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Statement on the Declining State of Freedom of Expression in Eurasia

Freedom House would like to draw the attention of the OSCE Office for Democratic Institutions and Human Rights and the participating States to the continuing crackdown on freedom of the press in Eurasia. Many countries, including Azerbaijan, Belarus, Uzbekistan and Turkmenistan, continue to perform poorly in respect to freedom of the press, ranking among the lowest globally, as evident in this year's [Freedom of the Press](#) report. Having already destroyed most platforms for dissent, starting 2015 several nations in the region adopted a two-pronged approach toward the media: deepening systemic controls on the flow of information while making an example of the few independent journalists who continued to operate. We would like to focus on several examples from the past year.

Azerbaijan

The government of Azerbaijan consistently forces independent or critical voices to the brink of existence. There are currently five journalists in prison on politically motivated charges, including Seymur Heziyev, a prominent reporter from the newspaper Azadliq. At least seven bloggers remain behind bars for expressing their critical point of view online; among them youth activist Abdul Abilov. In spring 2016 the president pardoned a number of well-known journalists, including Rauf Mirgadirov, Khadija Ismayil and Tofiq Yagublu. Yet, these and other journalists had been tried on spurious charges and should not have been imprisoned in the first place. The released reporters remain under severe restrictions: Khadija is currently under a travel ban, Tofiq has been repeatedly harassed by the police, and Rauf has to ask for official permission every time he intends to travel abroad.

Foreign coverage is targeted: any foreign media employee or freelancer operating in Azerbaijan has to register with the government. When registration is denied, freelance reporting becomes illegal. In March, the government opened a criminal case against the independent media outlet Meydan TV, targeting more than a dozen of associated journalists, including all reporters currently residing inside Azerbaijan. Meydan's editor-in-chief Emin Milli and a well-known journalist Arzu Geybulla were also named as suspects in criminal prosecution. At least five Meydan journalists

currently cannot leave the country due to a travel ban. In a separate intimidation effort, in August and September, a number of freelance journalists reporting for independent media were repeatedly detained for short periods of time, from several hours to several days.

Kazakhstan

Kazakhstan continues to persecute activists and journalists exercising freedom of speech. Last October prominent activists Ermek Narmbayev and Serikzhan Membetalin were arrested on charges of “inciting ethnic or social discord” under Article 174 of the Criminal Code, following their Facebook posts about writings attributed to another activist. Both men were found guilty and, while releasing them on conditional sentences, the court banned them from holding future public events and placed them on a government list of persons purportedly connected to known terrorist networks. In another example, Guzyal Baidalinova, who heads the news outlet Nakanune.kz, known for anticorruption investigations, was tried and sentenced to 1.5 years in prison on charges of disseminating knowingly false information.

During May 2016, using advanced surveillance techniques, Kazakh authorities were able to identify the activists and journalists planning to attend the protests of the proposed land reform and “preemptively” arrest them before they happened. On the scheduled date, May 21, the police blocked people from gathering in major cities, leading up to nearly a thousand of detentions across the country, including human rights defenders, journalists, protesters, as well as bystanders. Journalists that managed to go unnoticed and were able to report on the events were quickly arrested or subjected to harassment by the security forces for reporting on the protests or discussing them on social media.

Russia

Russia has continued to exercise the “rule by law” principle and rely on expedited, non-transparent legislative action to further stifle the rapidly declining freedom of expression inside the country. Last October, the Federal Security Bureau and the Cabinet proposed legislative amendments limiting access to official real estate and luxury property dealings data in response to anti-corruption inquiries from investigative journalists and activists. Late in 2015, the Russian Communications Minister and the head of Roskomnadzor issued repeated calls to block or otherwise control encrypted mobile messenger applications over concerns of terrorism plotting. By February, a new law took effect requiring companies that process the personal data of Russian citizens to hold this information on Russian servers, increasing the ability of authorities to monitor individuals. At the end of June 2016, the State Duma approved the so-called “Yarovaya Laws” allegedly designed to protect against extremism. These wide-ranging laws introduce tougher penalties for failing to report a crime, justifying terrorism on social media, and inducing others to join “mass unrest.” Furthermore, the legislation requires telecom providers to store data and information from calls, texts, and other messages for up to six months, and for any websites,

messaging apps, or other online services to enable authorities to break any encryption that might protect user data.

State efforts to intimidate, control, and prosecute independent media and watchdog journalists, bloggers, and activists accelerated rapidly and have also contributed to the shrinking of media space. In one high-profile case Ekaterina Vologzheninova, a single mother, was sentenced to community labor for “inciting hatred” through reposting Ukrainian media stories on her private vKontakte page; her laptop was destroyed as an “instrument of crime.” In all, at least ten cases against independent bloggers or activists have been launched since October 2015. Well-established independent outlets such as Novoe Vremya and TV Dozhd faced cyber-attacks or inspections in retaliation for alleged provocations. In a continued assault on editorial independence, three chief editors were removed at RBK, a large media company, soon after the outlet reported on questionable business dealings among Russian oligarchs and the president’s inner circle. This move brought to twelve the total number of newsrooms affected by intimidation, staff dismissals, or outright shutdowns over the last five years.

Ukraine

In Ukraine, violence against journalists, most notably the recent murder of Pavel Sheremet and the vicious attack on the TV journalist Anatoly Ostapenko in Zaporizhzhya, as well as routine violations of their rights is only encouraged by impunity for those responsible for these abuses. The Ukrainian government has also proposed a number of problematic restrictions on media freedom such as a citizenship test for journalists and bans on journalists entering the country.

Recommendations

In the light of the rapidly declining freedom of expression in the region, we recommend that the OSCE/ODIHR:

- establish an expert panel on freedom of expression and strongly encourage the participating States repeatedly noted by the OSCE Representative on Freedom of the Media to make use of the Moscow Mechanism.

The participating States should:

- immediately release the journalists and other human rights defenders wrongfully convicted on trumped up charges;
- cease the escalating practice of hyper-regulating freedom of speech, both online and offline, through legislative and/or normative acts;
- cease the curtailing of the fundamental freedom of speech, for individuals and media organizations, through blanket rules or intimidation formally rationalized as preventing the spread of “extremism” or “terrorism”;

- ensure protection of journalists and civic activists who disseminate information about issues of public importance, including government activities, integrity of government officials, social and cultural events, elections, or acts of civil resistance, including protests;
- conduct a swift and transparent investigation of violence against journalists and civic activists and prosecute perpetrators of crimes ensuring a fair trial.