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THE RIGHT TO FREEDOM OF EXPRESSION OF THE MEDIA IN TRANSITIONAL
JUSTICE PROCESSES

Author:

Franklin Zarate

Supervisors:

Dr. Arturs Kucs

Dr. iur. cand. PhD. Lolita Bērziņa

ABSTRACT

The achievement of peace, reconciliation and the establishment of the rule of law in transitional justice processes requires of communication means to mediate and democratize the process. The media in its roles of watchdog and educator of the public is a key factor in transitional justice processes and one that need to be considered in transition settings given its power to influence and shape public opinions. On the other hand the scope of application of right to freedom of expression of the press and its limitations is an issue that demands especial attention in transitional justice processes because of the complexity of its strategies and the high polarization in which commonly they are unfolded. On this regard this work constitutes an approach to the application of the right to freedom of expression of the media and its limitations in transitional settings. Through the analysis of the general theories outlining the right, practical cases and case law of the European Court of Human Rights, this work will come to the conclusion that no limitations on the right to freedom of expression of the media may be imposed solely on the base of transitional justice issues. Nonetheless interventions aiming to guarantee an unbiased and pluralistic media are necessary in order to avoid polarization and lack of information about the methods and strategies of transitional justice processes.

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