

JOURNALISTS LEGAL GUIDELINES

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Preamble:

The significance of journalism comes from the fact that it is one of the main sources of knowledge and information for individuals. That being the case, ensuring the credibility of published information is important to society because through which information is unearthed to individuals who may not be able to access any of that except through the means of journalism.

Given the importance of this domain, journalists ought to be constantly mindful to the credibility and integrity of their published materials, without defying the norms and values, so journalism does not violate the rights of individuals and turn into a tool of intellectual terrorism. That being said, publishing materials inciting hatred and contempt against particular persons or groups, in the media in general and prints journalism in particular, make them no longer serve as means of education and monitoring, but rather means to violate the human rights, stipulated in the international laws, treaties and national laws.

List of the most important standards that the media, including newsprints, should comply with:

1. Document the information, ensure the accuracy of published information, and allow others to exercise the right of reply.
2. Avoid publishing ambiguous or exaggerated news reports.
3. Respect the personal life of the people.
4. Respect religions, beliefs and refrain from inciting racial or sectarian disputes.
5. Avoid publishing flagrant images or using vulgar words.
6. Follow the general guidelines governing the reporting of crimes.

Whereas journalism is based on documenting information and facts, using methodological and unbiased approach with the aim to reveal the hidden and make the change for the public interest;

Whereas journalism aims to identify the flaws and abuses in matters that are in the interest of the public;

Whereas the goal of journalists is to reach the truth and reveal to the public the party responsible party for the persistence of mistakes and abuse;

This guideline highlights two phases:

The phase of investigations and inquiries through which journalists can access information, and the phase of publishing the journalistic material after being edited and written in a journalistic writing style.

The First Phase: Investigations and Inquiries to Access Information

❖ The Search for Information

1. A journalist should refrain from getting information through illegal means. This is because stealing information is punishable by law, especially if the information is classified. Having said that, it is noteworthy to highlight the difference between publishing original and / or copies of classified documents, and publishing the content of such documents. The former is punishable by law whereas the latter is not punishable by law, particularly that journalists have the right to protect the identity of their sources.
2. The journalist should avoid impersonation. However, the nature of the person being impersonated determines that which is considered an offence punishable by law and that which is not. For example, impersonating officials such as police officers and official personnel is an offence punishable by law whereas impersonating as a sick person is not punishable by law unless impersonating entails engaging in illegal activity such as impersonating as a beggar since begging is an offence by law.
3. Without prejudice to the journalist's right to take photo of public figures or public events in a way that does not devalue or disrespect these figures, the journalist may not take a photo of anyone without the consent of the person. The requirement of prior consent applies to publishing the photo too.
4. The Journalist should always search for the truth and correct information. The law takes into account the efforts made by the journalist with good intention to seek information; thus, the journalist should exert more keen efforts and pay more attention to the validity and accuracy of information. This is one of most important standards for good intention considered when looking into any media case presented to the court.
5. The Journalist should not, under any circumstances, accept bribery regardless of its source. This is because bribery is an offence punishable by law, regardless whether the journalist is the briber or the one receiving the bribery. The concept of buying information is often the platform used for bribery in investigative journalism. The journalist alone shall take the legal responsibility of buying information if the Public Prosecution could prove it.

❖ Documentation of Information; the legal term for it is 'Verification of Information':

1. The journalist should identify the sources clearly. Unidentified information should be supported by a minimum of one or two sources.
2. The journalist should ensure to document information: It is mandatory by law that journalists provide legal evidence to verify the information included in the journalistic material; otherwise the journalist shall be subject to legal responsibility.
3. Law does not consider Photostat copies as **full** legal evidence for verification; rather it should be corroborated by another presumption or evidence such as eyewitness testimony. If the original copy of the document may not be accessible, for whatsoever reason, such as the case where the document is

classified; the journalist can file a request to the court to demand the respective party to capitulate and release the document. This right is often exercised in the cases where financial and administrative corruption is ascertained in public agencies, based on official investigation reports, such as reports produced by anti-corruption committees and departments, or by the monitoring and inspection department.

4. The journalist may use images (videos and photos) and voice recordings recorded by the journalist as corroborative evidence. The reason is that these recordings do not amount to full legal evidence in law; therefore, corroborative evidence such as eyewitness testimony and concrete full legal evidence should be provided.
5. The journalist may establish and document the authenticity of information by using any legal evidence that testifies to the authenticity of information or events included in the journalistic material.
6. The journalist may hide his/ her source of information, and solely takes the legal responsibility of the information thereof.

Second Phase: Publishing Post-Edited Journalistic Materials Written In A Journalistic Writing Style.

First: Integrity, Objectivity and Balance of the Journalistic Material:

The violation of integrity and objectivity, and undermining the truth and people private life are offences punishable by law. However, it is impossible to set criteria for the concepts of balance and objectivity.

How to avoid violating the concepts of integrity, balance and objectivity?

1. There is a certain approach for journalists to follow when they publish a journalistic material in order to avoid violating the concepts of integrity and objectivity. This approach implies the idea of making efforts to verify information because the court expects journalists to do so, and to present opinions of all parties neutrally.
2. The court believes in the correlative relation between the authenticity and accuracy of information and the concepts of integrity, balance and objectivity. Thus, the more the information is correct, the more it complies with the concepts of objectivity, integrity and balance.
3. The court obliges journalists to refrain from exaggeration and using inappropriate sarcastic statements or a deceptive language in their journalistic material.
4. It is essential to prove that all the published opinions and statements are of those who are attributed to them. The court rules in most that the journalist should present legal evidence to the judge in order to prove that the statements and opinions in the published journalistic material are of those who are attributed to them; otherwise, such act shall be in violation of the concepts of balance, objectivity and integrity.
5. **The statements and opinions should be published as intended and in the right context.**

After proving that the published statements, opinions and comments are of those who were attributed to them, the judge will examine the context in which they were put to decide whether

the use of words and statements is accurate, and identify any omissions in the material and if the original words were taken out of context.

Given that falsification and alteration of statements, opinions and comments, and taking them out of context violate the concepts of integrity, objectivity, and balance, these acts are criminalized by law. This ruling applies to publishing comments or opinions in partially so they may be misinterpreted and taken out of context, or so it does not represent the full opinion of the person, or even publishing them in investigations or topics other than the purpose for which they were taken.

6. Impartial presentation of opinions and responses:

The court considers all concerned opinions or received responses in a balanced way so as no opinion relevant to the investigation of the journalistic material is dismissed or ignored. The required application of impartiality in this context means that the court gives the room for all opinions without commenting on any of them.

However, it should be noted that it is necessarily to consider the responses of other concerned parties to certain opinions. This occurs when the journalistic material is of a critical nature and meets the criteria for exercising the right to criticism. For example, if the journalistic material criticizes the job performance of a public servant, then by law, the journalistic material is not obliged to take the opinion or the response of the public servant provided that the criticism is only addressing his/her performance and not the person per se, and the incident has really occurred and concerns the public interest, and the article uses appropriate statements and was written with good intention.

7. Statements and opinions taken by deception should not be published.

In some cases, journalists may work undercover when conducting investigative reports in order to take statements that may not be possible if the person knows they will be published to the public. However, journalist should think twice before publishing statements obtained through circumvention and deception because such act is punishable by law since it violates people's privacy and is deemed imbalance. Further to the point, journalists should not publish photos of people without their consent because it is against the law. It is for this reason; journalists should abide by the legal rules stipulated in the applicable Author Rights Law because the court considers journalistic materials violating the effective legislations as subjective and imbalanced journalistic material.

8. Incorrect information must not be published.

❖ Information without adequate legal evidence should not be published. (Safety of Documents)

The court establishes a correlation between the authenticity of information and between the concepts of integrity and objectivity. The more the information included in the journalistic material is authentic, the more the material is objective and balanced. Therefore, the court recognizes the journalist's right to prove the authenticity of information mentioned in the journalistic material. However, the most important thing is that the justifications presented by the journalist be valid legal evidence, and sufficient to prove the authenticity of the published information.

9. Informative Journalistic Materials

- ❖ **Prior to publishing, accuracy of information should be ascertained. (News Accuracy).**

The court acknowledges the strong link between ascertaining the accuracy of news and the concepts of balance and objectivity. This is because the court considers the journalist and the press agency is obliged to ascertain the accuracy of information to present factual information to readers.

- ❖ **Avoid anonymity of news (News should be attributed to the original source)**

Anonymity of news contravenes the concepts of objectivity and integrity according the court. To make the news anonymous mean not to attribute the news to a source through which the information can be verified. This is often the case because journalists believe they have the right to protect the confidentiality of their sources. However, it is one of the most important professional defects in the domain of journalism to publish news without mentioning the reference or source of information.

Second: Abasement, Defamation and Libel Vs. the Right to Criticism and Religious Offences:

While the law has criminalized the offences of abasement and defamation against individuals, public servants, and entities, it endorsed the right to criticism under certain conditions.

How can journalists avoid abasement and defamation? How to use right of criticism?

There are two cases that should be differentiated from each other in respect to the offence of abasement and defamation, the first of which is the case where the person mentioned in the journalistic material is a common person, and the second case is where the person mentioned in the material is a public servant or a public figure.

In the case of the former, defaming or abasing a common person is not allowed except in the case where the journalist can prove his/her good intention and that the topic is related to the public interest. In the case of the latter, journalists should follow the rules below:

1. **Information must be correct and proved:**

The court has established that the authenticity of information and ability to prove it are from the most important criteria for exercising the right to criticism.

2. **The phrases used in the journalistic material should be relevant and appropriate to the topic and in the interest of the public.**

The relevance of statements to the topic, and the social importance of the topic are considered key factors whereby the right to criticism can be determined. This is the ruling establish by the court in general, and the absence of these two factors indicates the bad intention.

3. **If the journalist prefers not to mention a specific name or to mention an ambiguous event, he/ she should keep in mind that if there are indicators that leave no room for**

doubt about the victim to whom the claims are attributed to, and identifying them, he/she should know that it will be considered as if he/she mentioned the name of the victim and as such is treated as an act of abasement and defamation in respect to its nature.

The court considers the attempts to conceal the name of the victim while using hints or signs through which the identity of the victim can be easily recognized have no effect on the crime but the act per se is considered an explicit abasement and defamation. This is because the use of circumvention in writing styles is more malicious than explicit statements..¹

4. Journalists should have no personal interest or motivation for publishing the journalistic material.

The court has established that journalists are not eligible to right of criticism if it is proved that the purpose of publishing a particular material is a personal interest or it is doubted that it was published to avenge. The journalist is not eligible to ask for being discharged from punishment under the pretext of writing for the public interest.

How can journalists avoid committing offences pertaining to religion?

Tackling particular subjects related to religion is a critical issue and has several legal aspects because in such case more than one legal text can be applied, hence if the journalist is acquitted and discharged of one offence, he/she will not be acquitted or discharged of another offence. For example: If a journalist was acquitted and discharged of insulting the beliefs of a religion, he/she may still be accused of violating the rights and freedom of citizens or even accused of subjectivity and imbalance or assaulting religious rites.

Therefore, journalists should exercise extra caution when publishing this type of materials, and consider the following:

- 1- Refrain from using religious icons, terms or words in a sarcastic context.
- 2- Avoid presenting the prophets and their wives in a manner that is different from how they are presented the divine books.
- 3- Show the good intention of the author in the journalistic material.

¹ The Egyptian Court of Cassation says that such methods do not conceal the real meaning, nor help those who resort to them to discharge themselves from punishment. The Court ruled on 27 February, 1933 that: "The use of circumvention in writing styles to avoid punishment is useless if the abasement or insult per se can be noticed or understood through the words used therein. The use of such writing style is more malicious than being explicit; hence it befits more to be punishable by law." This was also emphasized by the same Court in its ruling on 24 April 1933 wherein it said: "The writer may think that using circumvention may hide the intended meaning, while, in fact, the words used in such manner confirm the intended meaning to readers." Likewise, the Court stated on 11 December 1933; "The slanderer may not argue that he/she had no idea that the topic that he /she phrased in the form of questions is punishable by law. The writing style of statement including defamation does not change the situation because whenever the meanings intended by the writer are understood; hence the writing style or format of an article including defamation does not change the ruling. Another resolution with the same meaning was issued on 25 December 1939.