

United States Mission to the OSCE

**Session 13: Freedom of expression, free media and
information**

Specially selected topic

As prepared for delivery by Dr. Michael Haltzel
Head of the U.S. delegation to
the OSCE Human Dimension Implementation Meeting
October 6, 2009

Mr. Moderator,

Criminal defamation statutes continue to be employed in a number of participating States to punish criticism of the state, government officials, or state institutions or policies. The United States supports the joint statement issued by the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the UN Special Rapporteur on Freedom of Opinion and Expression calling for the repeal of such laws. The United States urges all OSCE participating States to decriminalize defamation and to repeal statutes that unduly punish “insult” or other expressions of opinion.

Along these lines, we are troubled by Slovakia’s media law that allows politicians unlimited rights of reply, even if a statement is factual and accurate, and creates a chilling effect on media reporting.

We are also concerned by Lithuania's new law on protecting minors from detrimental information that would restrict expression of topics related to minority sexual orientation and hope that the Lithuanian government can work with the OSCE Representative on Freedom of the Media to improve the law before it goes into effect in March 2010.

Although Turkey has made some modifications to Article 301 of its Penal Code, individuals continue to be subject to criminal proceedings and imprisonment stemming from statements deemed to denigrate the “Turkish nation” or state institutions. Similar statutes remain in place, including a provision on insulting the memory of Atatürk. We remain concerned as well by the use of the Anti-Terror Law to restrict free speech.

In Azerbaijan, we urge the authorities to undertake the necessary reforms in keeping with President Aliyev’s April statement on criminal defamation.

In Tajikistan, libel and slander continue to be criminal offenses, with numerous clauses of the criminal code specifically covering slander of civil servants.

In Belarus, criticism of top officials, particularly the president, can result in criminal proceedings.

Likewise, laws in Turkmenistan accord special protections to government officials, public figures, the state, and state symbols.

Although discussion on decriminalization of libel has occurred in a number of states, criminal statutes remain in place in Albania, the Czech Republic, Kyrgyzstan, Macedonia, Moldova, Romania, Russia, Serbia, and Slovenia.

With regard to Serbia's new media law, we recognize that some provisions, such as registration mechanisms and protections for the privacy and presumption of innocence of those reported on by media, are beneficial. Nonetheless remain concerned that other provisions -- such as high fines -- could have a negative impact on media freedom. We will carefully monitor the implementation of the law in the coming months.

In Russia, Oleg Orlov faces charges of defamation of Chechen president Ramzan Kadyrov in connection with his statements after the murder of prominent journalist and human rights activist Natalya Estemirova in July.

We are likewise concerned over the case in Kazakhstan of Ramazan Yesergepov, the editor of the independent weekly *Alma-Ata Info*, sentenced to three years imprisonment in August for collecting information that allegedly contained state secrets. During the same month Alpamys Bekturganov, was sentenced to one year for slander.

Also in Kazakhstan, the opposition weekly *Taszharghan* has reportedly been forced to cease publication following the imposition of a \$200,000 fine for damaging the honor and dignity of a member of the Kazakh parliament. BTA Bank filed a lawsuit in August against *Respublika-Delovoye Obozreniye*, claiming that an article in the weekly independent's March issue led to a run on the bank. In September a court ordered the newspaper to pay the bank \$400,000, and the following week court officers seized its print run. According to the Committee to Protect Journalists, at least half a dozen independent outlets and their staffers faced more than 60 such lawsuits in 2008 alone, with many involving claims by senior government officials.

Additionally, several participating States are attempting to tightly control new media technologies such as Twitter and Facebook, increasingly popular vehicles for expression. In Kazakhstan, the restrictive media law, including amendments signed by President Nazarbaev in July, combined with stepped up electronic attempts at effectively 'jamming' these and other aspects of the Internet, are of serious concern.

Although Uzbekistan has hosted conferences with appealing titles like "The Liberalization of Mass Media," Uzbekistan's policies remain highly repressive for all forms of media. According to the U.S.-based Committee to Protect Journalists, Uzbekistan has more jailed journalists than any other participating State.

We urge Uzbekistan to release Salidzhon Abdurakhmanov, convicted of drug trafficking, Dilmurod Saiid, convicted of extortion and bribery, Kushodbek Usmon, convicted of defamation, and others convicted on dubious charges.

Finally, Mr. Moderator, I would like to express my delegation's deep appreciation for the vital work undertaken by the OSCE Representative on Freedom of the Media, Miklos Haraszti, a tireless advocate for this cause throughout the OSCE region. The OSCE will be hard pressed to find a successor to match his professionalism, passion, and integrity. Thank you for your service. We wish you the best in your future pursuits.

Thank you, Mr. Moderator.