

Nov 04, 2016 by **Shawn Powers**

From Guantanamo Bay to Pyongyang: The Diplomacy of Deeds ^[1]

On June 7, North Korea's highest court sentenced two American journalists to 12 years of hard labor, a sentence more severe than most had predicted.

According to the Korean Central News Agency (KCNA), North Korea's Central Court convicted the two Americans, Laura Ling and Euna Lee, of "committing hostilities against the Korean nation and illegal entry." Secretary of State Hillary Clinton described the charges as "baseless," and stated that their trial was conducted in absolute secrecy. Sources speculate that Ling and Lee, reporters for progressive-leaning Current TV were filming a report about North Koreans attempting to cross the narrow Tumen River into China.

As reported in *The New York Times*, "The court's decision came as the United States displays increasing impatience with what President Obama has called Pyongyang's 'extraordinarily provocative' behavior in recent weeks. For its part, the North Korean leadership has shown no sign of backing away from its taunts and challenges directed at the United States and its regional allies." According to Lee Woo-young, a North Korea specialist at the University of North Korea Studies in Seoul, "It means that North Korea doesn't want to release them without Washington paying a price. It sends a signal to Washington to become more active in negotiations."

In a similar situation last month, Iranian-American journalist Roxana Saberi was released after an appeals court reviewed her initial conviction and sentence of eight years in prison. Her arrest and release were likely to be due to political rather than legal factors, related both to the upcoming elections in Iran as well as to relations with the United States. Yet, unlike Saberi's case, Ling and Lee's future in fact lies in political negotiations, as there is no higher court to appeal to after North Korea's Central Court has made a ruling.

Since the news of the conviction, the Obama administration has issued a flurry of communiqués expressing "deep concern" for both Ling and Lee. State Department spokesman Ian Kelly has called for the "immediate release of the two American citizen journalists."

I'm outraged, as are many, by the arrest and anti-humane treatment of Ling and Lee. A journalist's right to report the news is a critical one, as is a journalist's right to a fair and open trial. Yet, it is important to put the treatment of Ling and Lee in context: the United States jails journalists in Iraq with relative frequency and rarely affords them the rights to a fair and transparent trial.

Reuters cameraman Ibrahim Jassam has been held in Iraq since September 2008. No evidence has been presented to justify Jassam's continued incarceration. Last November, to no avail, an Iraqi court ordered that he be released on lack of evidence. In a more high-profile

case, the U.S. military held Sami al-Hajj, a Sudanese journalist for Al Jazeera, from December 2001 to May 2008 at the Guantanamo Bay detention camp. Al-Hajj never received a fair or open trial, was abused and tortured during his imprisonment, and was released without ever being charged. Moreover, the U.S. military bombed Al-Jazeera's news bureaus in Kabul and Baghdad, in one case killing Al-Jazeera's reporter? camera man?Tareq Ayoub. As Robert Fisk writes, "This was no errant attack. 'The plane was so low, we thought it was going to land on the roof,' Tareq's colleague Taiseer Alouni told me afterwards." And the Committee to Protect Journalists reports that the U.S. military has shown "alarming disregard" for the protection of journalists in Iraq, failing to "fully investigate the killing of journalists by its forces in Iraq."

Bill Richardson, the governor of New Mexico, who as a congressman helped negotiate the release of American citizens held in North Korea in the 1990s, told NBC's Today Show that "diplomacy and negotiation for the humanitarian release can start now that the legal process has ended." I can't help but think that al-Hajj's testimony from his six years at the Guantanamo Bay detention camp makes these negotiations a bit more difficult than when Richardson negotiated the secure release of an American that had drunkenly swum into North Korean waters. Given that the U.S. continues to jail reporters in Iraq without trial, and in some cases simply kills them, doesn't North Korea have a compelling argument that they at least gave Ling and Lee a trial?

Oddly enough, Iran's treatment of journalists may seem the most humane of all; after all, they not only gave Saberi a trial, but she was also afforded the right to appeal (where she successfully made her case for freedom).

While I hope the Obama administration does everything in its power to secure the release of Ling and Lee, its work can't stop there. The United States must protect the rights of journalists everywhere, and especially in Iraq and Afghanistan where reporting the conflict is a terrifying and life-threatening task. Until then, we can only assume that American journalists abroad won't be afforded the legal protections that they depend on to do their jobs.
