

DRAFT FOR DISCUSSION

DRAFT GUIDELINES FOR MEDIA PERSONNEL ON REPORTING TERRORISM INCIDENTS

Background

Preserving the integrity of a crime scene is critical to the investigation of all crimes. In terrorism incidents, even high-profile cases have been lost in court in Pakistan due to inadequate preservation of the crime scene.

In terrorist incidents, the crime scene can be spread over large areas (bombings), can be a compound crime scene where several clusters of evidence may be scattered across one large area, or can be a series of different yet connected crime scenes.

As some of the earliest arrivals at the scene of a terrorist incident, media personnel are at a high risk for contaminating the crime scene and being exposed to hazards. Currently, there is no officially mandated policies on crime scene management which are effectively enforced. While the Anti-Terrorism Act 1997 through Section 21-A provides for 'Cordons for Terrorist Investigations', little awareness exists for what a cordon is and how it is to be respected, despite the fact that violation of Section 21-A carries a penalty of up to 2 years imprisonment and a fine.

In this context, a policy dialogue is being initiated with members of the media and criminal justice actors including police, prosecutors and judges on best practices that should be followed by media crews and reporters at a terrorism crime scene. To facilitate this policy dialogue, draft guidelines have been drafted for discussion which cover the following aspects:

- a. Preserving the integrity of a crime scene in terrorism incidents
- b. Police-Media cooperation in the aftermath of a terrorist incident
- c. Coverage of terrorism incidents

1. Preserving the Integrity of the Crime Scene in Terrorism Incidents

- All security cordons placed around the scene of a crime or an on-going terrorist incident must be respected by all media persons at all times as per Section 21-A and 21-B of the Anti-Terrorism Act, 1997. Media persons should be mindful of the fact that a Police Officer or member of a JIT is legally empowered to:
 - Order a person in a cordoned area to leave immediately;
 - Order a person immediately to leave the premises which are wholly or partly in or adjacent to a cordoned area;
 - Order the driver or person in charge of a vehicle in a cordoned area to move it from the area immediately;

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- Arrange for the removal of a vehicle from the cordoned area;
 - Arrange for the movement of a vehicle within a cordoned area;
 - Prohibit or restrict access to a cordoned area by pedestrians or vehicles;
 - Search and arrest any person he reasonable suspects to be a person concerned in terrorism;
 - Take possession of any property in a cordoned area he reasonably suspects is likely to be used for the purposes of terrorism.
- In discharging their obligations under Sections 21-A and 21-B of the Anti-Terrorism Act, 1997, media crews and reporters should additionally be mindful **not** to do any of the following in or near the crime scene:
 - Interfere with material within the cordoned area which may amount to tampering or contaminating evidence;
 - Disclose information that may prejudice the investigation;
 - Smoke;
 - Chew tobacco or spit;
 - Use mobile phones.
 - Use any bathroom facility inside the scene, if it happens to be a closed compound.
 - Eat, drink or throw litter.
 - Adjust the thermostat or open windows or doors.
 - Media personnel should be mindful of the need to allow unhindered access to ambulances, medical personnel and law enforcement agencies (LEAs) to the scene of the crime and should not create congestion or hindrance at access points to the crime scene.
 - Terrorism crime scenes may cover a large area, especially when the attack involves explosives, therefore, special precautions ought to be taken by media personnel. When reporting at the crime scene media persons should not change the position of any objects and leave everything as you find it. This includes items outside the cordoned area which may be of relevance to the investigation.
 - If in doubt on the relevance of an item to the investigation, media personnel should adopt caution and immediately inform a member of the LEAs present at the scene.

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- Media persons should be aware of secondary hazards for example fire, damaged buildings or vehicles, chemicals, etc. Such hazards may persist even outside the immediate scene of the crime.
- Media persons should be aware of double-hit tactics used by terrorists who may strike the same target twice to kill or injure first responders, LEAs who arrive at the crime scene, or even members of the media. Any and all suspicious items around the scene of the crime should be reported to the LEAs as soon as possible.
- Media personnel should spend as little time at the area of the blast/attack for their own safety.
- Media persons should be mindful of avoiding the use of electronic devices near places suspected to contain secondary explosive devices.

2. Police-Media Cooperation in the aftermath of a Terrorist Incident

- Better cooperation between the media and police can be achieved by the development of a comprehensive media management strategy by the Police. The objectives of a media management strategy would include:
 - to manage press interest effectively so as to minimize potential misinformation and interference with scenes, witnesses, victims' relatives and suspects;
 - to provide the public with accurate information about the offence and the police response;
 - using the media in the best way possible to acquire information required by the investigation or meet other investigative objectives;
 - to give due concern to the portrayal of victims, the feelings of victims' relatives and friends, and the response of the community;
 - to minimize unnecessary community concern over the fear of crime;
 - to demonstrate the professionalism of the police service.
- Police interactions with the media following a terrorism incident should generally be based on openness and a willingness to disclose as much information as possible without undermining the investigation. This approach allows the police to observe its responsibility to the public in providing clear factual information about a terrorist attack and limits the degree to which the press formulate their own account of what happened and begin their own investigations.

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- A media liaison officer should be appointed by the LEAs for ensuring effective communication with the media. The Media Liaison Officer should be in close contact with the officer in charge of the investigation or the head of the JIT, as the case may be.
- As soon as practically possible, the Media Liaison Officer should manage media crews and direct where they can report from to avoid any confusion at the scene of the crime.
- All media enquiries should be directed to the Media Liaison Officer.
- The Media Liaison Officer would be responsible for managing the demand of the media for interviews or statements from senior police officials, including the officer in charge of the investigation.
- Where sensitive information relating to the investigation cannot be disclosed to the media, the Media Liaison Officer should clearly explain why the information is being withheld e.g. need to protect victim's identity, protection of witnesses, need for further investigation, awaiting forensic analysis etc.

3. Coverage of Terrorist Incidents:

Incident Reporting/Live Coverage

- Media Agencies should be aware that the terrorists involved in an on-going attack may have access to or be listening to live media coverage of a terrorist attack. They could also be in touch with persons guiding them who are watching the live coverage.
- Media should maintain a small delay between covering a live terrorist event and broadcasting it via verbal or digital means in order to facilitate any operations taking place.
- During this time, a senior supervisory editor from the media organization should regulate the information to determine whether it needs to be released, withheld or deferred.
- The media should avoid sharing information on the movement and strategies of LEAs during terrorist or rescue operations, because such detailed accounts of the event can jeopardize their efforts and compromise the operation.

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- Media should ensure that live coverage of terrorism-related events is respectful of victims and their families.
- Media should refrain from revealing identities of victims in any ongoing rescue situation, and should ensure that even after a situation has resolved itself, identities should only be revealed with prior permission from the family and/or LEAs.

Trial Coverage

- The media should respect the privacy, security and identity of parties of a trial where necessary, and avoid disclosing information that is sensitive, such as the names, addresses and professions of witnesses or their families. This is because they may come under pressure from terrorist organization and may turn hostile as witnesses.
- The media should not disseminate information regarding the location of accused terrorists currently on trial for security reasons. This includes even stating that the accused is in custody at a certain prison.
- The media should carefully check their sources for authenticity to avoid pronouncing any individual under trial innocent or guilty until proven so, as this has an adverse effect on the prosecution's case.
- Photos and other information regarding the judges and officials involved in the trial process should be released with due regard for security concerns and risks involved. The officials should not be filmed outside of the court premises.
- The media should carry out unbiased, fair and accurate reporting of court proceedings. Therefore, statements made by judges and lawyers in the courtroom should not be distorted and must be cited with an explanation of their context. It is better to quote the prosecutor or defense counsel stating a fact rather than stating a fact without attributing it.