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SYMPOSIUM ON NON-STATE ACTORS AND NEW TECHNOLOGIES IN ATROCITY PREVENTION

ATROCITY PREVENTION IN THE NEW MEDIA LANDSCAPE

*Rebecca Hamilton**

Journalists have traditionally played a crucial role in building public pressure on government officials to uphold their legal obligations under the 1948 UN Convention on the Prevention and Punishment of Genocide. But over the past twenty years there has been radical change in the media landscape: foreign bureaus have been shuttered, young freelance journalists have taken over some of the work traditionally done by experienced foreign correspondents, and, more recently, the advent of social media has enabled people in conflict-affected areas to tell their own stories to the world. This essay assesses the impact of these changes on atrocity prevention across the different stages of the policy process. It concludes that the new media landscape is comparatively poorly equipped to raise an early warning alarm in a way that will spur preventive action, but that it is well-positioned to sustain attention to ongoing atrocities. Unfortunately, such later stages of a crisis generally provide the most limited policy options for civilian protection.

The Demise of the Foreign Correspondent

After Serb nationalists took over the Bosnian town of Prijedor in April 1992, rumors began to circulate about the existence of camps detaining Bosnian Muslims. As one U.S. government official later recalled, the information was “very tenuous” and there were “real questions about authenticity.”¹ That changed on August 2, 1992 when Newsday journalist Roy Gutman wrote that “[t]he Serb conquerors of northern Bosnia-Herzegovina have established two concentration camps in which more than a thousand civilians have been executed or starved and thousands more are being held until they die.”² Gutman’s article, based on interviews with recently released prisoners, immediately secured the attention of U.S. government officials. Within a week, the Osmarska camp was shut down.³

Gutman was well-positioned to uncover and report credibly on the atrocities in Prijedor. Based in the region for three years with Newsday, he had previously been the Washington Post’s bureau chief for the former Yugoslavia, based out of Belgrade, just four hours’ drive from Prijedor.⁴ But foreign correspondents like Gutman are a rarity in the media landscape of the twenty-first century. The past two decades have brought about a radical change in the global media landscape that, among other developments, has led to the demise of the traditional foreign

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¹ Steve Coll, *In the Shadow of the Holocaust*, WASH. POST (Sept. 25, 1994).

² Roy Gutman, *Serbs Have Slain Over 1,000 in 2 Bosnia Camps, Ex-Prisoners Say*, L.A. TIMES (Aug. 2, 1992).

³ *Prosecutor v. Stakić*, Case No. IT-97-24-T, Judgment, para. 171, (Int’l Crim. Trib. for the Former Yugoslavia July 31, 2003).

⁴ *Roy Gutman*, U.S. HOLOCAUST MEMORIAL MUSEUM.

correspondent. From 1998 to 2011, at least twenty U.S. media outlets eliminated their foreign bureaus,⁵ with similar declines seen across other Western countries.⁶ Positions like Gutman's no longer exist.

A crop of young freelance journalists now covers a large share of the foreign reporting for Western media outlets, and the rise of social media has enabled ordinary citizens in remote areas to report on events around them. This new media landscape has changed the information available to states seeking to fulfil—or to sidestep—their obligations to prevent genocide and other mass atrocities, as well the ability of non-state actors and the broader public to pressure states to meet their obligations.

Traditional Media and Atrocity Prevention

Article 1 of the UN Convention on the Prevention and Punishment of Genocide establishes that signatory states have an obligation to prevent genocide.⁷ It is an ongoing obligation, operating not only in advance of the outbreak of violence, but also once violence is underway. Still, the potential policy options flowing from the obligation change over the life cycle of a conflict, so when analyzing the impact of media coverage on preventive action, it can be useful to consider different stages of the crisis: previolence, initial violence, and ongoing violence.

In advance of the outbreak of violence, accurate media coverage serves an *early warning* function. This is the point at which high-quality information can have the greatest impact. As explained by the 2008 Task Force on Genocide Prevention, “if underlying risks and evolving dynamics can be recognized and described accurately in advance of or at the early stages of a crisis, the full panoply of policy options will be viable.”⁸

Identifying these risks is no easy task.⁹ Traditionally, though, journalists based in countries at risk of atrocities have developed sufficient local contacts to enable them to appreciate the significance of information indicating a broader picture of looming violence. Edgar Mowrer, for example, was the Berlin bureau chief for the Chicago Daily News for a decade before Hitler came to power in 1933.¹⁰ From the moment of Hitler's election, Mowrer warned about the persecution of Jews, drawing on information secretly passed to him through contacts with whom he had built trust over the course of his time in Berlin.¹¹

Of course, as the Mowrer example shows, simply exposing policy-makers to reporting on looming atrocities does not mean preventive action will follow.¹² Nazism continued its march. And the failure to respond to such

⁵ Anup Kaphle, *The Foreign Desk in Transition: A Hybrid Approach to Reporting From There—and Here*, in *THE NEW GLOBAL JOURNALISM: FOREIGN CORRESPONDENCE IN TRANSITION* (2014).

⁶ Richard Sambrook, *Are Foreign Correspondents Redundant? The Changing Face of International News* (Reuters Inst. for the Study of Journalism 2010) (noting that this is principally a Western phenomenon).

⁷ Convention on the Prevention and Punishment of the Crime of Genocide art. 1, Dec. 9, 1948, 78 UNTS 277. See also Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb.), 2007 ICJ RER 43 (Feb. 26).

⁸ MADELEINE K. ALBRIGHT & WILLIAM S. COHEN, PREVENTING GENOCIDE: A BLUEPRINT FOR U.S. POLICYMAKERS (2008).

⁹ In the past decade, non-state actors and international organizations have developed promising qualitative and quantitative approaches to predicting the risk of atrocities. But, as yet, the best these frameworks can do is to identify a general level of relative risk across situations. See, e.g., UN Office on Genocide Prevention and the Responsibility to Protect, Framework of Analysis for Atrocity Crimes: A Tool for Prevention (2014); Statistical Risk Assessment 2018-19, EARLY WARNING PROJECT.

¹⁰ Edgar Ansel Mowrer Dies at 84; Won Pulitzer for Reports on Hitler, N.Y. TIMES (Mar. 4, 1977).

¹¹ ANDREW NAGORSKI, HITLERLAND: AMERICAN EYEWITNESS TO THE NAZI RISE TO POWER 125 (2013).

¹² See, e.g., Peter Viggo Jakobsen, Focus on the CNN Effect Misses the Point: The Real Media Impact on Conflict Management is Invisible and Indirect, 37 J. PEACE & RES. 131, 133 (2000).

early warnings is, at least in terms of the U.S. government, depressingly typical.¹³ Nonetheless, it remains true that early warning information is a necessary, if not sufficient, precursor to preventive action.

Once violence begins, media coverage of the atrocities can serve a *clarifying and awareness-raising* function, confirming rumors and putting the violence into the public spotlight. Indeed, this publicity function, which is likely to be at its peak when atrocities begin, distinguishes the work of journalists from that of other sources. As with a reputable foreign correspondent, intelligence agents, for example, can provide states with quality information from a source they trust. Intelligence agents, however, cannot simultaneously provide that same information to millions of citizens. This may matter a great deal in terms of fostering a citizenry that pressures states to fulfil their legal obligations. Still, the connection between public awareness and the fulfilment by states of their prevention obligations should not be overplayed. Having policy-makers “do something” does not necessarily mean improved outcomes on the ground. Too often, public pressure leads to the implementation of policies more designed to appease domestic audiences than to stem the flow of violence.¹⁴

Finally, media coverage can serve an important function by *sustaining attention* as atrocities continue, perhaps for years after the first atrocities are reported. Maintaining coverage can be a challenge, given the long-held nexus between perceived newsworthiness and novelty.¹⁵ Even so, when a media outlet has a journalist permanently based in or around areas of ongoing conflict, it expects its editors to run that journalist’s reporting on a regular basis, thus mitigating the need for the journalist to justify the “novelty” value of each additional story. Continuing coverage of an ongoing crisis can help keep that crisis on a crowded policy agenda, even as new crises vie for attention.¹⁶

The New Media Landscape and Atrocity Prevention

The demise of foreign bureaus has spurred the emergence of several nonprofit organizations, led by former foreign correspondents, formed with the specific mission of funding and advocating for the publication of stories on underreported situations.¹⁷ As a result, a growing number of grants and fellowships are enabling young journalists to undertake project-based reporting trips, selling their stories to media outlets on a freelance basis. Also, the advent of low-cost internet access and the development of social media allow both local journalists in conflict-affected areas, as well as those without any journalism training, to broadcast local events to the rest of the world.¹⁸ It is too soon to make an unequivocal assessment of the ultimate impact of these changes on the prevention of

¹³ Research reconstructing U.S. policy responses to past genocides have shown that early warning information was available, but not acted upon for a variety of political reasons. *See, e.g.,* SAMANTHA POWER, *A PROBLEM FROM HELL: AMERICA IN THE AGE OF GENOCIDE* (2002) (U.S. government failure to act on early warning information in Cambodia, Iraq, Bosnia, Rwanda, Srebrenica, and Kosovo); REBECCA HAMILTON, *FIGHTING FOR DARFUR: PUBLIC ACTION AND THE STRUGGLE TO STOP GENOCIDE* (2011) (same for Darfur); CHARLES J. BROWN, *The Obama Administration and the Struggle to Prevent Atrocities in the Central African Republic December 2012 - September 2014* (U.S. Holocaust Memorial Museum Policy Paper 2016) (same for Central African Republic and Syria).

¹⁴ *See* HAMILTON, *supra* note 13.

¹⁵ *See, e.g.,* Steven E. Clayman & Ann Reisner, *Gatekeeping in Action: Editorial Conferences and Assessments of Newsworthiness*, 63 AM. SOC. REV. 178, 186 (1998); Maxwell T. Boykoff & Jules M. Boykoff, *Climate Change and Journalistic Norms: A Case-Study of US Mass-Media Coverage*, 38 GEOFORUM 1190, 1192 (2007).

¹⁶ *See, e.g.,* Steven Livingston, *Clarifying the CNN Effect: An Examination of Media Effects According to Type of Military Intervention* 6 (The Joan Shorenstein Center Research Paper R-18, June 1997).

¹⁷ *See, e.g.,* IRP *International Journalism Fellowships*, INTERNATIONAL REPORTING PROJECT; *About Us*, PULITZER CENTER.

¹⁸ *See* Sambrook, *supra* note 6, at 33.

atrocities, but it is possible to identify some key ways in which this new media landscape affects atrocity prevention across the life cycle of conflict.

The biggest loss arising from the demise of the foreign correspondent likely comes at the *early warning* stage. Living in a country for a prolonged period enables journalists to notice things that those who “parachute in,” even for weeks at a time, are unlikely to identify.¹⁹ Moreover, it takes time to develop the kind of trust that someone like Edgar Mowrer developed with his sources. Still, one might imagine that social media could help overcome the resulting deficit of access to sensitive local information.

There are at least three serious problems, though, with relying on social media to bridge the early warning gap left by foreign correspondents.²⁰ First, the proliferation of information on social media only exacerbates a long-standing problem with early warning information—its weak signal/noise ratio. At any point, many situations display risk factors of atrocity, making it hard for policy-makers to prioritize, and often resulting in them waiting until one of the potential crises actually escalates to violence.²¹ This problem is compounded by a second concern, flowing from the rise of so-called “deep fakes.”²² As Alexa Koenig writes in this symposium, deep fake technology is advancing at an alarming rate.²³ In the future, policy-makers are likely to become (appropriately) skeptical of the images and videos they see online, making it easier for them to discount the value of even authentic material disseminated through social media.²⁴

The third problem is the risk of “convenience sampling”—utilizing data not because it is representative, but because it is readily accessible.²⁵ Despite huge advances, access to the internet remains unevenly distributed both between and within countries.²⁶ Relying on social media for early warning information is thus likely to direct attention systematically away from people with minimal internet access, who also tend to be those in parts of the globe with the fewest resources to respond to atrocities.²⁷

Turning to the outbreak of atrocities, this is the part of the lifecycle of conflict where coverage has been least affected by the new media landscape. The trope that “if it bleeds it leads” is as true today as it always has been. As Bill Keller, former executive editor of the New York Times, has observed about many of the young freelancers covering the foreign reporting gap, “They gravitate to the bang-bang, because that’s what editors and broadcast producers will pay for.”²⁸

This maintenance of the status quo is not necessarily a positive one from an atrocity prevention perspective. Editorial decisions about which conflicts to cover often turn on the perceived interest of the audience, and studies have repeatedly identified economic and cultural proximity as factors that editors use when assessing the

¹⁹ Jodi Enda, *Retreating from the World*, AM. JOURNALISM REV. (Dec./Jan. 2011).

²⁰ While this essay explores the potentially positive role of social media, the very same tools can of course be used in a negative way. For an analysis of the way in which social media can be used to facilitate the commission, rather than prevention of genocide, see Human Rights Council, *Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar*, UN Doc. A/HRC/39/CRP.2 (Sept. 17, 2018). See also Emma Irving, *Suppressing Atrocity Speech on Social Media*, 113 AJIL UNBOUND 256 (2019).

²¹ See Paul B. Stares & Anna Feuer, *Atrocity Prevention Since the Rwandan Genocide*, COUNCIL ON FOREIGN RELATIONS (Apr. 7, 2014).

²² See generally Robert Chesney & Danielle Keats Citron, *Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security*, 107 CALIF. L. REV. (forthcoming 2019).

²³ Alexa Koenig, “Half the Truth is Often a Great Lie”: Deep Fakes, Open Source Information, and International Criminal Law, 113 AJIL UNBOUND 250 (2019).

²⁴ Joshua Rothman, *In the Age of A.I., Is Seeing Still Believing?*, NEW YORKER (Nov. 12, 2018).

²⁵ Mike Battaglia, *Convenience Sampling*, ENCYCLOPEDIA OF SURVEY OF RESEARCH METHODS 149-50 (2011).

²⁶ See Jacob Poushter, *Internet Access Growing Worldwide But Remains Higher in Advanced Economies*, PEW RESEARCH CENTER (Feb. 22, 2016).

²⁷ *Id.*

²⁸ Bill Keller, *It’s the Golden Age of News*, N.Y. TIMES (Nov. 3, 2013).

newsworthiness of an international issue.²⁹ To the degree that major news organizations are based in powerful countries, their coverage has traditionally skewed toward crises that are economically or culturally connected to them, leading to some conflicts being systematically underreported. The work being funded by nonprofit organizations with a mission to support coverage of neglected conflicts, while difficult to quantify, may eventually improve upon the traditional status quo in which the suffering of some populations is routinely prioritized over the suffering of others.

Finally, and perhaps surprisingly, the question of sustaining attention to ongoing atrocities may present the most promising aspect of the new media landscape. Keeping editors interested in an ongoing crisis has always been hard. The demise of foreign bureaus meant that the hurdles to running stories from ongoing crises were raised even higher. With no staff reporter in place to cover the situation, editors would have to commit additional resources to get those stories, which was challenging to justify when the novelty aspect of the newsworthiness calculation was already weak. The nonprofit organizations referenced above may mitigate this problem. More promising still is the role of social media. For those living through atrocities, violence need not be new to be newsworthy. Of course, all of the same concerns with social media identified above apply here too—the risk of information overload, the challenge of falsified information, and the problem of convenience sampling. Nonetheless, where local actors do have the ability to share authentic information through social media, the benefit—relative to traditional media—is that they will do so regardless of whether it is the first week or the eighth year of the crisis. As a result, policy-makers are exposed to “unrelenting pressure” from the flow of information on at least a subset of atrocities.³⁰ In the case of ongoing atrocities in Syria, where locals actors have internet access and much work has gone into authenticating the content they upload, former White House officials have attributed that pressure to President Obama’s eventual decision to provide support to rebels inside Syria.³¹

In sum, the impact of changes in the media landscape varies considerably over the lifecycle of a conflict. The new media landscape is at its weakest in advance of violent conflict breaking out. This is unfortunate since this is the stage when a full range of policy options—including noncoercive actions foregrounding diplomacy—are generally available to prevent atrocities. By contrast, when it comes to sustaining coverage of an ongoing crisis, the rise of social media and of independently-funded freelance reporting projects may actually increase policy attention. While this is to be celebrated, it does not—from an atrocity prevention perspective—offset the loss of policy attention at the front end of a crisis.

²⁹ See, e.g., H. Denis Wu, *A Brave New World for International News? Exploring the Determinants of the Coverage of Foreign News on US Websites*, INT’L COMM. GAZ. 538, 543 (2007).

³⁰ Lyse Doucet, *Syria & the CNN Effect: What Role Does the Media Play in Policy-Making?*, 147 DAEDALUS 141, 147 (2018).

³¹ *Id.* Of course, in terms of outcomes, that policy intervention has not succeeded. But that does not diminish the connection between the flow of information and policy action seeking to mitigate ongoing atrocities.