



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Freimut Duve

ENGLISH only

14 March 2002

Regular Report to the Permanent Council

Mr. Chairman, Ladies and Gentlemen,

First of all I would like to offer my condolences to the family and friends of murdered *Wall Street Journal* reporter Daniel Pearl executed in Pakistan, and Italian photographer Raffaele Ciriello killed this week in Ramallah. All of us were shocked by these atrocities and again we should think together what more can be done to ensure the safety and security of journalists working in difficult areas. I would also like to forward my condolences to the family and friends of Russian reporter Natalya Skryl, who was killed last week in Taganrog. She worked for the regional newspaper *Nashe Vremya*. I understand that an investigation is under way and I hope to receive more information at a later stage from the Russian authorities.

Secondly, I must underline how a lack of a budget undermines my ability to fulfil my mandate. I would like to stress that my Office had to sacrifice two positions needed to implement activities requested by many participating States, including regulation of the Internet, media in multilingual societies and project work in general. We will continue soliciting voluntary contributions for ongoing and future projects to make sure that the requests from our member countries can be met. I count on your support and like many others, I encourage delegations to ensure that the OSCE and this institution can function properly.

I now turn to my regular report. I have decided to do as last time and divided it into two parts: I would like to inform you here orally on the cases my Office has dealt with over the past months and on some of the tendencies in our participating States that continue to worry me. The written part of the report, which I will not read out, provides you with an overview of the projects my Office has done as several participating States have stressed that they would like to see my Office more involved in project work.

In **Croatia** my Office dealt with the case of Denis Latin and the controversy over his recent programme on Croatian Television *Latinica* that reported on the state of the judiciary in Croatia. Initially, I understand, the State Prosecutor planned to file charges against Mr. Latin under Article 309 of the Croatian Criminal Code. However, I am happy to inform you that after a further investigation, these plans were dropped. This is an approach I wholeheartedly welcome. I am also closely monitoring the situation around *Feral Tribune* and may make a statement on this matter at a later stage.

On the **Federal Republic of Yugoslavia**: in January the Belgrade First Municipal Court sentenced *NIN* Editor-in-Chief Stevan Niksic to a suspended five-month jail term for libel. The Editor was sued by Aleksa Djilas over a letter published in the magazine regarding Djilas' father, Yugoslav communist official Milovan Djilas. It is my fundamental belief that no journalist should go to prison or be sentenced to a prison term, even a suspended one, for performing his/her professional duties. Any cases of libel should be dealt with by a civil court and should not under any circumstances involve imprisonment. We have similar

situations in several other participating States where journalists are still sentenced to prison for libel. Often the suing party is a government official who was criticised for his work by a media outlet. We know many such cases and I will continue raising them vigilantly with the governments.

I have already spoken here at the Permanent Council and at the OSCE Parliamentary Assembly about my concerns after the tragic events of 11 September. We are seeing worrying developments in both the East and the West with human rights issues sometimes being put on the back burner.

Let me just remind you of one case that I already discussed at the OSCE Parliamentary Assembly in February. **Uzbekistan** journalist Ruslav Sharipov, shortly before he was due to go to the United States to testify about the worsening human rights situation in Uzbekistan, was beaten up on several occasions. Sharipov, the Uzbekistan correspondent for the Russian news agency *Prima* and President of the *Uzbek Independent Journalists' Union*, was attacked on 5 February by three men. The next day he was attacked again by two men who also seized his passport and journalist's card. He was previously assaulted on 30 January in Tashkent by two police officers. He has been harassed before. Commenting on this case, *Reporters sans frontières*, a respected media NGO, stressed that the government of Uzbekistan is “using the excuse of fighting terrorism to brutally repress any independent journalism in the country.” I urge participating States to use their influence to help promote freedom of the media and not only national security issues in those countries where freedom of expression is in danger and dissent is stifled.

A very serious threat to free media is structural censorship. I have spoken about this phenomenon often. Let me again demonstrate how damaging it is through a case in **Kyrgyzstan**: on 19 January the Kyrgyz state-owned publishing house *Uchkun* refused to print the independent newspaper *Moya Stolitsa-Novosti* despite an advance payment for the print run. This is not the only country where we come across such cases. For example, three independent newspapers in **Kazakhstan** (*SolDat*, *Vremya Po* and *Respublika-delovoye obozrenie*) also cannot find a publisher willing to print them. One of the possible ways to avoid this kind of censorship is through the establishment of an independent publishing house. My Office is supporting the OSCE Centre in Bishkek in this endeavour.

I recently visited **Russia** where I had meetings with senior government officials and many journalists. Over the past decade enormous progress has been made in Russia in developing civil society and in establishing a free press. All of us salute the efforts of the many journalists who have worked tirelessly in promoting freedom of expression. However, during the past year several negative developments have worried me and led me to question the true commitment of the Russian authorities, especially in the regions, to free media. The hostile take-over of *NTV* by Gazprom and the closure of *TV6* through the court system have left Russia without a national television station independent from government control. With great interest I will follow the tender for the *TV6* frequency, and I do hope it will be awarded to an independent TV company.

I am disturbed by the two cases of libel against the Moscow newspaper *Novaya Gazeta* and the assassination attempt of its journalist Sergei Solovkin and his wife in Sochi on 11 March. A Moscow court has ordered *Novaya Gazeta* to pay approximately 1,6 million Euro in damages to a judge in Krasnodar and to a bank. My Office was in contact with the Editor-in-chief of *Novaya Gazeta* Dmitriy Muratov who is worried with what he considers a pattern of harassment of his newspaper. Such a high sum may bankrupt this critical voice and does not help in promoting freedom of expression in Russia.

Regarding the influence of the so-called oligarchs in the media, there are no easy answers, no black or white solutions. The advertising market is still weak, and many media outlets need the financial support of big business. I fully agree with the views often expressed by Russian officials that a true free press has to be economically independent. Dependence on big business, however, hampers its ability to act as a watchdog, investigating unsavoury business practices and corruption, what I call the corrective function of the media. It is difficult to expect a Gazprom controlled media outlet to criticise Gazprom. However, there are certain models developed in other countries that provide for the independence of the media. I am happy to share this information with the Russian government if such a need exists. Other nouvelle ideas might be discussed by the corporations themselves in conjunction, of course, with journalists' unions.

I have spoken here on several occasions regarding the cases of Olga Kitova and Grigory Pasko. I will not go into the details, they are well known to you. Both are currently appealing their sentences. However, what is important here is the precedent: because of the harassment of these two journalists, I believe fewer and fewer reporters will be involved in investigating corruption and ecological matters. They see how their colleagues have suffered doing so. I hope that the Russian government agrees with me that there is a need to support those journalists who are still willing (and able) to pursue difficult corruption cases. I am ready to discuss with the Russian authorities ways in which my Office can be of assistance on this matter.

On Belarus: my Office continues to search for ways to improve our cooperation with this participating State. In accordance with my mandate, I once again call upon the Belarusian government to cease its unending, problematic treatment of the independent press in Belarus. Not only are the intimidation and censorship, including structural censorship, of the independent media in Belarus of deep concern to me: the overall climate for freedom of expression in Belarus is well below international standards.

I am concerned about the on-going criminal court cases against Josef Seredich, the Editor-in-chief of the independent Minsk daily *Narodnaya Volya*, and against Mikalai Markevich, the Editor-in-chief of *Pahonya*, a newspaper which was ordered closed by the Supreme Economic Court of Belarus late last year. Markevich and another journalist at *Pahonya*, Pavel Mazheika, have been charged by the Grodno Prosecutor's Office with "slander of the president" under a criminal libel statute punishable by up to five years in prison. Seredich is being threatened with a criminal libel suit for critical coverage of the presidential elections. Again libel is used to clamp down on those who consider themselves in opposition to the current government.

Finally, as a sign of the overall deteriorating state of freedom of expression in Belarus, I note that one of the best-known Belarusian writers, Vasil Bykov, has decided not to return to his native land from Germany where he has been living and working for over a year. The writer has said that he "...would certainly like to return, but not now and not under present conditions."

To sum up: structural censorship, criminal libel, national security over freedom, big business and government pressure on the media—all these issues are still not resolved in several OSCE participating States. By illuminating the problems, by drawing public pressure to see them resolved we are at least moving in the right direction, even if very slowly.

Thank you.

Projects Developed by the OSCE Representative on Freedom of the Media

- The **Third Central Asian Media Conference** was organised by my Office together with the OSCE Centre in Almaty on 10-11 December 2001. The focus of the conference was “Media Freedom in Times of Anti-Terrorist Conflict.” In a declaration adopted at the end of the conference, the participants called on the governments within the anti-terror alliance not to use national security arguments to limit human rights. “The media should be free to exercise their corrective function towards economic, ecological and military decisions in their countries, especially in times of conflict. The free public debate is imperative,” the declaration states, “Especially after 11 September the media should not be prevented (from) informing the public about existing financial links between terrorist group activities and corruption.”
- In the last months my Office has been active in providing legal assistance in the form of some reviews of legislation (links to the reviews can be found on our web page). In **Croatia**, an analysis of media legislation was commissioned in order to assist the Croatian authorities and Croatian media professionals in the process of transforming broadcasting legislation. The analysis recommends that a number of key amendments to the laws be adopted so as to provide *Croatian Television and Radio (HRT)* with the legal basis to move successfully towards an independent public broadcasting service. The Law Croatia adopted in February 2001 is a step forward but it crucially fails to detach *HRT* from the influence of the Government and the Parliament of the day. The analysis recommends the development of a separate broadcasting law, which would establish a full-fledged, independent broadcasting regulatory body responsible for overseeing all broadcasting stations, including *HRT*.
- In **Ukraine** three legal reviews of media legislation have been carried out and forwarded to the authorities. As a follow-up to the analysis of the broadcasting laws my Office conducted a seminar in Kiev in December together with the Council of Europe. The seminar brought together international experts and relevant Ukrainian partners from government and parliament to discuss the amendments recommended in the analysis and the ways to move forward with changes in media legislation. My Office and the Council of Europe are also open to any additional follow-up activities related to the reviews. I understand that elections are coming soon, but I do expect that the newly elected parliament will take note of the suggestions made in the analysis. Furthermore, the OSCE Project Co-ordinator is continuing the implementation of a joint project with my Office on a series of regional seminars related to awareness-raising among journalists, local authorities and legal professionals of international media standards. All these projects were made possible because of financial support from the British government.
- In **Azerbaijan** in mid-December, my Office, responding to a request from the OSCE Office in Baku, helped organize a highly successful two-day seminar on ***Developing Freedom and Responsibility of Media in Azerbaijan*** in which more than thirty young, working journalists took part. Using funds from our consultancy budget, my Office was able to provide two international journalists, from Finland and the United Kingdom, to lead the seminar. The seminar focused on the critical importance of free media in a democratic society, and the need for a higher level of professionalism and a sense of responsibility in Azeri media. Seminar topics included: *Developing Standards of Conduct, Access to Information, and the Upcoming Generation of Journalists*. The response from participating journalists, our experts, the Permanent Mission of Azerbaijan to the OSCE and from the OSCE Office in Baku has been universally positive. I agree

with our colleagues in Baku that “...this event provides a good basis for further activities by the OSCE Office in Baku and the Representative on Freedom of the Media Office in order to continue assisting Azerbaijan with the goal of improving journalistic professionalism, building up a civil society and strengthening the democratic process in the country.”

- In the **Russian Federation** on 12 February 2002, I opened a two-day workshop on ***Security of Journalists Working in War Zones*** organized by the *Center for Journalism in Extreme Situations (CJES)* of the *Russian Union of Journalists* at the Moscow House of Journalists. Funded by voluntary contributions from Great Britain and the United States under the auspices of my Office, the workshop’s focus was survival techniques in conflict areas and a manual was produced for this seminar. Seventeen journalists from regional Russian media, including newspapers and TV stations working in southern Russia, the Volga region and the Urals took part in the workshop. All participants had had experience working in Chechnya or Afghanistan or have job assignments as war reporters. They agreed that the workshop was a success because its agenda embraced the full scope of information and skills that journalists may need in conflict areas. The *CJES* engaged outstanding war reporters, legal, medical and military experts for the workshop.
- On 13 February 2002, I went to St. Petersburg, Russia, to open a two-day seminar on ***Freedom and Responsibility in Russian Journalism*** funded by Great Britain and organized by the St. Petersburg Union of Journalists also under the auspices of my Office. Thirty-four journalists from many cities in the Russian North-West, from St. Petersburg, as well as eight, separately-financed young journalists from the Baltics, participated in discussions about the new relationship between journalists and media proprietors, the differences between journalism and public relations and the need for objectivity in Russian journalism. Russian media experts as well as the Vice Governor of St. Petersburg, the British Consul General, the US Consul for Press and Culture and the President of the Nordic Federation of Journalists made presentations. I spoke about the role of the OSCE. Among the seminar’s conclusions were that only economic independence will guarantee freedom of information and that the survival of journalism in small Russian cities is especially problematic. Two educational video films are being produced on the results of the seminar. Russian language pamphlets containing CSCE/OSCE main provisions on freedom of expression and freedom of media were distributed to all participants, as well as printed in full in the local St. Petersburg press.
- My Office is working with the OSCE Assistance Group to Chechnya (AG) on a project to ***Rehabilitate the Znamenskoe Printing House*** and to provide technical training to printing house staff. Once back on its feet, the printing house could begin publishing the region’s 12 newspapers as well as badly-needed school books. The project has been started by the OSCE AG and has received the endorsement of Russian presidential aide Sergei Yastrzhembsky. Given my concern that the people of the Chechen Republic have had to live for too long without books, newspapers and information, I believe this is a worthy effort on the part of the AG, and my Office will be seeking voluntary contributions from participating States.