.g., US DEPT. ST., UNITED STATES POLICY IN SUDAN (May 6, 2006) at

<http://www.state.gov/r/pa/prs/ps/2006/65973.htm> (referring to genocide in Sudan) (visited 01/09/2008).

¹¹⁹ See, e.g., Andrea Böhm, 'Sie sind schwarz? Tut uns leid!', *Die Zeit* (Germany) Oct. 19, 2006, p. 23 (noting European indifference to crises in Africa).

¹²⁰ Jonathan Steele, 'UN official: Khartoum knew of Darfur militia raid', *Guardian* 10/10/2006, p. 25

¹²¹ Jonathan Steele, 'Agencies flee refugee camp in Darfur clashes', *Guardian* 03/10/2006, p. 19

appeared in the Western media, attention to China has often been irregular, and often linked to events only tangentially related to human rights. Most recently, China's booming economy has inspired much enthusiastic reporting, often with the effect of sidelining pressing human rights issues.

That trend is conspicuous in *WSJ*. One article reported that the annual meeting of the top leaders of the Communist Party included 'social ills' on its agenda for the first time, but provided little insight into the gravity or level of human rights violations.¹²² Albeit not always reporting expressly on business, *WSJ* tended to cast China in a positive light. One article reported that censors had partially lifted a ban on *Wikipedia* access.¹²³ Contrary to the author's suggestion, however, the gains in terms of free expression were questionable since, as the author indicated, enhanced technology enabled censors to block individual pages more selectively. Another article reported on an improved climate for foreign businesses and the domestic workforce. The article dealt with an initiative for foreign companies to ensure that trade unions are set up. The journalist did include a note of cynicism on the part of critics, who argued that such unions would actually serve to relieve the government of duties towards workers. The tenor of the article was nevertheless generally benign.¹²⁴ In one editorial, *WSJ* praised the authorities for receiving North Korean refugees.¹²⁵ That stance contrasts glaringly with Amnesty's findings for 2006,

'[Chinese] authorities arrested and deported an estimated 150-300 each week without ever referring cases to UNHCR, the UN refugee agency. [...] In September a new crackdown was reported on North Koreans residing illegally in

¹²² Shai Oster, *WSJ*, 12 Oct. 2006, p. 6

¹²³ Loretta Chao, 'Beijing Partially Lifts Year-old Ban on Wikipedia', *WSJ* 17 Oct, 2006, p. 8

¹²⁴ Mei Fong, 'China to Advocate for More Unions', *WSJ* Oct. 13 p. 4

¹²⁵ Melanie Kirkpatrick, 'Let Them Go', *WSJ*, Oct. 14, 2006, p. 6.

China. / Abuse of North Korean women in China was widely reported, including cases of systematic rape and prostitution. North Korean women were reportedly sold as brides to Chinese men for between US\$880 and US\$1,890. Some women knew they were being sold into marriage but did not know how harsh conditions in China would be. Others were lured across the border by marriage brokers posing as merchants.¹²⁶

FT did not go so far to report positive events, but did show limited interest in gross violations. One article reported that an Aids education group had been banned, and that individual members had been subjected to police harassment. That story is neither directly related to business, nor particularly positive, but, of course, addresses only one of a far greater number of violations in China as a whole.¹²⁷ Another article reverted to the preference for positive stories. A retrial had been ordered for Chen Juang-Cheng, a blind human rights activist, whose conviction provoked international criticism. The original conviction had reportedly been used by human rights groups to condemn the use of trials in retaliation against dissidents.¹²⁸ The article suggested that Chen's case was prompting a full-scale review of such abusive litigation—an impression for which we have not located independent corroboration. *AIAR-2006* suggested that Chen's case was unique, due to exceptional international pressure.¹²⁹

NYT included several reports, notably by Joseph Kahn, relating to HREs in China. These articles include substantially more negative reporting, more reflective of *AIAR-2006*. One article reported that Chinese leaders had been urged to stop

¹²⁶ *AIAR-2006*, *supra* note 25, at 87.

¹²⁷ Mure Dickie, 'Leading Chinese Aids group complains of suppression', *FT* 20 Oct. 2006, p. 9

¹²⁸ Andrew Yeh 'Retrial for blind Chinese activist' *FT* 02/11/2006, p. 6

¹²⁹ *AIAR-2006*, *supra* note 25, at 86.

attacking, detaining, and torturing dissenters.¹³⁰ Two others contained human interest stories about individual victims of state repression. One dealt with the harassment and prosecution of a human rights lawyer. The government had suspended his licence, arrested him, and sought to charge him with inciting subversion—a charge brought against individuals who criticise state conduct.¹³¹ The second article reported that independent camera footage showed Chinese troops killing non-violent Tibetan refugees in the Himalayas.¹³²

November 2006 began with *NYT* reporting some positive developments¹³³, which does suggest a legitimate search for journalistic balance, the article nevertheless condemned the high number of wrongful convictions and death sentences, which had led to a move towards the curbing of the use of the death penalty. Another two reports focussed on further problems. One noted that riots had occurred over the lack of access to healthcare for those without the financial ability to pay for such services. In richly descriptive prose, it related the tragedy of a three-year-old boy allowed to die in hospital whilst his grandfather was forced to seek more money,¹³⁴ equal to US\$ 60.¹³⁵ The second was a snippet recording calls for Chinese police and prosecutors to cease torture of criminal suspects¹³⁶

An *NYT* article by David Barboza began on the front page and continued in the business section, accompanied by one photograph. Barboza reported on the drafting of a new labour law to end sweatshops and abuse of labourers. Critics were reported

¹³⁰ Joseph Kahn, 'Experts Press Chinese Leader to Halt Attacks on Dissenters', *NYT* Oct. 4 p. 10

¹³¹ Joseph Kahn, 'China Charges a Lawyer With Inciting Subversion', *NYT* Oct. 16 p. 6.

¹³² Joseph Kahn, 'Video Disputes China's Claim Shooting Was in Self-Defense', *NYT* Oct. 16 p. 6.

¹³³ David Lague 'China moves to lessen the broad use of death sentences' *New York Time* 01/11/2006, p. 3

¹³⁴ Joseph Kahn 'Boy's death at China hospital spurs riot over care and fees' *NYT* 13/11/2006, p. 6

¹³⁵ See Jonathan Watts 'Boy's death sparks riots over China health care costs' *Guardian* 13/11/2006, p. 17

¹³⁶ *NYT* 21/11/2006, p. 17

to complain that the law will not end the abuses, and could mar inward investment, due to its imposition of difficult conditions regarding termination of workers' contracts. Critics further argued that the government would merely be sweeping state-sanctioned abuse under the carpet by adopting a law that they knew would achieve little in practice.¹³⁷ Barboza's exposé differs from *WSJ's* more positive reporting on the business climate.

Guardian contained little positive reporting on China. One snippet recorded that a total of 1.4 million people had been forcibly displaced for The Three Gorges Dam, with an additional 300,000 newly displaced persons recently coming to light.¹³⁸ Jonathan Watts reported on the banning of novels and works by Yan Lianke highlighting human rights abuses. The article included a photograph, an information box, and a brief biography.¹³⁹ Another article reported on the retrial ordered for Chen Juang-Cheng,¹⁴⁰ which, more like *AIAR-2006* than the *FT*, suggested that the review followed not from an overall improvement, but merely from international pressure. A further article reported on the lack of healthcare for citizens who could not afford to pay. The state was criticised as being in the bottom three countries in the world for access to healthcare. *Guardian*, too, noted the protests sparked by the death of the three-year-old.¹⁴¹

¹³⁷ David Barboza, 'China Drafts Law to Boost Unions and End Abuse', *NYT* Oct. 13, 2006, p. 1.

¹³⁸ *Guardian* Oct 4, 2006, p. 17

¹³⁹ Jonathan Watts, 'Censor sees through writer's guile in tale of China's blood-selling scandal', *Guardian* Oct. 9, 2006, p. 25

¹⁴⁰ 'Chinese Appeal Court orders retrial for human rights activist' *Guardian* 02/11/2006, p. 24

¹⁴¹ See Watts, *supra* note 135.

5. Western Democracies: The Examples of USA and Israel

Reporting adopts more humanised or richly descriptive prose when the perpetrator is seen as a dominant Western democracy and the victim is either a national of that state or of a subordinated state or entity. There are obvious reasons why the media would focus on stronger states, which are often immersed in events of great military, political or economic consequence. It is questionable, however, whether dominant states should receive markedly greater attention when less powerful states commit gross violations on a vastly greater scale.

5.1. USA

Coverage within the newspaper's home country is likely to be greater due to the obvious local interest. While the broadsheets cover a range of domestic issues, their foreign counterparts will focus on events bearing a more overt international dimension. It is no surprise, then, that the British newspapers ended up devoting more attention to Guantanamo Bay than did the US papers. *Guardian* featured no fewer than ten substantial articles over the first six weeks, in comparison to *NYT*'s five. Insofar as such issues are, for the US, essentially domestic, the US papers must balance that coverage against an array of other domestic concerns. On other issues, we observe the same phenomenon in reverse. Battles over Islamic headscarves were raging in Britain during this period, yet received somewhat greater proportionate coverage in *NYT*¹⁴² than in *Guardian*¹⁴³, precisely because, in Britain.

¹⁴² See, e.g., Alan Cowell, 'British Official Criticizes Muslim Veil', *NYT* 7/10/2006, p. 8; Dan Bilefsky *et al.*, 'Across Europe Worries on Islam Spread to Centre', *NYT*, 11/10/2006, pp. 1 and 10 Alan Cowell, 'Blair Criticises Full Islamic Veils as "Mark of Separation"', *NYT* 18/10/2006, p.3; Paul Cruickshank, 'Covered Faces, Open Rebellion', *NYT* 21/10/2006, p.13; Alan Cowell, 'For Multiculturalist Britain, Uncomfortable New Clothes', *NYT* 22/10/2006, 2nd Section (News in Review) p.3.

To strike such balances is to walk a tightrope. Any attempt by US media to give all such issues equal weight might create the appearance of sidelining Guantanamo¹⁴⁴, 'hiding' it behind other stories of domestic interest. However, US papers focussing excessively on Guantanamo might be accused of sidelining those other pressing issues. The same observation holds, in reverse, for the British headscarf controversy. Meanwhile, the superiority of the foreign media in covering Guantanamo entails a dilemma of its own. Guantanamo must, of course, be reported. Yet we have already seen instances of gross and systemic violations of human rights, in a number of states, which received little attention whilst a highly detailed focus on Guantanamo dominated world attention for long stretches.

Even if we concede that precarious balance as an explanation for greater coverage in the UK press, it is notable that *Guardian's* approach was more explicit in documenting the extent of Guantanamo abuses. During this period, *Guardian* focussed on eight former UK residents detained at Guantanamo and attempting to return. Britain's refusal to allow them entry led to four articles over a ten-day period.¹⁴⁵ The pieces described 'appalling mistreatment',¹⁴⁶ including detention

¹⁴³ Matthew Taylor & Vikram Dodd, 'Take off the veil, says Straw – to immediate anger from Muslims', *Guardian* 6/10/2006, p. 1; Martin Wainwright *et al.*, 'Dangerous attack or fair point? Straw veil row deepens', *Guardian*, 7/10/2006 pp. 4-5; Will Woodward, 'Prescott leads ministers disagreeing with Straw over call to remove Muslim veils', *Guardian* 9/10/2006, p. 4.

¹⁴⁴ See, e.g., Edward B. Colby, 'Lara Setrakian on Untold Stories from Guantanamo Bay', interview of 29 May 2006, *Columbia Journalism Review*, available at http://www.cjr.org/behind_the_news/lara_setrakian_on_untold_stori.php?page=2 (arguing that greater attention should be paid to the plight of Guantanamo inmates).

without trial, torture, and lack of due process.¹⁴⁷ A richly descriptive article by Ian Cobain and Cynthia O'Murchu recounted poignant biographies of each of the men. One detainee claimed to have 'lost the use of one eye when guards put down a prisoners' protest' and claimed to have 'been kicked and punched and had faeces smeared in his face.'¹⁴⁸ Another claimed to have been 'beaten, doused in hot liquids and subjected to incessant loud noise [and] his penis was repeatedly slashed with a scalpel.'¹⁴⁹ In the reporters' view, '[s]carring appears to bear out this claim.'¹⁵⁰ A third inmate was alleged to have 'suffered numerous tortures, including beatings, sleep deprivation and starvation. The abuse is said to have continued at Guantanamo, where his lawyers said he had been in solitary confinement for so long that he considers insects to be friends.'¹⁵¹ That inmate 'suffered ill-health after joining a

¹⁴⁵ See Ian Cobain & Cynthia O'Murchu, 'I thought Britain stood for justice, but the British government has abandoned us', *Guardian* 03/10/2006, p. 18; Ian Cobain & Vikram Dodd, 'Britain to US: we don't want Guantanamo nine back', *Guardian* 03/10/2006, p. 1; Diane Taylor, 'I haven't stopped crying since I heard...I think they want to kill him'', *Guardian* 13/10/2006, p. 11; Richard Norton-Taylor, 'Residents 'not government's responsibility'', *Guardian* 13/10/2006, p. 11.

¹⁴⁶ See Cobain & Dodd, *supra* note 145. See also Cobain & O'Murchu, *supra* note 145 (describing detailed allegations of inhumane or degrading treatment).

¹⁴⁷ *Id.* A number of articles examined abuses at Guantanamo in conjunction with broader issues of US war crimes and extraordinary renditions. See, e.g., Richard Norton-Taylor, 'High-flying lifestyle of the CIA's rendition men', *Guardian*, 26/10/2006, p.9; Mark Tran, 'Cheney endorses simulated drowning', *Guardian*, 27/10/2006; Suzanne Goldenberg, 'Cheney condemned for backing water torture', *Guardian*, 28/10/2006, p.28; Mark Tran, 'Rumsfeld faces renewed war crimes claims', *Guardian*, 4/11/2006; Richard Norton-Taylor, 'CIA tried to silence EU on torture flights', *Guardian*, 26/10/2006, p.1,

¹⁴⁸ Cobain & O'Murchu, *supra* note 145.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

hunger strike in protest at his detention without trial.’¹⁵² A further article reported on America’s demand for more information and data regarding flight passengers.¹⁵³

Although *NYT* by no means ignored such allegations¹⁵⁴, they did not match *Guardian*, either quantitatively or qualitatively, in exploring the gravity of the situation; nor did they compare to *NYT*’s deeply humanised reports on fallen US officers in Iraq, despite the fact that numerous Guantanamo detainees had been released by late 2006, and their stories widely reported. One *NYT* article did report that a freed Guantanamo detainee had accused America of perpetrating human rights violations against him, including physical and sexual assault, though without the more overtly humanised style of Cobain & O’Murchu, and with a greater attempt to weigh the detainee’s claims against the Pentagon’s counter-claims.¹⁵⁵ An opinion piece reported that an Al-Jazeera cameraman was held as a detainee, arguing that the media were not doing enough to ensure his release.¹⁵⁶ Other *NYT* articles reported on legal proceedings, again without *Guardian*’s more explicitly humanising style.¹⁵⁷

Although the war on terror has implications for business and finance, the specific situation of Guantanamo arguably had no such implications, and thus received limited coverage in the financial papers. *WSJ* showed altogether little

¹⁵² *Id.*

¹⁵³ Nicholas Watt, ‘Legal limbo as air passenger data talks fail’, *Guardian* 02/10/2006, p. 16.

¹⁵⁴ See, e.g., Alan Cowell, ‘Five Britons Released From Guantánamo Arrive Home’, *New York Times*, 10 Mar. 2004 (*NYT* report appearing two years earlier).

¹⁵⁵ Mark Landler & Souad Mehennet, ‘Freed German detainee questions his country’s role’ *NYT* 04/11/2006, p. 8. See also Mark Landler, ‘12 detainees sue Rumsfeld in Germany, citing abuse’, *NYT* 15/11/2006, p. 17.

¹⁵⁶ Nicholas Kristof, ‘Sami’s Shame, and Ours’, *NYT* 17/10/2006, p. 21.

¹⁵⁷ See David Johnston, ‘CIA tells of Bush’s directive in the handling of detainees’ *NYT* 15/11/2006, p. 14 (reporting ACLU action for disclosure of documents signed by President Bush concerning torture); Neil A. Lewis ‘Officials see Qaeda trials using new law in 2007’, *NYT* 03/11/2006, p. 18 (reporting on developments in trial procedures).

interest in US civil rights issues during this period, providing only two snippets on anti-terror legislation.¹⁵⁸ *FT* reported a bit more on Guantanamo, including the Pentagon's decision to order an inquiry into conditions.¹⁵⁹ One article reported on America's obligations under the Geneva conventions in view of the military commissions trying Guantanamo detainees.¹⁶⁰ Another reported on abuses in Guantanamo and on extraordinary renditions.¹⁶¹

AIAR-2006 devotes no more than a half-column to Guantanamo.¹⁶² Neither in form nor content does that brevity diminish the gravity of the situation. Rather, Guantanamo attracts neither more nor less attention than countless other grave human rights abuses during that year. *Guardian's* seeming compassion about human rights, then, turns out to be a double-edged sword, as countless human rights victims all over the globe never receive the deeply individualised and humanised attention devoted to these victims of US abuse. In addition, it should be recalled that our focus on civil and political rights places a situation like Guantanamo at the heart of concern about the US during our selected time period. Had we chosen social and economic rights for this study, coverage of a vast number of violations would have required examination.

5.2. Israel and the Palestinian Occupied Territories

¹⁵⁸ *WSJ* 21/10/2006, p. 1; *WSJ* 02/11/2006, p. 1.

¹⁵⁹ *FT* 14/10/2006, p. 8

¹⁶⁰ Demetri Sevastopulo, 'Guantanamo tribunals spur Red Cross to voice concern', *FT* 20/10/2006 p. 10

¹⁶¹ Daniel Dombey'Levin pledges to probe 'abuse' of renditions' *FT* 14/11/2006, p. 8

¹⁶² *AIAR-2006*, *supra* note 25, at 274 .

NYT and *Guardian* devoted more attention to the Palestinian Occupied Territories than the financial papers. As the differences between *NYT* and *Guardian* are of interest, we shall focus in this section on them. *Guardian* provided extensive humanised reporting on Palestinian and Lebanese victims of the ongoing conflicts. The *NYT* also included humanised material, but balanced the plight of Palestinians, Lebanese and Israelis more evenly.

Since Palestinians' suffering has, in the long run, been greater than Israelis'¹⁶³, it might be argued that *Guardian's* emphasis on them provides a proportionate assessment of the overall suffering in the conflict. To be sure, *Guardian* has not entirely neglected Israeli victims of Palestinian attacks.¹⁶⁴ Nor, in view of that disproportion in suffering, is our concern that *Guardian* 'should' report 'equally' on Israeli and Palestinian casualties. Rather, the problem is that *Guardian's* copious quantitative and qualitative focus on Palestinian victims by definition becomes a focus on Israel as aggressor, far in excess of states that commit human rights abuses on a more massive scale, either in absolute terms, such as China (before the attention of the Beijing Olympics), Sudan, Congo, or relative to the populations concerned, such as Libya, Syria or Saudi Arabia. To some extent, *NYT* avoids that trap of stylising Israel as a uniquely harsh oppressor by explaining Israeli incursions in the context of threats to its security posed by Palestinian resistance.

NYT included twenty pieces written by six journalists, in addition to a number of pieces concerning politics more generally in the region. The articles were accompanied by a high level of qualitative reporting, as photographs and human stories accompanied almost every piece. One article by Steven Erlanger described

¹⁶³ *AIAR-2006*, *supra* note 25, at 147-150.

¹⁶⁴ Rory McCarthy, 'Frontline town where 'Russian roulette' is a way of life', *Guardian*, 27/11/2006, p. 15

deaths, factional in-fighting and street violence, and economic deterioration once Israel had pulled out of Gaza, closed check-points, and imposed sanctions. Erlanger stressed that Israel was responding to increased inward rocket-fire since the pull-out, and noted that Israeli military re-deployed troops for that reason.¹⁶⁵

Greg Myre published ten articles during the six-week period, almost all of which included photographs or humanised stories, also generally seeking to balance the dilemmas of Palestinians and Israelis. One article reported that Israel was being blamed for violence that had killed two demonstrators in Gaza. Israel's closure of crossings, and refusal to pay customs duties and taxes owed to the Palestinian Authority, were damaging the Gazan economy. Myre pointed out that Israel had imposed the restrictions due to alleged smugglings of weapons into Gaza. The article noted that the internal tensions had escalated due to the government being unable to pay its employees, mainly because of the cutting of funding by the US and the EU who view Hamas as a terrorist group.¹⁶⁶

In a follow-up, Myre reported the shooting of a suicide bomber who had breached the perimeter fence. It also noted the military's assertion that its destruction of a Palestinian home was due to production and storage of weapons. The article also condemned the shooting of a fourteen year old bystander by the military when they killed three Palestinian gunmen.¹⁶⁷ An article the next day reported that the Israeli military had entered Gaza after at least six rockets were fired into Israel from Northern Gaza. The article focussed on eight deaths and numerous injuries resulting from the incursion into Gaza, including rich description.¹⁶⁸ Other pieces by Myre

¹⁶⁵ Steven Erlanger, 'Fatal Clashes in Gaza Over Unpaid Salaries', *NYT* Oct. 2, 2006, p. 9.

¹⁶⁶ Greg Myre, '2 Killed as Palestinian Factions Clash for 2nd Day', *NYT* Oct 3, 2006, p. 6

¹⁶⁷ Greg Myre, 'Militants Seize, Then Release, U.S. Teacher in West Bank', *NYT* Oct. 12, 2006, p. 10.

¹⁶⁸ Greg Myre, '8 Palestinians Die as Israeli Raids and Airstrikes Intensify', *NYT* Oct. 13, 2006, p. 13.

reported on Israeli killings of civilians and Hamas militants, and closures of tunnels between Gaza and Egypt, And on worsening conditions in Gaza.¹⁶⁹ Myre remained even-handed in documenting the reasons for Israeli military incursions, while not shunning coverage of grave violations. *NYT* never excused Israeli violations, though it did generally note Palestinian actions that might have precipitated them, such as the kidnapping of a US teacher¹⁷⁰, gunmen firing upon Israeli troops¹⁷¹, and continued inward rocket fire.¹⁷²

Whether *NYT* is justified in according equal weight to both sides, despite greater Palestinian losses, is a difficult question. *NYT* did also publish pieces more roundly critical of Israel. An opinion piece by Sam Bahour, a Palestinian-American author, condemned Israel's prevention of Palestinians returning to their land if they leave the country, and the requirement of visas for Palestinians wishing to visit relatives. He contrasted those measures with Jews' right of return.¹⁷³ Hassan Fattah reported Israeli obstacles to her neighbours' freedom of movement, featuring photographs and humanised stories about the Israeli security fence splitting an already divided village,

¹⁶⁹ Greg Myre, '5 Die as Palestinians Clash With Israelis and Each Other', *NYT* Oct. 14, 2006, p. 6; Greg Myre, 'Israeli Troops Find 5 Tunnels in Gaza Strip', *NYT* Oct. 19 p. 6; Greg Myre, 'Olmert Says Israel May Widen Military Role in Gaza', *New York Times*, 31/10/2006, p. 8; Greg Myre, 'Big Israeli Strike With Tanks Kills 8 Palestinians in Gaza', *New York Times*, 2/11/2006, p. 10; Greg Myre, 'Israeli Troops Kill 6 Palestinians in Second Straight Day of Fighting in Gaza Farming Town', *NYT*, 3/11/2006, p. 10 [hereafter 'Israeli Troops Kill 6']; Greg Myre, 'Israelis Fire on Marchers Aiding Gaza Gunmen, Killing 2', *New York Times*, 04/11/2006, p. 3; Greg Myre, 'Israel Vows to Attack Gaza Until Rockets Subside', *New York Times*, 6/11/2006, p. 11.

¹⁷⁰ See Greg Myre, 'Militants Seize, Then Release, U.S. Teacher in West Bank', *NYT*, 12/10/2006, p. 10.

¹⁷¹ See Greg Myre, '5 Die as Palestinians Clash With Israelis and Each Other', *NYT*, 14/10/2006, p. 6.

¹⁷² Myre, 'Israeli Troops Kill 6', *supra* note 169; Greg Myre, 'Israel Vows to Attack Gaza Until Rockets Subside', *NYT*, 06/11/2006, p.11; Ian Fisher, 'Rocket Fire From Gaza Kills Woman and Wounds 2 in Israeli Town', *NYT*, 16/11/2006, p.20.

¹⁷³ Sam Bahour, 'We Cant Go Home Agaim', *NYT* Oct. 7, 2006, p. 15.

resulting in half of the village being in Israeli territory and the other half in Lebanese land. The article reported that Israeli troops were permanently posted in half of the village, to the detriment of said village, in order to protect Israel's border.¹⁷⁴ An article by Michael Slackman featured prominently on the front page of the newspaper, accompanied by two photographs and a background box. Slackman reported that Israel's illegal cluster bombs during the war with Lebanon were still killing and injuring Lebanese civilians. He highlighted the ongoing impact of the preceding summer's armed conflict on civilians in Lebanon and Syria.¹⁷⁵ Alan Rickman & Katharine Viner's play *My name is Rachel Corrie*, compiled from the diaries of a peace activist killed by Israeli forces whilst protecting Gazan civilians, was praised in a review by Ben Brantley.¹⁷⁶ Internal abuses committed by Israel's neighbours, such as Syria, Egypt, Libya, or Saudi Arabia, received no such level of attention, thus maintaining a focus on Israel-as-abuser even in a newspaper generally seeking balance between the opposing sides.

One *Guardian* snippet reported on Israeli military tactics, the repercussions for civilians, and the Israeli Supreme Court's order for Prime Minister Ehud Olmert to justify the lack of an inquiry into Israeli violations during the 2006 Lebanon conflict.¹⁷⁷ An article by Rory McCarthy, accompanied by a photograph and a richly descriptive account, described mysterious deaths and illnesses that were thought to have resulted from Israeli weaponry.¹⁷⁸ *Guardian* did cover Palestinian attacks on

¹⁷⁴ Hassan Fattah, 'A New Fence Is Added to a Border Town Already Split', *NYT* Oct 11, 2006, p. 3

¹⁷⁵ Michael Slackman, 'Israeli Bomblets Plague Lebanon', *NYT* Oct 6, 2006, pp. 1 and 12

¹⁷⁶ Ben Brantley, 'Notes From a Young Idealists in a World Gone Awry', *NYT* Oct. 16, Arts section,

¹⁷⁷ *Guardian* Oct 7, 2006, p. 21.

¹⁷⁸ Rory McCarthy, 'Gaza doctors say patients suffering mystery injuries after Israeli attacks', *Guardian*, Oct 18, 2006, p. 15

Israel, but less frequently, and more with a view to minimising them in comparison to Israeli incursions. Brian Whitaker continued the reporting on the use of illegal weapons by Israel in an article noting that both sides in the 2006 Lebanon war had used cluster bombs, but that Israel used at least seven times more than Hizbollah.¹⁷⁹ Conal Urquhart's piece 'Israel admits it used phosphorous weapons'¹⁸⁰ included a humanising description of the deaths of two boys playing near an unexploded cluster bomb in Lebanon. Urquhart explained the types of phosphorous weapons and cluster bombs used against Lebanon during the conflict. Rarely did *Guardian* provide such detailed, humanising coverage of abuses in neighbouring regimes.

Another article by Urquhart was accompanied by a photograph and three humanised stories regarding the destruction of houses in Gaza by Israeli airplanes. The houses belonged to people caught smuggling via tunnels between Egypt and Gaza, and they were destroyed after a warning of between fifteen minutes and half an hour.¹⁸¹ Similarly, two articles by McCarthy attributed the humanitarian crisis in Gaza to blockades, freezing of funds, and closure of crossing points after the election of the Hamas government. McCarthy reported on Condoleezza Rice's visit to the region and her highlighting of these issues.¹⁸² The articles were accompanied by photographs and human stories, indicating that Israel was using bullying tactics that resulted in a severe humanitarian crisis in the region. McCarthy wrote about a Palestinian village which would be eradicated by the security wall. The humanising style frequently used by this journalist appears from the outset,

¹⁷⁹ Brian Whitaker, 'Hizbullah 'used cluster-bombs'', *Guardian* Oct. 20, 2006, p. 28

¹⁸⁰ Conal Urquhart 'Israel admits it used phosphorus weapons', *Guardian* Oct 23, 2006, p. 22

¹⁸¹ Conal Urquhart, "'Smugglers' get 15 minutes to go, then house is blown up', *Guardian* Oct 2, 2006, p. 15.

¹⁸² Rory McCarthy, 'Palestinian coalition talks fail as Rice arrives for visit', *Guardian* Oct 5, 2006, p. 22; Rory McCarthy, 'Power struggle: Gaza sliding into civil war', Oct. 12, 2006, p. 25

‘From his rooftop, Mohammad Ibrahim can see from one end to the other of the narrow valley that contains the village of Wadi Fukin. Beyond houses bunched around the tall minaret of the mosque is terraced farmland, most of it covered with olive trees or planted deep in cabbage, cucumber, radish, lettuce and squash, irrigated by dozens of small reservoir pools linked to the valley’s 11 ancient springs.’¹⁸³

McCarthy recounts the village’s destruction, providing little insight into Israeli justifications for it. Urquhart similarly recalls the demise of Nablus, noting its history as a commercial centre before the occupation. His poignant sketch equally omits any statement of Israel’s reasons,

‘In the meantime it’s raining and the rain water is ankle deep and getting deeper. Adley Yaish, the mayor of Nablus, is showing workers how to lift manhole covers in the road to reduce flooding. He is wearing a yellow waterproof coat over his suit but his leather loafers are getting wet. Flooding continues and pushes sewage into the streets and some homes.’¹⁸⁴

On the Israeli incursion into Beit Hanoun, unlike *NYT*¹⁸⁵, *Guardian* provided no details of the Qassam rockets fired into Israel, or of the Palestinian gunmen who had provoked Israel’s response. *Guardian* focussed solely on Israeli conduct, again using humanising language. McCarthy recalled the firing on women near a mosque,

“There were about 30 women in our group, all in the main street. We were moving into the town and passing by the Israeli tanks. We carried two white

¹⁸³ Rory McCarthy, ‘Israeli barrier and settlement to leave West Bank village with nowhere to go’, *Guardian*, 30/10/2006, p. 18.

¹⁸⁴ Conal Urquhart, ‘The West Bank managers’, *Guardian*, 2/11/2006, p. 28.

¹⁸⁵ See, e.g., Myre, ‘Israeli Troops Kill 6’, *supra* note 169.

flags. They didn't ask us to stop and then suddenly we saw them shooting at us," she said. "I was hit but there were no ambulances. We were calling for them but there was nothing." Her husband found a donkey cart and put the injured women on the back and led them out of the town to waiting ambulances. Mrs Hamad was hit on the forehead and in the left shoulder and was yesterday being treated at the al-Ouda hospital in Gaza.¹⁸⁶

Myre noted that these women had chosen to become human shields for Hamas fighters who had holed themselves inside a mosque and were engaging with the army from that building.¹⁸⁷ *Guardian* maintained the richly descriptive tone, describing, for example, 'a 45-year-old Beit Hanoun resident' who 'looked on as children and women picked through the rubble of the four-story structure that had been home to his extended family of 50 people.'¹⁸⁸

AIAR-2006 highlighted Israel's failure to provide maps of where cluster bombs had been dropped, its frequent air and military strikes in Gaza, the expansion of illegal settlements and construction of security wall, and the continued closure of checkpoints resulting in the removal of access to jobs, medicine and humanitarian aid for Palestinians in Gaza. These events were covered across all four newspapers.¹⁸⁹ However, *AIAR-2006* also highlighted violations perpetrated by Palestinians against their own people, foreign journalists and Israeli civilians, which, on the whole, received little attention in the four papers, and particularly in *Guardian*, where few of

¹⁸⁶ Rory McCarthy, 'Israeli troops fire on women in mosque siege', *Guardian*, 4/11/2006, p. 18.

¹⁸⁷ See, e.g., Myre, 'Israeli Troops Kill 6', *supra* note 169.

¹⁸⁸ Associated Press, 'Israeli forces withdraw from Gaza town', *Guardian*, 7/11/2006, p. 17.

¹⁸⁹ For *WSJ*, see, e.g., 'Are Palestinians Victims or a People Living in a State of Denial?', *WSJ*, 07/10/2006 p.7; 'Violations of Rules of War in Israel's Lebanon Attacks', *WSJ*, 19/12/2006, p. 17. For *FT*, see, e.g., Harvey Morris, 'Rice's plans could help ease economic siege of Gaza Strip', *FT*, 04/10/2006; Frances Williams, 'UN joins call to curb cluster bombs', *FT*, 08/11/2006, p.8.

the concerns raised by *AIAR-2006* regarding violations perpetrated by Hezbollah in Lebanon were covered in great detail. Whilst *AIAR-2006* reported on the increase in Qassam rocket attacks from Gaza¹⁹⁰ and killing of Israeli civilians and soldiers by Palestinians¹⁹¹ in the report on Israel and the Occupied Territories, the vast majority of this report was devoted to HREs perpetrated by Israel against her Arab neighbours. *The Guardian's* coverage reflected this report fairly accurately. However, when taken together with the reports on the Palestinian Authority¹⁹² as well as Israel's neighbours, *NYT* generally came closest to *AIAR* in terms of balance and tone.

6. Ongoing Anxieties: The Example of the 'War on Terror'

The four newspapers are all native to the countries that were leading the 'war on terror' under the Bush and Blair administrations. Both US papers adopted a strong anti-terror stance. Abuses committed by states viewed as strategic allies, such as Pakistan or Egypt, received less quantitative and qualitative internal scrutiny than 'suspect' states such as Iran. When abuses by allies were reported, they showed a more positive spin, similar to that of emerging financial partners, such as China, in the business papers. *Guardian's* more critical view of the war on terror, by contrast, rendered its reporting more even-handed.

6.1. Pakistan as Ally

¹⁹⁰ *AIAR-2006* p.148

¹⁹¹ *AIAR-2006* pp.147-150

¹⁹² *AIAR-2006* pp.204-206

A number of non-western states have cooperated in US anti-terror campaigns. Many are unlikely allies due to their nationals' sympathies with the regions from which terrorism emanates. Pakistan has a history of military rule since its independence in 1947. Despite weaknesses in its democratic institutions, reporting on Pakistan, particularly by *WSJ*, *FT*, and *NYT*, more strongly emphasise the state's plight as victim in the war on terror. Abuses related to the war on terror are likely to be cast in moderate language, and violations are more likely to be overlooked than those perpetrated by states seen as suspects in the war on terror.

One *WSJ* snippet reported an armed forces air strike of a religious school in Chenagai, claiming 80 lives. Pakistan claimed that, according to US intelligence, the school was a terrorist training ground.¹⁹³ A subsequent snippet reported that a revenge attack by a militant bomber killed 42 Pakistani soldiers.¹⁹⁴ It might be argued that these snippets reflect a newsworthy interest in the quality of American intelligence. Arguably, however, it is the war on terror that primarily motivates *WSJ's* inclusion of such claims, since, as we have seen, HREs of similar scope, but not related to this or other kinds of media interests, often go unreported, particularly in the financial papers. One *FT* snippet reported that Human Rights Watch had called for an investigation into the Chenagai raid. Pakistani officials claimed that the school was training religious militants. The snippet also noted that Islamic groups blamed America for the attack.¹⁹⁵ Another *FT* snippet recorded that four convictions for a car bombing outside the American embassy were overturned by the Appeal Court due to the trial court's decisions being based on 'flawed evidence'.¹⁹⁶

¹⁹³ *WSJ* 01/11/2006, p. 1

¹⁹⁴ *WSJ* 09/11/2006, p. 1

¹⁹⁵ *FT* 02/11/2006, p. 10

¹⁹⁶ *FT* 01/11/2006, p. 9

NYT lent particular credence to the suspicions that the Chenagai madrasa was a terrorist training ground.¹⁹⁷ Recalling the broader context of terrorist training being carried out in Pakistan's territory, *NYT* more overtly attributed terrorist activity and training in the madrasa to the Taliban, arguably exonerating the government. To be sure, two features did report critically on 'vendetta rapes' meted out as punishments by some courts, including strong qualitative reporting, with three 'human' stories and two photographs.¹⁹⁸ However, abuses related to terror generally cast the state more in the role of victim than perpetrator, drawing attention to Pakistan's efforts at improvement of the situation; and even the report on rape was followed by a piece emphasising reform initiatives.¹⁹⁹

Guardian placed greater emphasis on the victims of the airstrikes, casting the government more in a perpetrator role. Two articles relied strongly upon photographs, background boxes and human stories. The human stories related to the injuries and killings of madrasa students. Whilst *NYT* placed more emphasis on the Pakistani soldiers killed in the revenge attack, *Guardian* highlighted the age and plight of the madrasa victims. One article reported the strike in more critical terms, placing less emphasis on the stated justifications than that provided by the other three newspapers.²⁰⁰ The article on the revenge attack was brief and basic, using no such

¹⁹⁷ Salman Masood & Mark Mazzetti, 'Pakistan's leader defends airstrike on school' *NYT* 01/11/2006, p. 14. See also Salman Masood & Carlotta Gall, 'Suicide bomber kills 42 soldiers at Pakistan training site', *NYT* 09/11/2006, p. 24 (reporting on the subsequent revenge attack).

¹⁹⁸ See Salman Masood 'Vendetta Rapes Continue as Pakistan Resists Change', *NYT* 14/10/2006, p. 6.

¹⁹⁹ See Salman Masood 'Pakistan moves toward altering rape law' *NYT* 16/11/2006, p. 3.

²⁰⁰ Declan Walsh 'Growing anger as US accused of being behind madrasa attacks' *Guardian* 01/11/2006, p. 25

detailed or humanising technique.²⁰¹ *Guardian* accorded less weight to terror-based justifications for such strikes, and placed more emphasis on US involvement.

Guardian also included coverage of other human rights stories in Pakistan, which may in part owe, first, to Britain's large Pakistani community, and, more specifically, to a British Pakistani condemned to death (for a non-terror related offence) by a Sharia court. The man had been on death row for eighteen years following the accidental killing of a man who had been assaulting him. One article reported that Prince Charles had threatened to cancel a visit to the country.²⁰² Another reported that a presidential pardon had been granted following interventions by Charles and the British government.²⁰³ As with the *NYT's* coverage of the rape laws, a negative HRE was balanced by a positive follow-up on official steps taken to remedy the abuse.

6.2. Iran as Enemy

A number of states, such as Iran, are viewed as sponsors of terrorism. Having emerged as a regional power, Iran's backing of terrorist organisations such as Hizbollah entrench its pariah status, in comparison, for example, to Saudi Arabia, which scarcely has a better domestic record. Whilst AIAR devoted an equal amount of attention to similar human rights abuses in both Iran²⁰⁴ and Saudi Arabia²⁰⁵ - including torture, death penalty and women's rights – the four newspapers made

²⁰¹ Declan Walsh 'Pakistani soldiers killed in revenge attack on camp' *Guardian* 09/11/2006, p. 24

²⁰² Vikram Dodd, 'Pakistan warned Royal visit will be scrapped if Briton's life not spared' *Guardian* 19/10/2006, p. 4. See also Alex Kumi 'Death row Briton hopes for reprieve in Pakistan' *Guardian* 16/11/2006, p. 11.

²⁰³ Jeevan Vasagar 'Man freed after 18 years on death row in Pakistan reunited with family in Britain' *Guardian* 18/11/2006, p. 9

²⁰⁴ *AIAR-2006* pp.139 - 141

²⁰⁵ *AIAR-2006* pp.222 - 224

scarce mention between them of any such HREs in Saudi Arabia over the three month period. This can be contrasted with the volume and breadth of reporting on Iran during this time.

In one front-page *WSJ* article, Andrew Higgins reported on the use of Iranian military vessels in the hijacking of a Romanian oil rig. The article, including four photographs, two background boxes and human story, reported that businesses in Iran are coerced into regular meetings with the Revolutionary Guard, known to seize business or intimidate foreign owners into leaving the country if compliance with their demands is not forthcoming.²⁰⁶ *NYT* was sparse in comparison with its reporting on other states with comparable records, although it did cover nuclear weapons proliferation by North Korea, involving numerous mentions of Iran's nuclear aspirations and alleged programme. One television review covered Alessandra Stanley's documentary exploring ties between the Taliban, Pakistan and Iran.²⁰⁷ Stanley explored links between Iranian and Pakistani militants and between the Iranian government and the Taliban, again highlighting Iran as directly tied to terrorist groups and acts. A second article reported the arrest of a Muslim cleric who opposed the use of Sharia law in Iran and was an outspoken critic of the government.²⁰⁸ Both articles featured photographs and qualitative reporting casting Iran in a strongly negative light.

The two UK papers published more articles about HREs in Iran than their American counterparts. *FT* and *Guardian* reports were varied and dealt with various HREs. They both gave a broad impression of Iran as a country with state-sanctioned human rights violations and repression of individual rights and freedoms, but, unlike

²⁰⁶ Andrew Higgins, 'A Feared Force Roils Business in Iran', *WSJ* 14/10/2006, pp. 1, 8.

²⁰⁷ Alessandra Stanley, *NYT* 03/10/2006, 2nd Section, p.2.

²⁰⁸ Nazila Fathi, 'Iran Arrests Outspoken Cleric Who Opposes Religious Rule', *NYT* 09/10/2006, p. 3

their US counterparts, placed less emphasis on Iran's role in terrorism during this time period. One *Guardian* piece by Robert Tait reported the further censorship of the internet and satellite television by the Iranian government in order to curtail access to Western influences and to stop Iranian bloggers from communicating with Western media. Tait suggests that the lack of reporting from Iran during this period of time is at least partly attributable to a lack of accessibility for Western media.²⁰⁹ That lack of accessibility can also be assumed through the fact that the articles were written solely by Tait, which was unusual for a newspaper often featuring a variety of journalists when possible. Another report covered the censorship of books in Iran through the arbitrary banning of both new and old literature in a clampdown by the authorities.²¹⁰

In a weekend magazine feature, accompanied by three photographs, Tait wrote about his personal experiences.²¹¹ In humanising language, he reported that unmarried lovers in Iran are punished by flogging, imprisonment or death sentences. Four days later, an article reported that an Iranian soap star had been arrested on suspicion of having extra-marital affair. The star and her lover faced heavy sentences if convicted, the former threatened with lashings, and the latter with imprisonment.²¹² In its coverage of Iran, then, *Guardian* shares views of it as a generally repressive state, despite, as in the case of Pakistan, its specific unwillingness to recognise the war on terror as justifications for state-perpetrated abuses.

FT focussed on the threat and impact of sanctions against Iran due to the regime's nuclear programme. One article reported on sanctions by America and the

²⁰⁹ Robert Tait, 'Iran bans fast internet to cut West's influence' *Guardian* 18/10/2006, p. 22

²¹⁰ Robert Tait, 'Bestsellers banned in Iranian censorship purge' *Guardian* 17/11/2006 p. 23

²¹¹ Robert Tait, 'My secret love affair' *Guardian* 04/11/2006, Weekend Magazine pp. 38-45

²¹² Robert Tait 'Iranian soap star faces lashing after sex tape made public' *Guardian* 08/11/2006, p. 26

UK, noting concerns about Iran as a security threat.²¹³ Another reported that the sanctions imposed against Iran were hampering businesses in the country. Blanket policies within the sanctions were partly to blame, but that the nuclear programme remained the focal cause.²¹⁴ The paper also recorded the arrest of a Shia cleric and his supporters who were critics of the Iranian government.²¹⁵ Overall, then, *FT* tied coverage of human rights to Western concerns about Iran's nuclear ambitions.

7. Conclusion

Media coverage of human rights entails several tensions which will remain difficult to balance. On one hand, the mass media are derelict when they neglect to report on gross and systemic human rights violations. On the other hand, strongly disproportionate emphasis on one locus of abuse raises questions about why equally or more abusive situations receive less attention, particularly when a noticeable pattern of disproportionate coverage emerges over time. If the disproportion arises from concerns related to, yet ultimately distinct from, human rights, as appears when reporting on violations is spurred by distinct military, economic or cultural interests, then it cannot be said that a focus on human rights as such is being faithfully pursued.

Journalism is subject as much to serendipity as to foreseeability. We certainly cannot complain that 2008 witnessed greater scrutiny of China, through the sheer happenstance of the Olympic games. We must regret, however, that, before that event, reporting on human rights in China, in view of the sheer scale of violations over decades, was at best sporadic, at worst eclipsed by business interests. We can

²¹³ Roula Khalaf, 'UK and US revive threat of sanctions on Iran', *FT* 04/10/2006, p. 10

²¹⁴ Najmeh Bozorgmehr 'Iranian companies pay price for Tehran's nuclear defiance' *FT* 02/11/2006, pp. 1 and 12

²¹⁵ *FT* 09/10/2006, p. 6

understand that the Israel-Palestine conflict, standing at the cross-roads of vital questions of oil production, military security, and a Western imperial history, is never long out of the news. We must regret, however, that states in the region with similar, if not far worse, records of human rights violations receive far less attention. We can understand that a Western military presence heightens interest in Afghanistan, Iraq or, prospectively, Darfur. We must regret, however, the dearth of reporting before such involvement, or in places, such as DR Congo, where no such involvement is imminent, as well as any tendency to focus more on harm to Western forces as on local victims. We can welcome critical coverage of violations in Iran, but must regret the absence of similar reporting on Saudi Arabia. We can agree that the United States' post-Cold War status as superpower justifies rigorous coverage of a situation like Guantanamo Bay. We must worry, however, when the price of such coverage is paid by millions of victims within closed societies, such as North Korea, for which media coverage is more occasional than constant, despite the fact that, as leading NGOs have shown, information can still be reliably attained.

We cannot recommend that all serious journalism precisely reflect the balance of attention found in specialist sources such as *AIARs*. The mass media should nevertheless strive to take such benchmarks more deliberately and more systematically into account. In the evaluation of successes and failures by the mass media, an even-handedness similar to that proposed for the assessment of human rights advocacy and scholarship²¹⁶ should be applied. Human rights violations can never be reduced to solely quantifiable measures; insofar as possible, however, human rights journalism should strive for some proportionality in the level of attention

²¹⁶ See generally Heinze, *supra* note 13.

directed towards specific human rights situations, and the actual, overall state of human rights in the world.