Joint statement to the Dutch Senate concerning the proposed Law “Criminalization of Residence in an Area Controlled by a Terrorist Organization”

Dear Members of the Dutch Senate,

We, the undersigned international press freedom organizations and international journalists representative organizations, express our concern about the impact on press freedom of the proposed Dutch law “Criminalization of Residence in an Area Controlled by a Terrorist Organization”.

The space for journalists to operate is guaranteed under article 19 of the International Covenant on Civil and Political Rights and article 10 of the European Charter for Human Rights. Any infringement of that right has to be necessary and proportionate. This law clearly fails that test.

In its current form, the law creates serious restrictions for the work of Dutch journalists in terrorist-held areas. Journalists must request an official permission from the Dutch Ministry of Justice and Security before they travel to these areas. However, the law does not specify the criteria which determine whether journalists will or will not receive a permission. This creates a real risk of arbitrary government action. Furthermore, being dependent on the permission of the state to travel to areas which clearly have a relevance for the general public’s right to know, is a serious restriction of journalists’ ability to function as the fourth estate within society.

In addition, the definition of which areas are terrorist-held and which are not, opens the door to arbitrary decisions and could potentially lead to a situation in which the Dutch Ministry of Justice and Security can decide at whim to not allocate permission to a journalists. Which in effect leads to a restriction of the freedom of movement of journalists. An undesirable development that will further restrict press freedom and the people's right to know. Recent activities of Dutch journalists in Syria have uncovered important news stories that the public needs to know, whether it is the collateral damage stories of air raids or the situation of terrorist repression in Raqqa before it was conquered.

We understand that the aim of the law is not to restrict journalists but rather hold perpetrators of terrorist activities accountable. Therefore, we believe that it is important that the Dutch Ministry of Justice and Security amends the current law and includes a clear exemption for journalists from any authorization beforehand to report from terrorist-held areas. We believe this is crucial to strike the right balance between the interests at stake. Journalists around the world face many restrictions on their work. This law would unnecessarily add to these restrictions and make their work which is in the public interest even more difficult.

We strongly urge you to support an amendment to include a clear exemption for journalists in order to defend the vital interest of journalism within a democratic society and for the people’s right to information from terrorist-held areas.

Yours sincerely,
Free Press Unlimited
World Press Photo
Committee to Protect Journalists
Reporters Without Borders
International Media Support
International Press Institute
Pen America
Article 19
Palestine Center for Development and Media Freedoms
European Federation of Journalists
International Federation of Journalists
Freedom House
Media Rights Agenda