

Press Release 28.08.2009

Associated Press forces Noorderlicht to remove curator's text

For the first time in twenty years, Noorderlicht, the annual photofestival that engages with the cutting edge of documentary photography, has had to make the decision to remove an essay by a curator from its catalogue. This decision was made under threats to withdraw photographs from the festival and of possible legal action by Associated Press, one of the largest photo agencies in the world. Although Noorderlicht sought to resist this limitation on the right to freedom of expression, organisationally and financially it is impossible for us to stand up against a party as powerful as AP. After lengthy discussions with AP, with the guest curator Stuart Franklin, and within Noorderlicht, the decision was made to replace the essay with two short statements, which you will find appended to the end of this press release.

Where did it all begin? On 27 December, 2008, Israeli troops entered the Gaza Strip, in response to rocket attacks from Palestinian territory. By 18 January, 2009, at the end of Operation Cast Lead, about 1300 Palestinians had been killed, including 300 children. The operation cost 13 Israeli lives.

Noorderlicht's goal in the *Human Conditions* event is to reveal the unseen, human stories behind conflicts. Therefore we fully supported the idea of Stuart Franklin, former chairman of the renowned photo agency Magnum Photos, to go to Gaza and interview local photographers. Because Israel had sealed off the area for foreign media, these photographers were the only ones to be working there during the conflict. Under the most difficult conditions imaginable they succeeded in gathering images and sending them to the outside world. A number of these photographers are associated with Associated Press. Franklin not only spoke with them, but also brought back a considerable amount of poignant photo material that is to be seen in his contribution, *Point of No Return*.

The Associated Press does not object to the exhibition as such, but to the content of Franklin's accompanying essay. This essay acknowledged that criminal acts were committed by both sides, but assigned the principle responsibility for the extent of the bloodshed to Israel. Both Franklin and Noorderlicht believe this conclusion is justified by the critical reports from Amnesty International and the United Nations, in which Israel is called to account for the disproportionate nature of its military intervention and the violation of the laws of war and human rights. The UN concludes that Israel deliberately, and without restraint, risked the lives of children, as can be seen in the exhibition. The Israeli violations were, according to the UN report, 'too numerous to list.' According to Amnesty International Israel violated fundamental points of international human rights law, including by ignoring the prohibition against direct attacks on civilians and civilian targets, as well as the prohibition against collective punishment and disproportionate retaliation.

After an emotional draft, Stuart Franklin submitted a definitive version of his essay, which the Associated Press found unacceptable. Noorderlicht suggested to Associated Press that they would add a disclaimer to the text, to the effect that the text represented the personal opinions of the curator, and not that of the cooperating photo agencies. AP rejected this. Nor would the agency consider the possibility of placing their own text in the catalogue in which they could set out their own views.

According to Associated Press guidelines, their staff and associates may not take political positions. AP provides information, not opinions. Newspapers, periodicals and other media use these images, sometimes to accompany articles with a politically charged intent. Franklin did the same in his catalogue text with his exhibition. The photographers, who have all signed a 'letter of agreement', provide factual and true images, and are not responsible for the context in which Franklin places them. By forcing Noorderlicht to withdraw an opinion which was unacceptable to them, Associated Press is expressly interfering with the content of the political discourse, and thereby is acting in conflict with its own guidelines.

Noorderlicht takes the position that a curator must at all times be given the freedom to shape his or her own contribution, without interference. The expression of strong opinions must be possible; freedom of expression is not negotiable.

The statements, as they appear in the catalogue of *Human Conditions* (Noorderlicht International Photofestival 2009):

I have been asked, not by the photographers in the field, but by those who appear to own the rights to some of the photographs, to 'substantially moderate' my curatorial text – an analysis of the historical background to the work. I am too upset to do this since this would emasculate my perspective beyond what is reasonable. So having been offered, against all the principles of free speech that I cherish so much, two modes of capitulation: the replacement of my text with one not written by me, and the removal of my text, I choose the latter option. So I will say nothing and let the pictures talk. The pictures must speak and one day, we must hope, their stories will be told.

Stuart Franklin
Curator of Point of No Return

Noorderlicht, for the first time in twenty years, has been forced to remove an essay by a curator, under threat of reprisal by Associated Press, one of the largest photo-agencies in the world. Having always worked on the cutting edge of photojournalism, not fearing to take a stand for the disenfranchised and the oppressed, we have found out the hard way that financial restraints (in view of possible legal action) can even force an organization like ours over the border between the powerful and the disempowered.

This is a maddening and frustrating conclusion. But there it is.

Ton Broekhuis
Director Noorderlicht Photography Foundation

Statement of the board of directors of Noorderlicht:

By taking the position it has, the Associated Press has not only acted in defiance of its own mission statement, it has shown a lack of understanding of the essence of freedom of speech.

Koen F. Schuiling, chairman of the board