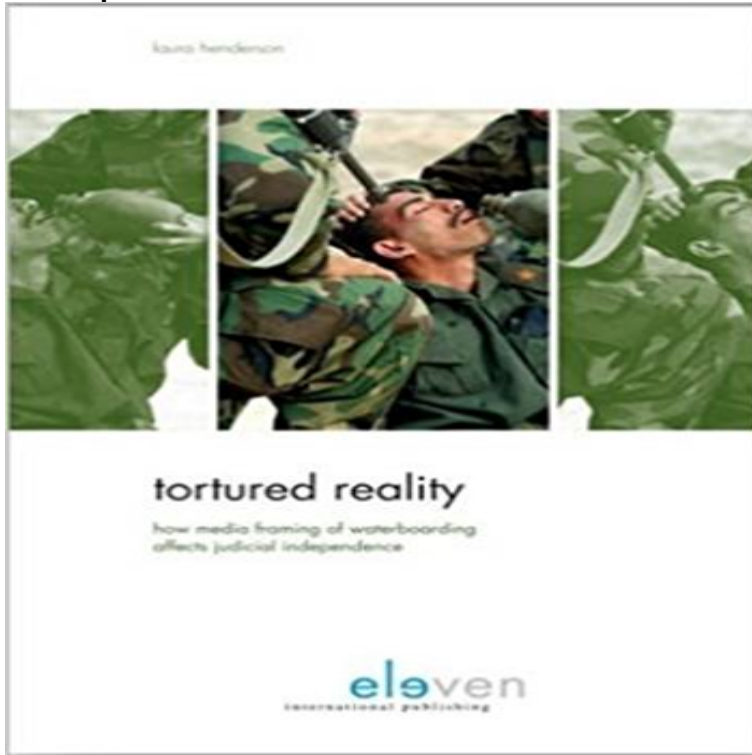


Tortured Reality: How Media Framing of Waterboarding Affects Judicial Independence



Judicial independence is not just an abstract principle to which government systems, ensuring the rule of law, must adhere. It is also a concrete standard, set out in binding (as well as in some non-binding) human rights documents and enforced by human rights courts all over the world. These documents and courts have developed legal norms relating to judicial independence. However, have they taken into account the shaky nature of the assumption that individuals and institutions can exert true agency, uninfluenced by their environments? Tortured Reality addresses this question by studying the particular issue of the effect of the frames employed in print news media on judicial independence. The research question is whether the print news medias framing of the practice of waterboarding influenced judicial opinions of this practice. If so, did this influence compromise judicial independence as defined in international human rights documents? The book concludes that the current protection offered by international human rights law against undue influence from the media on the judicial process is insufficient. Although these standards do address the media, they do not take into account the influence the media can have in shaping perceptions of law and that this affects how judges rule in individual cases. Moreover, these standards do not adequately deal with the potential use of the media by the government or actors in the private sector attempting to reduce judicial independence. Although it may be the case that humans might never achieve complete autonomy from the social structure, improvements upon the current state of affairs are possible. The book proposes that certain safeguards can mitigate the negative effects this process can have on the rule of law and the fundamental human right to a fair trial.

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