

DISPATCH: One year after the killing of Lyra McKee, press freedom remains under threat in Northern Ireland

On the eve of the first anniversary of the killing of journalist Lyra McKee, Reporters Without Borders (RSF) reports on the worrying press freedom climate in Northern Ireland, including alarming ongoing threats to journalists covering organised crime and paramilitary activities, and a troubling legal environment. RSF calls on the UK authorities to address these serious issues as a matter of urgent priority to prevent further acts of violence, and to improve the broader press freedom situation in Northern Ireland and the wider UK.

In early March 2020, representatives of RSF's UK bureau travelled to Belfast and Derry to conduct a research mission, interviewing journalists, lawyers and civil society representatives on the press freedom situation in Northern Ireland, and visiting the site of journalist Lyra McKee's murder in April 2019.

"The situation of press freedom in Northern Ireland is of serious and growing concern. We were shocked by some of the reports we received from journalists in Belfast and Derry, who are clearly among the most at-risk reporters in the UK. As we remember and honour Lyra McKee, we must also act to protect those who continue to take great risks to report information in the public interest. These issues must be addressed by the UK authorities as a matter of urgent priority to prevent further acts of violence", said RSF UK Bureau Director Rebecca Vincent.

Although this report focuses on recent developments, the legacy of the Troubles - three decades of violent conflict between unionists and nationalists from around 1968 to 1998 - continues to impact the political climate in Northern Ireland. The UK government continues to face criticism regarding its failure to deliver answers and justice for nearly 2,000 cases of killings that remain unsolved from the conflict - and its [recent proposal](#) to close the books on most of these killings. Brexit presents a further complicating factor, with unresolved questions about the impact on the Good Friday agreement, and fears that tension and instability could reignite as the UK exits the EU.

We also note the significant lasting impact of longstanding impunity for the assassination of Martin O'Hagan, an Irish investigative journalist with the *Sunday World*. O'Hagan was gunned down on 28 September 2001 near Belfast. In 2007, a [coroner ruled](#) that O'Hagan's assassination was linked to his investigation of a paramilitary group, the Loyalist Volunteer Force. The Police Chief Inspector told the coroner's inquest he was confident that eight men who had been arrested and questioned in the weeks following the attack were behind the killing; however, police were unable to secure a prosecution, and no one has ever been convicted in connection with the attack.

RSF underscores the pressing need for justice for O'Hagan, and supports the [ongoing call](#) by the National Union of Journalists and others for an independent investigation into his assassination. Ending violence against journalists in Northern Ireland will require addressing both historical impunity and active acts - and threats - of violence.

The killing of Lyra McKee

In the early hours of 18 April 2019, news of the killing of a journalist in Northern Ireland shook the UK and the world; Lyra McKee was shot dead whilst observing rioting in the Creggan area of Derry. She had been standing near a police vehicle with other observers, at a distance of about 50 meters from a riot in the middle of the residential estate, where two vehicles had been set on fire. Just eight minutes after arriving, McKee was hit in the head by a bullet fired by a masked gunman; observers reported that no previous shots had been fired. She was taken to hospital in a police vehicle, but died from her injuries.

Just 29 years old, McKee had worked as a freelance journalist contributing to a number of newspapers, magazines, and websites, and had signed a two-book deal with Faber, which described her as a “rising star” of investigative journalism. Faber published a posthumous anthology of her work, ‘Lyra McKee: Lost, Found, Remembered’ on 2 April 2020, and has [stated](#) it is reviewing a piece of investigative journalism she had been working on at the time of her death called ‘The Lost Boys’. McKee won Sky News’ Young Journalists Award in 2006, and in 2016 was named as one of Forbes’ “30 under 30” in media in Europe.

The New IRA claimed responsibility for McKee’s murder, and police investigated the incident as an act of terrorism. On 11 February 2020, the Police Service of Northern Ireland (PSNI) [announced the arrests of four men](#) in connection with the case, under the Terrorism Act. On 12 February, the PSNI [reported](#) that one of the men - later named as 52 year-old Paul McIntyre - had been charged with McKee’s murder, as well as possession of a firearm with intent to danger life, and professing to be a member of a proscribed organisation.

McIntyre has denied the charges. He remains in custody at Maghaberry high security prison, following a 6 March [ruling of the Belfast High Court](#) overturning a prior decision of the Londonderry Magistrates’ Court to grant him bail.

Crowds of McIntyre’s supporters gathered outside the court when he appeared on 13 February, cheering him, intimidating supporters of Lyra McKee, threatening journalists covering the proceedings, and clashing with police. No such disturbances were reported during subsequent hearings, when McIntyre appeared via videolink rather than in person.

When RSF representatives visited Derry in early March, several sites of “Free Paul McIntyre” graffiti were visible in the Creggan area near the spot where McKee was killed. Other instances of [intimidatory graffiti](#) have been reported in the area, such as “informers will be executed”.

At the time of publication of this dispatch, committal proceedings in the murder case, initially scheduled for 2 April, had been postponed due to the ongoing Coronavirus lockdown. It remained unclear when they could resume. The full murder trial is expected to be held in 2021.

Ongoing threats to the safety of journalists

In recent weeks, active threats against a journalist connected to the case of Lyra McKee captured national media attention. In early February, freelance journalist Leona O'Neill, who had witnessed and reported on McKee's killing, became the target of aggressive threats, including a [series of graffiti](#) in the Creggan area of Derry calling her a "tout" (informer), linking her to M15, and stating she was not welcome. The sites where the graffiti had been covered were still visible when RSF visited in early March.

O'Neill responded publicly [via Twitter](#): "I am neither a MI5 tout nor a shit stirrer. I am a journalist, working in my city trying to provide for my family. I consider this a threat to my safety. I call on community leaders to help me get this dangerous slur removed now".

The threats followed O'Neill's [reporting for the Belfast Telegraph](#) on the participation of Saoradh - a dissident republican group linked to the New IRA - in Derry's annual Bloody Sunday commemoration march. O'Neill had previously faced extensive threats and abuse after witnessing McKee's killing.

O'Neill's targeting highlights the broader risks faced by the dogged few journalists on the security beat in Northern Ireland - those who cover paramilitary groups and organised crime, which are often the same. Investigating this criminal activity, and exposing the financial interests of the individuals involved, remains highly dangerous for journalists. Those RSF spoke to had all become accustomed to receiving death threats.

Covering events where members of paramilitary groups gathered was also considered highly risky - such as court hearings, funerals, and parades - "anywhere they know they could be photographed", as one journalist told RSF.

Sunday Life editor Martin Breen and chief reporter Ciaran Barnes have been outspoken on the issue of how police inform journalists of threats to their safety by paramilitary and organised crime groups. [Speaking to Press Gazette](#), they detailed how the PSNI will often warn journalists when there is a threat against them, but without giving information on where the threat came from, making it impossible for journalists to adequately protect themselves.

Although police conduct home visits and provide advice on basic safety measures, the journalists RSF spoke to viewed that advice as insufficient, and most had extensive additional measures in place, such as home alarm systems and brick-proof windows. Some had security support from their employers, but freelancers - even those who engaged in regular shift work for specific publications - were left to attempt to protect themselves and bear the related costs on their own.

Legal remedies for harassment, threats, and acts of violence were simply not viewed as an option, even when the perpetrator was known. One journalist said their "worst nightmare is taking someone to court", in light of the high probability of retaliation. The small size of Belfast and especially Derry meant that everyone knew who was who, which could create uncomfortable and potentially risky situations in everyday life.

Women journalists faced an additional element of sexualised threats and harassment, often with a lack of solidarity or support from their male counterparts. They were also more likely to face harassment, threats, and abuse online, mirroring a worrying national and indeed international trend.

A worrying legal environment

When examining the legal environment for press freedom in Northern Ireland, one landmark case stands out: that of investigative journalists Trevor Birney and Barry McCaffrey. The heavy-handed treatment by police of these two journalists seemed clearly intended to make examples of them and create a chilling effect on whistleblowing and public interest reporting, and outstanding questions of legality of the data that was seized could set an internationally significant precedent.

On 31 August 2018, Birney and McCaffrey [were arrested by police](#) investigating the alleged theft of documents from the Police Ombudsman's Office in Belfast. They faced dawn raids on their homes and offices by dozens of armed police officers, who seized journalistic equipment and materials including computers, phones, cameras, memory cards, cassettes, and thousands of documents in hard copy - along with terabytes of electronic data. Birney and McCaffrey were detained and questioned for approximately 14 hours, then released on bail.

The documents sought by police were source materials for Birney and McCaffrey's [Emmy-nominated 2017 documentary film](#) 'No Stone Unturned'. The film investigated the Loughinisland massacre of 1994, revealing the names of the alleged suspects for the first time, and exploring alleged failings in the police investigation and possible state collusion.

On 8 November 2018, the Police Ombudsman's Office [stated](#) that although the film had shown extracts from what appeared to be a Police Ombudsman document, albeit in a different format, they had not made a complaint of theft - the supposed basis for the criminal investigation, which nonetheless proceeded.

In a subsequent [judicial review](#), on 29 May 2019 the Belfast High Court quashed the warrants, calling them "inappropriate" and finding them a breach of Article 10 of the European Convention on Human Rights. The court accepted the public interest value of the documentary, and found Birney and McCaffrey to be "serious journalists conducting serious work". The judges ordered the return of all material seized.

On 3 June 2019, [it was confirmed](#) that the criminal investigation by the PSNI and Durham Constabulary into Birney and McCaffrey had been dropped - finally ending the bail restrictions that had been imposed on them for nine months.

The seized journalistic equipment was then returned, along with all hard data, but the question of electronic data remains an active matter before the court - both in terms of the legality of what was seized, as well as how the data can sufficiently be deleted from police servers, a process which could cost millions in public funds. Police have suggested they

would have to keep the data, but delete it after 10 years - a staggeringly insufficient measure considering they never should have had access to much of the data.

Birney and McCaffrey reported that 87.5 percent of the data seized was outside of the scope of the warrant, and their lawyer Niall Murphy noted that although he had received an interim injunction at 6 pm on the evening of the raid, police remained on the premises of the Fine Point Films office downloading data until after 9 pm. Birney and McCaffrey believe that the data seized has led to the compromise of hundreds of journalistic sources.

A court hearing on the matter was scheduled for 27 March, but has since been postponed, and it remains unclear when it can be rescheduled in light of the Coronavirus lockdown. A full judgment in the judicial review is expected later this year and will include new guidelines designed to ensure police are not awarded warrants against journalists without going through a much more rigorous legal process.

To date, in sharp contrast to the vast police resources dedicated to pursuing Birney and McCaffrey, no one has been brought to justice for the Loughinisland killings, and the alleged police failings examined in the film have not been investigated.

Recommendations

RSF has developed a series of recommendations to the UK authorities to address the serious issues outlined in this report, in accordance with the UK's obligations to protect and respect freedom of expression, under national and international law.

If the UK government is serious about its stated priority commitment to championing media freedom globally - including as co-founder and co-chair of the nascent [Media Freedom Coalition](#) - it must also address these pressing domestic concerns without further delay.

Safety of journalists

- Ensure without further delay the establishment of a National Committee for the Safety of Journalists - as [announced](#) by the Department for Digital, Culture, Media and Sport (DCMS) in July 2019 - and include a specific focus on Northern Ireland, including a subsection within the National Action Plan on the Safety of Journalists.

As noted by the DCMS, and in line with the OSCE's recommendations, the Committee should gather "representatives of the prosecutor's office, the police and journalist associations", and "verify that all attacks and threats are properly investigated, improve procedures if needed; propose protection measures when necessary and implement preventive action to reinforce the security of journalists".

- Ensure that the Police Service of Northern Ireland (PSNI) is equipped to adequately respond to issues affecting the safety of journalists.

- Provide training to PSNI focussing on the threats journalists face in the course of their work, including while covering court hearings, parades and marches, cases of online harassment (particularly against women journalists), and the protections that should be provided in those instances.
- When there are threats made to a journalist's life, ensure they are provided with sufficient information to adequately protect themselves without having to carry out their own, potentially dangerous, secondary investigations.
- Establish a Safety of Journalists liaison officer within the PSNI to track threats and attacks against journalists and coordinate responses to these threats.
- Provide safety training to journalists covering security issues, including organised crime and paramilitary activities, and informing them of the protections available should they experience threats, harassments or attacks in the course of their work.

Legal environment

- Respect the rights of journalists to investigate and report on issues of public interest, and to protect source confidentiality.
- Ensure the legal application of search warrants, such that the mass seizure of journalists' data is not used as a de facto threat against investigative journalists and whistleblowers, intended to have a chilling effect on public interest reporting.

Collaboration between the UK and the Republic of Ireland

- Secretary of State for Northern Ireland Brandon Lewis should prioritise the safety of journalists and media freedom, and begin discussion with the administration from the Republic of Ireland addressing all-Island approaches to ensuring media freedom and safety of journalists, particularly where cross-border threats exist.

ENDS.

Notes to editors:

- The UK was ranked 33rd out of 180 countries in RSF's [2019 World Press Freedom Index](#); the 2020 World Press Freedom Index will be released on 21 April.
- RSF honoured Lyra McKee at the War Reporters Memorial in Bayeux, in northern France, in October 2019, at a [ceremony to pay tribute](#) to journalists killed over the past year.
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