



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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24 November 2011

Regular Report to the Permanent Council

Introduction

I am pleased to present my last regularly scheduled report for 2011 which covers the period from 23 June through today. This has been a busy year for my Office; a productive year; a rewarding year. My Office has been actively engaged in issues relating both to traditional and new media.

In July we organized, in co-operation with ODIHR, a Supplementary Human Dimension Meeting (SHDM) here in Vienna titled “Promotion of pluralism in new media.”

The meeting brought together a total of 191 participants, including 41 representatives from 37 non-governmental organizations. One hundred and two delegates from 42 of the 56 OSCE participating States were also present. Additionally, a distinguished keynote speaker and a group of presenters also participated in the Meeting.

There have been two previous SHDM’s devoted to Freedom of the Media which took place in March 2001 and July 2006. The Meeting in July reaffirmed the OSCE commitments to freedom of the media. During the meeting, participants, representatives of civil society and governments examined specific ways to implement OSCE commitments.

Media pluralism, which is the expression of a multitude of opinions, is a vital OSCE commitment and a prerequisite for media freedom. OSCE participating States agreed in 1994 to proactively foster pluralism because providing citizens with a variety of views can only strengthen their democracies. Well-informed people make well-informed decisions which are the indispensable foundation that democracies can build upon.

I am pleased to report that at the SHDM event in July I addressed one of the most important issues of our day: Will the digital revolution lead to more opinions being made available or will it simply result in more voices saying the same thing? Governments’ role in answering that question may largely shape the media landscape for decades to come.

My Office will continue to work to ensure that as our technological prowess grows, it will result in more opinions, not fewer, in the marketplace of ideas. I offer my Office’s expertise and experience in relevant issues to all participating States confronting the technological expansion taking place around us.

Since this is my last report this year, I would like to take time to thank the 2011 Chairmanship, Lithuania, in particular Foreign Minister and Chairperson-in-Office Audronius

* Change of distribution status

Ažubalis for his tireless efforts in safeguarding OSCE media freedom commitments with particular emphasis on safety of journalists. Special thanks go to Ambassador Renatas Norkus and all the members of the Lithuanian Delegation for their professionalism and genuine support.

The Lithuanian Chairmanship made freedom of the media a priority for its term in office. Throughout the year we have had the pleasure of working with the Chairmanship on many important projects, including the groundbreaking 2-day Vilnius conference in June on Safety of Journalists, which brought together government officials, academics, advocacy groups and media practitioners to publicize the plight of journalists and make governments put the issue of safety on their agendas.

The Austrian Government has done just that. The Ministry of Foreign Affairs yesterday held a high-level conference on journalists' safety with a focus on ways to create a more effective framework to provide protection for the media. My Office was actively involved in the meeting, which brought together experts from around the world to discuss the issue and consider specific steps to make the world safer for journalists.

We all know the depressing statistics. Every year scores of journalists are killed. On average, 100 worldwide and, in the OSCE region alone, more than 30 journalists have been killed in the last five years for doing their jobs. Finally, however, with a concerted effort by international leaders and grassroots journalism associations, the message is being heard: Enough is enough! Now, perhaps for the first time, government authorities, including law enforcement officials, are stepping up to the challenge and coming up with methods – some innovative, some traditional – to break the cycle of violence that has plagued the media for more than a decade.

In Italy and Serbia, for example, police are now providing effective protection to threatened journalists.

And in Russia, preliminary contacts have taken place locally among prosecutors and journalists' and human rights organizations to discuss ways of improving the process of gathering evidence about attacks on journalists, including information disclosed through journalists' enquiries or published in the media and on the databases mentioned.

Because of the Vilnius conference, we now have a set of specific recommendations – The Vilnius Recommendations – which we consider a roadmap for national governments, legislatures, law enforcement agencies and even the media to follow to reach the eventual goal: an OSCE region where journalists can do their jobs free from fear.

In an effort to continue implementing our mission, the Lithuanian Chairmanship and my Office have teamed to create a detailed guidebook to journalists' safety which sets forth specific best practices that all relevant participants in the process can look to in order to create an environment safe for journalists. The Guidebook will be published and made available at the OSCE Ministerial Council meeting in Vilnius next month.

These are important steps. They cannot be the last. The mission to end violence against journalists is not one that can be conveniently packaged into 12 months. It is an ongoing mission, one that will take the time, the resources and the will power of all of us, including governments, prominent members of civil society and journalists themselves.

Also for that reason I am pleased that the incoming Ireland Chairmanship also will make media freedom one of its priorities in 2012.

This year has brought some notable improvements in the media environment across the region.

I am pleased to note the decriminalization of defamation in Montenegro, Kyrgyzstan and, just last week, the Russian Federation, bringing to 14 the number of participating States that have done away with criminal sanctions for what surely should be a purely civil matter.

The Russian State Duma also amended the criminal code to make threats or violence against journalists a crime punishable by up to five years of corrective labour or up to six years in jail. I welcome the recognition by Russia's legislators that attacks against journalists should be treated as a special category of criminal offence.

I am pleased that Slovakia has adopted important amendments to its Press Act. The reform of the provisions concerning the right of reply, corrections and supplementary information is a significant improvement in the law.

And I am equally pleased that my Office has been able to organize, along with our Mission to Bosnia and Herzegovina and other OSCE missions in the region, the first South East Europe Media Conference.

In September more than 100 media experts came together in Sarajevo to discuss issues of common interest affecting freedom of the media in the region. The conference focused on the core issue of media independence, including the role of public service broadcasting, legal challenges to media pluralism and the always important topic of journalists' safety.

This conference, which I hope will become an annual affair, complements our regular meetings in Central Asia and the South Caucasus and gives the media across a large swath of the OSCE region an opportunity to come together, learn about issues from international experts and share their experiences in the regions. Special thanks go out to all Heads of our field offices and their staff in Central Asia and the South Caucasus for their support to make these meetings a success.

I would again like to thank the participating States whose extra-budgetary contributions made the South Caucasus and Central Asia meetings possible – France, Germany, the Netherlands, Norway, Switzerland and the United States. And I also want to thank the OSCE Heads of field presences and their staffs in South East Europe for financing the new conference.

I would like to point out that my Office has been deeply engaged in activities in Central Asia. While my Office has worked with the Kyrgyz Government closely in recent years, this fall our efforts turned to engaging with three more Central Asia states, Uzbekistan, Tajikistan and Turkmenistan, each of which is beginning the long-awaited process of reforming their media-related laws. I am encouraged that more and more participating States are looking to my Office as a source of knowledge, experience and assistance when engaged in media-law reform. Providing this type of assistance is one of the core obligations of my Office.

We must never lose sight of the fact that my Office works to assist the development of free media. That means working with people as well as institutions. Because of that, I am pleased that Tajik journalists Urunboi Usmonov, a reporter for the BBC, and Muhamadyusuf Ismoilov of *Nuri Zindagi* have been released from jail. I also am delighted that Dovletmyrat Yazkuliyeu, was amnestied in Turkmenistan.

Looking forward, I can assure you that my Office will continue to confront the pressing issues of the day, including journalists' safety. We also will continue to focus on Internet freedom related issues, following up on our July launch of the OSCE-wide Internet Freedom Study to be published this year. As you know, I believe the Internet offers unparalleled opportunities for sharing information. It needs to remain free so that people throughout the OSCE region can share in its fruit – the exchange of information and ideas on a scale not before known in the history of the world.

I look forward to working with the incoming Ireland Chairmanship on digital media-related matters, including issues relating to the burgeoning Web 2.0 social media platforms.

Thank you for your support throughout the year.

Issues Raised with the participating States

Armenia

On **20 July** I wrote to Foreign Minister Edward Nalbandian to raise the case of GALA TV and its long-running legal dispute with the authorities of the town of Gyumri. My Office has been following the developments around GALA TV since 2007. On 16 July the Court of Cassation upheld a lower court's decision ordering GALA TV to stop using the Gyumri television tower and to dismantle its transmitter. In my letter, I expressed concerns regarding this decision, as it might prevent one of Armenia's nongovernmental television channels from broadcasting, a particularly unwelcome development in view of next year's parliamentary elections.

On 26 July I received a response from the authorities informing me that GALA TV had been offered an opportunity to install its transmitter on another television tower. They assured me that the broadcaster would be able to continue its operations unhindered. The relocation of the transmitter began in October. I hope this move will not affect the broadcaster's operations and will continue to closely monitor these developments.

On **10 November** in a letter to Foreign Minister Nalbandian and in a public statement I expressed concern over the growing number of civil libel suits filed against Armenia's news outlets. I called upon the authorities to reform the legislation to adequately protect the media in civil defamation cases. In May 2010 I welcomed decriminalization of defamation as a significant step toward ensuring a media-friendly environment. Regretfully, since then, almost 30 civil defamation suits have been brought against newspapers, including 11 this year alone. In most cases, the compensation sought is out of proportion to the damage allegedly inflicted. In my letter I referred to a lawsuit filed against a newspaper, *Hraparak*, by a lawyer

seeking more than €34,000 in damages for allegedly slanderous readers' comments posted on the paper's website. A court in Yerevan on 8 November ordered that the newspaper's property be seized pending a decision in the case.

In order to react to the growing number of libel law suits against media, on 1 November the OSCE Office in Yerevan, my Office and others held a training session for judges on international best practices while trying defamation cases.

On 15 November the Constitutional Court of Armenia ruled that media outlets cannot be held liable for "critical assessment of facts" and "evaluation judgments." It also instructed courts to avoid imposing hefty fines on media outlets in civil libel lawsuits, saying that the latter should rather be ordered to issue an apology or provide other non-material compensation to plaintiffs. I welcome this ruling, which brings Armenia closer to international standards in defamation court practice.

(See Trainings)

(See also Internet Developments that concern several participating States)

Azerbaijan

On **19 July** I wrote to the authorities regarding a police attack on and brief detention of Turan news agency correspondent Ilqar Nasibov and two members of the Baku-based Institute for the Freedom and Safety of Reporters, Elman Abbasov and Hakilmedostu Mehdiyev.

The authorities on 7 September informed me that the complaint was not acted upon "since no unlawful actions in police officer's activities were identified."

On **27 July** I wrote to President Ilham Aliyev to again raise the cases of Bakhtiyar Hajiyev and Jabbar Savalan. Earlier that month appellate courts upheld the sentences of these bloggers to two and two-and-a-half-years in jail, respectively. Hajiyev was convicted of avoiding military service. Savalan was convicted of drug possession. I expressed my hope that the Supreme Court would overturn both verdicts and that Hajiyev and Savalan will be set free. I continue to monitor these cases.

On **9 November** I wrote to Foreign Minister Elmar Mammadyarov to ask for information on the case of Avaz Zeynalli, the editor-in-chief of *Khural*, a daily newspaper, who was arrested on 28 October on charges of extortion. On 3 November the Baku Appellate Court upheld a decision by a lower court to keep Zeynalli in custody for three months. The court hearing was closed. In October court bailiffs confiscated *Khural's* equipment, effectively bringing its operations to a halt. Courts earlier had ordered the newspaper to pay to two high-ranking government officials the equivalent of approximately €14,000 in civil damages. I look forward to receiving an answer from the authorities on this case.

On **18 November** I wrote to Ali Hasanov, Head of the Social and Political Department of the Presidential Administration, to ask for his support to the ongoing process of decriminalization of defamation in Azerbaijan. I hope that the draft bill, prepared by the Press Council, will be introduced in Parliament soon and that defamation will be decriminalized. My Office stands ready to support Azerbaijan in this important reform.

On **23 November** I issued a public statement expressing my deep sorrow at the death of writer Rafiq Tagi, who died of stab wounds inflicted by an unknown assailant on 19 November. I reiterated that these crimes must be prosecuted with utmost resolution for the sake of democracy and commended the fact that the Azerbaijani authorities have started a criminal investigation into the assault.

Belarus

On **1 July** I wrote to President Alexandr Lukashenko and made a public statement asking him to put an end to the unprecedented repression against media launched after the December 2010 presidential election. I appealed to the President, as the head of the nation, to mobilize all governmental organizations to protect all media from harassment, legal and administrative pressure, imprisonment, violence, torture in detention and liquidation. I raised all major issues that shape the current media freedom crisis in the country. They were also described in detail in my two previous reports to the Permanent Council in March and June 2011. In particular I addressed violence against journalists, arrests and criminal prosecutions and closure of or attempts to close media. I urged President Lukashenko to take several measures: Immediately stop detentions, physical violence and pressure on all journalists regardless of their nationality and affiliation; Drop all charges against all prosecuted journalists, including Andrzej Poczobut of *Gazeta Wyborcza* and Natalia Radina of Charter97.org and annul the sentence of Irina Khalip of *Novaya Gazeta*; Rescind warnings against newspapers *Narodnaya Volya* and *Nasha Niva* and stop the trials attempting to close them; Make a public statement expressing your support for all journalists and call on all law enforcement agencies and their staffs to facilitate, rather than prevent, reporting, and ensure wide access to information. In the letter I also condemned the violent police actions against journalists on 29 June, during which at least 12 journalists were detained or attacked. They included reporters of the BBC's Russian service, Reuters, Interfax, Lithuanian and Latvian national radio stations, BelaPAN, *Nasha Niva* and *Belgazeta*.

In a 15 August response, the authorities informed me that the issues that I had raised were being carefully studied in Minsk. In particular, the response referred to the investigations performed by the Prosecutor General into allegations of mistreatment of journalists by law enforcement agencies during street protests. According to the letter, the Prosecutor General asked the Minister of Interior to ensure that journalists' rights were observed during public demonstrations. The letter also said that the Interior Ministry took a more "proactive position" in interacting with journalists during such events to avoid "further unfortunate incidents." In the same letter the authorities also informed me that in May the Ministry of Information withdrew motions to close *Narodnaya Volya* and *Nasha Niva*, the largest non-governmental newspapers. In doing so the Ministry was "guided by the principle of freedom of the media" and considered the possibility to settle the claims against the newspapers "by other means." Further in their response, the authorities referred to the case of journalist Andrzej Poczobut, who had been sentenced to a suspended three-year prison term following his conviction for libeling the President. Poczobut, however, was acquitted of insulting the President. The authorities also denied any political motivation of charges against Khalip and Radina. Once again I reiterate my full support to the cause of improving media freedom in Belarus and keep open my dialogue with the authorities.

(See also Internet Developments that concern several participating States)

Bulgaria

On **14 October** I issued a public statement condemning an attack that targeted Bulgarian television journalist Sasho Dikov and urged authorities to carry out a swift and transparent investigation. During the evening of the previous day, a bomb exploded under the journalist's car outside of his home in Sofia. The journalist is known for his political reporting and his work as a sports journalist. I was pleased to learn that no one was injured and an investigation was started. I stressed that violence against journalists is an increasing problem in Bulgaria and asked the Government to condemn the attacks and urged law enforcement to bring the perpetrators and masterminds to justice. I hope to receive news from the authorities soon about the success of this and other ongoing investigations.

Czech Republic

On 30 June I received a letter from Ministry of Foreign Affairs regarding an investigation into the raid by Military Police at Czech Television on 11 March. Ten armed and masked military policemen raided the offices of the station in search of a report that had led to the dismissal of a former head of intelligence. They seized computers, documents and other items. The official inquiries found that the operation was lawful and not directed against free speech or the independence of Czech Television. However, the inspectors also found that by ordering the deployment of special forces, the officer in charge of the operation, his immediate superior officer and the officer in command of the Protection Service section of the Military Police had used disproportionate force. They are facing disciplinary action. I also was told that Minister of Defence Alexandr Vondra instructed the Military Police chief to take organization-wide measures to prevent such occurrences.

Croatia

On **4 July** I wrote to authorities suggesting further changes to draft legislation on criminal defamation. Although the current version no longer calls for prison sentences for speech offences, it still contains criminal sanctions for "insult" on "shaming" as well as for "libel/slander." It also allows for sanctions for defaming dead people. I noted that the proposed legal definitions of "insult" and "shaming" are vague and, as such, prone to arbitrary application and that the notion of "shaming", a subjective concept, could impose sanctions for factually correct statements. I urged the authorities to fully decriminalize defamation and offered my Office's assistance by reviewing revisions to the applicable laws.

France

On **6 September** I wrote to Alain Juppé, Minister of Foreign Affairs, sharing my concern about the mobile phone surveillance of Gerard Davet, an investigative reporter for *Le Monde*, conducted by the domestic intelligence services in July 2010. Interior Minister Claude Guéant confirmed on 1 September that this surveillance order was designed to establish the identity of an adviser at the Justice Ministry as the supposed source for one of the journalist's stories on the so-called "Bettencourt Affair". I expressed satisfaction that the judicial authorities are looking into the matter and expressed hope that the new 2010 law on the protection of sources would guarantee the anonymity of journalists' confidential sources. I also called on the authorities to thoroughly and promptly investigate the case of Fabrice Arfi, a journalist for *Mediapart*, who filed a complaint on 31 August about several death threats he

had received over the telephone. The caller apparently intended to discourage him from investigating armed attacks in Karachi in 1995.

On **2 November** I issued a public statement condemning a petrol bomb attack in Paris on the editorial offices of the French satirical magazine Charlie Hebdo. I said that regardless of the reasons, attacks against media organizations are intolerable.

Georgia

On **11 July** I wrote to the authorities to seek clarification on the espionage charges brought against news photographers Zurab Kurtsikidze, Irakli Ghedenidze, Natia Ghedenidze and Giorgi Abdaladze.

On **20 July** the authorities responded in a letter saying that all four photographers have admitted their guilt. Later the accused were sentenced to suspended jail terms of 18 months to four years. I have discussed this case with the authorities and do not consider it a matter relating to the possible violation of freedom of the media.

On **5 September** I received a response to my letter of 27 May in which I expressed concern about police violence against journalists during an opposition rally in Tbilisi the day before. The letter stated that no reporter was injured intentionally and that the government was investigating claims that indiscriminate force had been used against the protesters. I took note of the fact that, as a result of an in-house investigation carried out by the Interior Ministry, 16 officers were dismissed, demoted or reprimanded due to the 26 May events.

I welcome the fact that the authorities approached my Office with a suggestion to hold a joint training session for police and journalists in order to prevent a repeat of the 26 May events. The training, which took place 22 October in Tbilisi, was organized by the Resource Center, a Georgian NGO, with the help of my Office.

(See Trainings)

Italy

On **12 July** I wrote to the authorities to express concern about the defamation convictions in May of *Il Centro* journalists Walter Nerone and Claudio Lattanzio and the former editor-in-chief of the newspaper, Luigi Vicinanza. The reporters were sentenced to a year in jail, without parole, and the editor to an eight-month term. I stressed that international media freedom standards call for abolishing criminal sanctions for defamation and expressed hope that a higher court would review these sentences.

On **3 October** I issued a public statement asking parliamentarians to make further revisions to a proposed law on electronic surveillance to bring it in line with international standards on freedom of expression and OSCE commitments. The proposal, among other things, would prohibit the media's use of confidential sources under certain circumstances and require Internet sites to allow an automatic "right of reply" to complainants.

Kyrgyzstan

On **19 July** I issued a public statement welcoming Kyrgyzstan's decision to decriminalize libel, except for acts constituting "insult" and "insult of an official". The authorities should repeal these provisions as well. Still I am pleased that Kyrgyzstan is the 13th OSCE participating State that has decriminalized libel. I hope that this positive step will serve as an example to be followed by other OSCE participating States.

On **15 August** I wrote to President Roza Otunbayeva in reaction to the beating of Shokhrukh Saipov, the publisher of the UzPress.kg website and the brother of the journalist Alisher Saipov, who was killed in Osh in 2007. I expressed hope that the investigation of this incident would bring the perpetrators to justice.

I welcome the fact that on 1 November President Otunbayeva vetoed, for the second time, the law on Public Service Broadcasting. As I have stated before, both in public statements and at meetings with Kyrgyz officials, more work needs to be done before the adoption of the law, including making revisions that would strengthen the financial independence of the body and shield it from political influence.

(See also Internet Developments that concern several participating States)

Kazakhstan

(See also Internet Developments that concern several participating States)

(See Legal Reviews)

Lithuania

On **18 October** I wrote to the OSCE Chairman-in-Office, the Minister of Foreign Affairs, Audronius Ažubalis, regarding a criminal defamation lawsuit against Dainius Radzevicius, Chairman of the Lithuanian Union of Journalists, which had been filed by Vitas Tomkus, the owner of the newspaper *Respublika*.

Tomkus based his complaint on comments in Radzevicius' blog regarding a leaked confidential diplomatic cable which claimed some Lithuanian print media threatened businesses with smear campaigns to coerce them to place more ads in their publications. *Respublika* was mentioned as one of such media.

If convicted, Radzevicius could face three years' imprisonment. Tomkus also seeks €250,000 in compensatory damages.

In a public statement issued on **24 October** I stressed the need for Lithuania to decriminalize defamation.

The former Yugoslav Republic of Macedonia

On **4 July** I issued a public statement expressing great concern about the closure of the three daily newspapers, *Koha e Re*, *Shpic* and *Vreme*, for alleged tax evasion. As stated in my last

two reports to the Permanent Council, the investigations into suspected tax evasion and money laundering of several companies led to the freezing of accounts of two commercial television stations, A1 TV and A2 TV, as well as Plus Production, the publishing company of the three dailies. I stressed that media, like any other business, should follow laws; however, these outlets seem to have been purposely targeted by the authorities in this case. I called on the Public Revenue Office to demonstrate maximum transparency in calculating the amount of tax owed and allow for a reasonable payment plan, which it ultimately rejected. I reminded the authorities that media pluralism is a prerequisite both in the fight against corruption and in fostering the country's democratization process. I urged that rule of law principles be followed in handling the cases.

(See also Reports to the Permanent Council of 17 March and 23 June 2011).

On **19 July** I wrote to the Speaker of Parliament, Trajko Veljanovski, expressing my concern about the amendments to the Law on Broadcasting Activity which had been adopted by Parliament on 18 July without public input. I cautioned that the amendments might seriously undermine the political independence of the Broadcasting Council. The approved changes increase the number of members of the Council from nine to 15 with the additional six members being nominated by state institutions and all currently controlled by the parliamentary majority.

I stressed that including these state bodies in the process runs counter to the purpose of the law, which is to ensure the political independence of the regulatory authority. I urged the authorities to initiate a revision of the amendments and allow for a transparent and inclusive public debate.

On **4 August** I addressed the authorities after A1 TV, the country's oldest private television station, had its frequency revoked following a declaration of bankruptcy. A1 TV stopped broadcasting on 30 July. It faced a €9 million tax levy. Although allowed by law, the authorities did not allow for an instalment payment plan. The closure of A1 TV came three weeks after three dailies, *Koha e Re*, *Shpic* and *Vreme*, were forced to close leading to a *de facto* elimination of media pluralism in the country. I urged the authorities to restore media pluralism and a free and vibrant media environment in line with OSCE media freedom commitments and offered my readiness to visit Skopje to discuss ways to reverse this trend.

(See Report to the Permanent Council of 23 June 2011 and the report on my visit to Skopje below)

On **11 August** I again wrote to authorities following the dismissal from her journalism job of Tamara Causidis, the president of the Independent Trade Union of Journalists, and the announcement of the council of MRT, a public service broadcaster, to terminate the mandate of all seven members of MRT's management board. In a letter to Foreign Minister Nikola Poposki, I reiterated the worrying developments of the last months. In early August the Council of MRT terminated the mandate of the MRT's management board, although the appointment procedure of new members had not started, risking the possibility of leaving the management board incapable of operating. On 9 August Causidis was dismissed without prior notice by her employer, Alsat-M TV. She reportedly was asked to reduce her trade union activities.

I stressed that the closure of media expressing critical and differing voices, the firing of journalists and the introduction of new media legislation without public consultation sends worrying signs and has a chilling effect on media and civil society. I also expressed hope that my offer to visit Skopje to discuss the recent developments and seek ways to reverse the disturbing trend would be accepted.

On 22 August I received a reply from Foreign Minister Nikola Poposki assuring me of his commitment to enhance the democratic environment and accepting my offer for a visit and open discussion.

On 6 September I received an invitation from Prime Minister Nikola Gruevski to meet in Skopje to discuss the recent media freedom developments.

On **26-27 October** I visited Skopje for meetings with governmental officials and media representatives including Prime Minister Nikola Gruevski, Foreign Minister Nikola Poposki, Vice Prime Minister in charge of European Affairs Teuta Arifi, Communication and Transport Minister Mile Janakieski, as well as the President of the Broadcasting Council Zoran Stefanovski. I also met with the President of the Association of Journalists Naser Selmani, the President of the Journalists' Trade Union Tamara Causidis, the Director of the Media Institute Biljana Petkovska, as well as other media professionals.

Legal reforms, building up the national broadcaster MRTV into a professional and sustainable public service broadcaster and safeguarding the independence of the regulatory authority were among the topics discussed.

In a **27 October** public statement I welcomed a joint initiative by Vice Prime Minister Teuta Arifi and the Association of Journalists to establish a working group that will identify the main shortcomings in the field of media freedom and will prepare an action plan to overcome the problems.

Moldova

On **5 July** I wrote to the Minister of Foreign Affairs and European Integration and enquired about the detention of Russian writer and blogger Eduard Bagirov who was arrested on 16 June in Chisinau.

The Minister replied on 25 July stating that Bagirov was suspected of involvement in the mass disorders on 7 April 2009. The Minister informed me the investigation would take up to five weeks. However, Bagirov stayed in custody for four months with no tangible results of the investigation. This prompted me to issue a public statement on **30 September** calling for his release. I stressed that the unclear circumstances of this case might have a chilling effect on the media community in Moldova. Bagirov was released from jail and placed under house arrest on 13 October after being charged with inciting violent demonstrations. Bagirov likely will be tried in absentia; he fled to Russia on 18 October. I hope that the charges against him will be dismissed.

On **11 August** I wrote to the Minister of Foreign Affairs expressing concern over a large damage award in a civil defamation case against the independent weekly newspaper *Ziarul de Garda*. The newspaper was ordered to pay the equivalent of €30,000 for an article about two

district prosecutors allegedly involved in corruption. It lost an appeal and is facing five more defamation suits of similar nature, including one by a Member of Parliament. I reminded the authorities that the principle of proportionality and the “public interest test” should be applied by courts before awarding damages in civil defamation cases, especially when the plaintiff is a public official, as stipulated by the law “On Freedom of Expression” which aims to ensure Moldovan courts’ compliance with the case law of the European Court of Human Rights.

On **28 September** I wrote to the Minister of Foreign Affairs expressing satisfaction with the outcome of a 23 September conference on reforming *Teledio Moldova*, the public service broadcaster. I asked the Government to seize the moment and establish a genuine public service broadcaster, thus honoring a preparation which was conducted in co-operation with the European Broadcasting Union, the Council of Europe and the OSCE. My Office participated in the conference and provided recommendations on how to advance the political and financial independence of the broadcaster.

(See Visits and Trainings)

Montenegro

On **11 July** together with the OSCE Mission to Montenegro, I commended the country for decriminalizing defamation. I welcomed the move which shows that Montenegro recognizes that the media’s duty is to encourage public debate without fear of reprisals in the criminal courts.

On **15 July**, together with Šarūnas Adomavičius, the Head of the OSCE Mission to Montenegro, I made a public statement condemning the deliberate burning of two vehicles belonging to the daily newspaper *Vijesti*. I noted the swift response by the highest authorities and repeated that ensuring the safety of media and journalists is a core OSCE commitment.

On **25 July** I wrote to Milan Roćen, Foreign Minister, and Ivan Brajović, Minister of Internal Affairs, expressing my deep concern over a second arson attack on a vehicle belonging to *Vijesti*, which occurred less than two weeks after the first attack. I stressed that these disturbing attacks could be regarded as a response to *Vijesti*’s critical reporting and could seriously undermine media freedom by creating a chilling effect for the entire media community. I called on the authorities to investigate these crimes swiftly and to offer all possible protection to the newspaper’s staff, premises and property to effectively prevent further attacks.

On **29 August** I had to intervene again following a third arson attack against a *Vijesti* vehicle. Once again I urged the authorities that in order to preserve media freedom all the targeted attacks against *Vijesti* should be quickly and thoroughly investigated and the results of those investigations made public.

Russian Federation

On **11 November** I wrote to Sergey Zheleznyak, the chair of the State Duma’s Committee on Information Policy, Information Technologies and Communications, to welcome the adoption, in a second reading, of draft legal amendments seeking to decriminalize libel and insult. In my letter I regretted the fact that the proposed reform leaves Article 319 of the

Criminal Code (“Insult of a Representative of the State”) untouched. I hope further changes will include the repeal of this article.

On **17 November** I welcomed the decriminalization of defamation in the Russian Federation and the adoption of additional provisions that toughen penalties for crimes against journalists. In a public statement I hailed the passage of the laws as a breakthrough that will help safeguard freedom of expression and freedom of the media in Russia. The amendments that were adopted on 17 November scrap Articles 129 (“Libel”) and 130 (“Insult”) of the Criminal Code of the Russian Federation. Provisions added to Article 144 of the Criminal Code make violence or threats of violence exerted against journalists or their relatives punishable by up to five years of corrective labour or up to six years in jail.

I took note of the Supreme Court’s 14 September decision to uphold the sentencing of Nikita Tikhonov and Yevgeniya Khasis to life and 18 years in jail, respectively, for the murder of human rights lawyer Stanislav Markelov and *Novaya Gazeta* journalist Anastasia Baburova. I am aware of the progress made in the investigation into the 2006 killing of *Novaya Gazeta* journalist Anna Politkovskaya and I hope that all those responsible for this crime will be soon brought to justice. I also hope that all media-related criminal cases that were re-opened last year at the request of Investigative Committee Chairman Aleksandr Bastrykin will be successfully completed.

(See also Internet Developments that concern several participating States)

Slovakia

On 10 October I was pleased to receive the English translation of the new Press Act of Slovakia from the authorities. My Office will assess in detail the changes introduced to the document. After the first reading, I can already commend Slovakia for having adopted important changes in the provisions on the right of reply, corrections and supplementary information. The amendments, which went into effect on 1 September, are a significant improvement over prior legislation reviewed by the OSCE in 2010.

Spain

On **31 August** I wrote to the authorities to express concern about reports of police violence in August against six members of the media who were covering street protests. Most of the reported incidents took place during Pope Benedict XVI’s visit during the World Youth Day celebrations held in Madrid. I drew the attention of the authorities to the recommendations contained in my Office’s Special report on *Handling of the Media During Political Demonstrations*, emphasizing the obligation of law-enforcement officers to assist the work of journalists during public demonstrations.

Tajikistan

On **7 July** I issued a public statement calling for the release of detained BBC reporter Urunboi Usmonov. The journalist had been arrested in June on suspicion of membership in Hizb-ut-Tahrir, an organization prohibited in Tajikistan.

On 14 July Foreign Minister Hamrokhon Zarifi informed me that Usmonov had been put under house arrest. On **15 July** in a letter to Minister Zarifi I welcomed this decision of the Prosecutor General's office.

On **10 October** I issued a public statement calling for the immediate release of *Nuri Zindagi* correspondent Muhamadyusuf Ismoilov and criticized the prosecutor's demand that he be sentenced to 16 years in jail. I have been following Ismoilov's case since November 2010 when he was arrested on charges of criminal libel, insult, extortion and inciting to "regional hatred." On 14 October, Ismoilov was convicted of the charges, fined €5,400 and was banned from working as a journalist for 3 years. However, the court ruled that Ismoilov be set free immediately. On the same day Usmonov was convicted on charges of participation in the activities of a banned organization and sentenced to 3 years in jail. He, however, was immediately amnestied.

On **17 October** I welcomed the release of both Ismoilov and Usmonov. While I am pleased that both journalists are free now, I will continue to follow their cases until they are fully cleared of all charges.

From **4-6 November** I paid my first official visit to Tajikistan upon the invitation of Foreign Minister Hamrokhon Zarifi. I appreciated the fact that Tajikistan's doors are open to me and my Office's expertise and assistance. My visit was timely: Media law reforms are planned and preparations to switch to digital broadcasting are underway. During the visit I discussed the media freedom situation with Foreign Minister Zarifi, Interior Minister Abdurahim Kahorov, members of Parliament Olim Salimzoda and Akramsho Felaliev, Head of the Committee on Television and Radio Asadullo Rahmonov and Head of Tajik Communications Service Beg Zuhurov. I raised several issues of concern, including civil law suits against print media filed by high-level governmental officials. I noted that high damage awards in civil cases have nearly the same chilling effect on free media as criminal convictions. I called on the authorities to decriminalize defamation and make the civil court system fair for media defendants. I noted that public officials must show a higher degree of tolerance and not view criticism by the media as personal attacks. I suggested that the Media Council, a self-regulation institution established two years ago with assistance from the OSCE, could serve as a platform to resolve conflicts. I offered my Office's assistance to reform the Mass Media Law and the Law on Broadcasting to reflect the OSCE commitments and promote much needed pluralism. I see this reform as a good opportunity to develop Tajikistan's broadcasting sector. Both state and privately owned media should benefit from the upcoming digital switchover. For the sake of pluralism, the state should gradually divest itself from the monopoly in nationwide television broadcasting. The time has come for a nationwide private broadcaster and for more private regional and local print media. I had constructive and fruitful discussions and trust that steps to promote media pluralism will be taken. I look forward to conducting several joint activities, including workshops on interaction between media and governmental spokespersons and law enforcement professionals which would be implemented together with the OSCE Office in Dushanbe. I also had the opportunity to meet with representatives of public and media organizations as well as with BBC reporter Usmanov and *Nuri Zindagi* correspondent Ismoilov, both of whom were prior to that released from jail, as well as with Hikmatullo Saifullozoda, a newspaper editor-in-chief who had been attacked in February 2010.

(See Visits)

(See also Internet Developments that concern several participating States)

Turkey

On **12 July** I was pleased to welcome in Vienna the heads of the Information and Communication Technologies Authority (BTK) of Turkey. The meeting, initiated by BTK, focussed on the planned Safe Internet Service and other related developments in the field of online media freedom. I appreciated the frank and constructive dialogue with BTK and I look forward to continuing it during my upcoming visit to Turkey.

On **25 July** I was pleased to learn that Ogun Samast, the killer of journalist Hrant Dink was sentenced to nearly 23 years in prison for shooting the investigative journalist in January 2007. He was sentenced to life imprisonment by a panel of judges, which was commuted to 23 years because he was a minor at the time of the shooting. My Office continues monitoring the ongoing trial of several people for alleged conspiracy in the killing, and I hope that soon the masterminds of the murder will also be brought to justice.

On 5 August I received the revised “Principles and Procedures on Safer Internet Service” from the Information and Communications Technologies Authority.

On **11 August** I replied to the Authority, welcoming the positive elements of the revised regulation. I also requested further information on some aspects of the Safe Internet Service, and indicated the areas that still fell short of international best practices.

On 20 October I received a reply from the Authority, containing detailed answers to the questions raised in my letter. I am pleased that the Safe Internet Service, which has entered into effect on 22 November after a three-months-long testing period, is a voluntary service, leaving it up to Internet users whether they want to use the service.

Turkmenistan

On **19-21 September** I paid my first official visit to Turkmenistan. I was pleased to have the opportunity to discuss the media situation with high-level officials, including Deputy Prime Minister and Foreign Minister Rashid Meredov, Deputy Prime Minister Maysa Yazmuhamedova and Mejlis Speaker Akja Nurberdyeva. I also met Yazdursun Gurbannazarova, Director of the Turkmen National Institute for Democracy and Human Rights, and journalists. The visit gave me an opportunity to receive first-hand information and discuss with officials ways to foster pluralism and bring national laws in line with international standards. I called upon the authorities to take steps to provide greater access to the Internet and to establish a legislative framework in line with international standards that would guarantee and safeguard media freedom. Variety in print and broadcast media is essential for Turkmenistan’s society. While there now is a non-government owned newspaper, much more needs to be done to have media pluralism and to ensure that the working environment for both national media and foreign reporters corresponds to OSCE commitments. During my visit, I received assurances from all officials that the Government is ready to engage in a constructive dialogue with my Office to bring our co-operation to a new level.

On **7 October** I wrote to Deputy Prime Minister and Foreign Minister Rashid Meredov to seek clarification on the case of Dovletmyrat Yazkulyev. Three days earlier a court in Ashgabat had sentenced Yazkulyev to 5 years in jail on charges of encouraging his sister-in-law's suicide attempt. Prior to his detention Yazkulyev had been questioned by law enforcement agencies and threatened with criminal charges in retaliation for his reporting on the July 2011 explosions in Abadan.

On **18 October** I received a note verbale from the Turkmen Foreign Ministry providing me with information on Yazkulyev's case. I am pleased that on 26 October President Gurbanguly Berdymuhamedov pardoned Yazkulyev.

I also am pleased that as a result of this newly established co-operation, I visited Turkmenistan again on **13-15 November** to open a round-table discussion on reforming Turkmenistan's media legislation in the era of new communication and information technologies. During my stay in Ashgabat, I discussed further perspectives of my Office's co-operation with the government of Turkmenistan in meetings with Deputy Prime Minister Maysa Yazmuhamedova, Chairperson of the Mejlis Akdja Nurberdiyeva, Vladimir Gubanov, the chair of the parliamentary committee of Science, Education and Culture, Chairperson of the State Committee on TV, Radio and Cinematography Shadurdy Alovov, First Deputy Foreign Minister Vepa Hadjiyev and Yazdursun Gurbannazarova, the Director of the Turkmen National Institute for Democracy and Human Rights.

(See Visits and Trainings)

Ukraine

On 14 July the authorities informed me about the creation of an Inter-agency Working Group on the media organized by the President's Administration. The group, chaired by the press secretary of the President, reviews cases of violations of media freedom and journalists' rights and submits recommendations to the President. In my **20 July** response I welcomed the establishment of the working group which also includes civil society representatives. I noted that it would be particularly important to focus on the Georgiy Gongadze murder case and the disappearance of editor Vasyl Klymentyev. The climate of media freedom largely depends on the successful resolution of these cases. On 12 October I was invited to attend the November meeting of the working group. I subsequently received detailed information from the Government about cases of journalists that the working group had reviewed. On **7 November** my Office indeed participated in a meeting of the working group in Kyiv. The group this time discussed the situation involving Kharkiv broadcaster ATN. (See below)

On a different issue, on **1 August** I sent a letter to the Minister of Foreign Affairs and the Chair of the Supreme Court about the law "On Court Fees" promulgated by the President a week before. This law established a new rule which lowered the court filing fee for plaintiffs seeking moral damages from 10 per cent to 1 per cent of the amount sought. I expressed concern about the potential impact of the new rule on freedom of expression resulting from an increasing number of claims against media. I asked the officials to clarify the purpose of the law and assure the media community that it would not be used to restrict free speech.

On **13 September** I wrote to Kostyantyn Gryshchenko, the Minister of Foreign Affairs and Anna Herman, the Head of the Main Directorate of Humanitarian and Socio-Political issues of the President's Administration asking for their assistance to ensure transparency in the

Gongadze murder trial. While welcoming the recent reopening of the court case, which I hope will yield results, I stressed that the Ukrainian and international journalism communities, as well as Gongadze's family, deserve complete transparency of this trial. On

On 30 September I received a response from Ms. Herman, in which she shared my concerns and supported my appeal for transparency.

Unfortunately, as I stated in my **6 October** public statement, the trial that resumed on that day remained closed for the media and public.

Regarding the issue of media pluralism, on **21 September** I sent a letter to the Minister of Foreign Affairs and on **22 September** issued a public statement, asking for the government's urgent assistance in restoring pluralism on television in the Kharkiv region. ATN, a private television news company, has been off air since 14 September. On that day transmissions on Fora and ATVK channels that broadcast its programmes were also interrupted. Earlier ATN was deprived of access to 7 Channel which also used to broadcast its news. ATN was the only source of television news in the region independent of the Kharkiv city and regional authorities. Various administrative measures were taken to prevent ATN from securing its broadcasting channels. I called on the authorities to ensure that ATN is back on air and that the pluralism in Kharkiv is restored.

On **20 October** I wrote a letter to the Minister of Foreign Affairs expressing concerns related to the lack of transparency and uniform criteria during the round of the digital broadcast license contest that was completed in August. The results of the competition lack credibility for the following reasons: According to the broadcasting law, existing broadcasters do not need to participate in any license contest but should only apply for a formal change in their analogue license to be able to continue broadcasting after the digital switchover; the National Council tendered broadcasting operators' licenses to communication networks that did not exist. The law requires networks to be created and approved by the frequency authority first; and decisions on the allocation of frequencies were not based on any formal set of criteria and no justification was provided. I asked the authorities to assist the process of the digital switchover and ensure that it results in more, not less, pluralism in broadcasting.

United Kingdom

On **24 June** I wrote to the authorities regarding the case of Niall Carson, a news photographer from Press Association news agency, who was shot in the leg while covering a disturbance in Belfast on 21 June. I asked the authorities to provide the results of the investigation into the matter as soon as it was completed.

On 27 June I received a reply from Lord McNally, Minister of State, regarding two letters. The first, which I sent on 20 April, addressed the issue of the rise of so-called "super-injunctions" – court orders prohibiting the disclosure of court proceedings – which may have a chilling effect on investigative journalism. The second letter, which I sent on 26 May, expressed support for the reform of UK defamation legislation and particularly the measures to address "libel tourism."

Lord McNally said that the Master of the Rolls, one of the most senior judges in England and Wales, formed a committee which examined the procedure for issuing super-injunctions. The

committee's report, published on 20 May, emphasized that super-injunctions are now being granted for very short periods when secrecy is necessary to allow the order to be served. I was also informed that the Prime Minister asked for a Joint Committee of both Houses of Parliament to consider whether improvements could be made. The Joint Committee's conclusion is expected to be published in February 2012.

Regarding the draft Defamation Bill, I was informed that the issue of high libel costs will not be addressed in the pending legislation. However, Lord McNally indicated that language in another piece of legislation would reform plaintiffs' conditional fee agreements to the benefit of defendants, including media organizations.

(See Report to the Permanent Council of 23 July 2011)

On **17 August** I wrote to Foreign Secretary William Hague to express my concern about the announcement that the government was considering measures to restrict access to social networks sites following civil disturbances in several cities in early August. I stressed that blocking access to websites is an extreme measure and should take into account internationally accepted standards regarding freedom of expression.

On 23 August I received a letter from the authorities regarding the case of news photographer Niall Carson. I was told Northern Ireland police had determined that police officers, and not Carson, were targets of rioters in Belfast.

On 5 September I received a reply from the Foreign Secretary Hague concerning government consideration of restrictions of social network sites. I was informed that the meeting held by the Home Secretary with representatives of Facebook, Twitter and Blackberry was not about the government seeking new powers to restrict social media networks but rather about how to co-operate during periods of social unrest. I welcome this information and the assurance that the UK government continues to be a strong supporter for freedom of expression including on the Internet.

On **19 September** I issued a public statement expressing great concern about reports that the Metropolitan police would seek a court order under the 1989 Official Secrets Act requiring *Guardian* reporters to disclose confidential sources relied upon to investigate the *News of the World* phone-hacking scandal. I stressed that protection of confidential sources has been repeatedly declared a basic requirement for freedom of expression and stressed that, if authorized by the Attorney General, this effort could create a precedent with a chilling effect on investigative journalism and could impede media freedom in the United Kingdom. Recalling that the *Guardian*'s investigation was of significant public interest, I called on the Government to ask the police to forego their attempt.

I was pleased to learn that on 20 September the police reversed their decision and dropped their attempt.

United States

I took note with satisfaction that on 30 August, four years after the fact, two men were sentenced to life in prison without parole for the August 2007 murder of *Oakland Post* editor

Chauncey Bailey. Yusuf Bey IV, the former head of the Oakland-based Your Black Muslim Bakery, was convicted of ordering the murder of Bailey, who was investigating Bey's organization. Also sentenced was Antoine Mackey, who apparently recruited a third man, Devaughndre Broussard, who previously had pleaded guilty to the crime and received a 25-year sentence as part of a plea bargain. Broussard, who confessed to shooting Bailey, testified that Mackey got him to do it at Bey's request.

On **11 November** I issued a public statement expressing concern about the harassment of journalists covering the Occupy Wall Street protests. Since the demonstrations began in September at least eight reporters nationwide have been detained and arrested while reporting at the scene of demonstrations.

I will continue to monitor the treatment of journalists covering public events.

Uzbekistan

On 30 June I received a note verbale from the authorities informing me that they had accepted my offer to review four media-related draft laws: on broadcasting, on access to information, on economic support of the press and on telecommunications.

On **8 November** I visited Uzbekistan on the occasion of a round-table meeting on broadcasting regulation in Tashkent. I was pleased to be in Tashkent and support media legislation reform, especially in the broadcasting sector. While I welcomed the ongoing public debate, I cautioned in a public statement that there is a need to ensure that new technologies result in more, and not less, media freedom. I stressed that the Internet in Uzbekistan has to be free and that a genuine diversity of views only then would be guaranteed. During the round-table event, I met with Timur Rakhmonov, the Deputy Head of UN and International Organizations Department of the Foreign Ministry, Firdavs Abdukhalikov, the Chairperson of National Association of Electronic Mass Media, Ruzamat Safaev, the Deputy Director General of Press and Information Agency, Hakim Mukhitdinov, the Director General of the Communications and Information Agency, and the Chairperson of the National Television and Radio Company, Alisher Khadjaev. I also had the opportunity to meet with civil society and media representatives I welcomed the readiness of the authorities for a dialogue and co-operation with my Office. In a meeting with Deputy Speaker of the Legislative Chamber of Oliy Majlis, Ulugbek Mukhammediev, I offered my Office's continued support to Uzbekistan in reviewing its media legislation. I welcomed the fact that the authorities provided my Office with the draft laws on television and radio and on access to information and expressed hope that these laws would take into account our experts' recommendations to bring the new legislation in line with the OSCE media freedom commitments and international standards.

I continue to follow the fate of imprisoned journalists Solijon Abdurahmonov, Dilmurod Saiid and Hairullo Khamidov, and I once again call upon the authorities to release these journalists from custody on humanitarian grounds.

(See Visits)

(See also Internet developments that concern several participating States)

Internet developments that concern several participating States:

I welcome the fact that the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States (CIS) in a model law on the principles of Internet regulation adopted on 16 May stated, that the rights and freedoms of citizens, including the right to use the Internet and to access information on the Internet should be assured.

On **28 September** I issued a public statement voicing concern about Internet regulation policies proposed by several participating States and reminded them that if implemented they could threaten freedom of expression.

I referred in particular to an initiative by the Russian Federation, Tajikistan and Uzbekistan, among others, to introduce an “international code of conduct for information security”, a proposal they would like to see adopted as a United Nations resolution. Especially worrying is that the draft code is requesting States to curb ‘the dissemination of information that incites terrorism, secessionism or extremism or that undermines other countries’ political, economic and social stability, as well as their spiritual and cultural environment. As is already the case with the national laws in the countries that support this initiative, the draft code relies on subjective and vague notions of ‘secessionism’ and ‘extremism.’”

Although States do have a legitimate right to ensure their own stability and protect themselves from all forms of crime, OSCE commitments rest on the core idea that freedom and security are intimately linked. There can be no freedom without security and no security without freedom.

I also noted with concern that already in August the presidents of Armenia, Belarus, Kazakhstan, Kyrgyzstan, Russia and Tajikistan, citing security reasons, agreed to develop a common strategy to regulate and control the Internet, particularly social networks, on a regional level. In addition, at their meeting in Minsk on 14 September, the prosecutor-generals of several of these countries also called for government control over social networks. Such initiatives endanger freedom of expression and risk erecting ‘mind walls’ - barriers to the flow of information and ideas. Free Internet, including social networks, blogs and online news media, leads to more transparency and political accountability worldwide – and this must be preserved.

I urged the respective governments to reconsider their Internet strategies, keeping in mind the borderless nature of the Internet, and to ensure that it remains an open and public forum for freedom of expression for their citizens, in line with OSCE commitments and international standards of media freedom.

I offered my Office’s assistance to all participating States in developing Internet regulation policies in line with OSCE commitments and international standards of media freedom.

Projects and activities since the last report

Supplementary Human Dimension Meeting

On **7-8 July** my Office held a Supplementary Human Dimension Meeting in **Vienna** dedicated to the Promotion of Pluralism in New Media. The development of electronic and new forms of media and their possible implications on media freedom and pluralism were

discussed. Topics included the switchover from analogue to digital terrestrial broadcasting and maintaining freedom of expression and the free flow of information on the Internet. Discussions were based on the *Guidebook to the Digital Switchover*, which was commissioned by my Office to offer practical help to participating States facing issues prompted by the switchover.

My Office also presented the findings of the first OSCE-wide study on content regulation on the Internet. The study includes an overview of legal provisions related to freedom of the media on the Internet and the free flow of information and media pluralism on the Internet in the OSCE region.

For the study on content regulation on the Internet see: <http://www.osce.org/fom/80723>

For the SHDM final report see: <http://www.osce.org/odihr/83957>

Media Conferences

First South East Europe Media Conference

My Office, together with the OSCE Mission to Bosnia and Herzegovina and with the support of the OSCE Presence in Albania, OSCE Mission in Kosovo, OSCE Mission to Montenegro, OSCE Mission to Serbia, and the OSCE Mission to Skopje, organized the first South East Europe Media Conference on **13-14 October** in **Sarajevo**.

Approximately 100 international and local experts and media members from South East Europe attended the conference to discuss the latest media developments and challenges in the region. The conference focused on the politicization and independence of the media and additional topics including public service broadcasting, legal challenges to media freedom, violence against and intimidation of journalists, and their employment conditions. I used the opportunity to call upon governments and businesses in South East Europe to refrain from politicizing the media and to urge journalists to improve their co-operation and raise professional standards. Participants agreed on a conference declaration that outlined major recommendations to governments and media to support and develop a free press. Speakers included Peter Sorensen, the Head of EU Delegation/EU Special Representative in Bosnia and Herzegovina, Ingrid Deltenre, the Director General of the European Broadcasting Union, Veran Matic of B92 radio station, Denis Latin of HRT broadcaster and other well-known media representatives from the region.

For the conference declaration see: <http://www.osce.org/fom/83941>

The declaration was forwarded to the Foreign Ministers of the participating States attending for consideration when drafting legislation related to the subject areas.

For the detailed agenda see: <http://www.oscebih.org/Page.aspx?pageid=8&lang=EN>

South Caucasus Media Conference

The 8th South Caucasus Media Conference took place in Tbilisi on 20-21 October. The two-day event brought together more than 70 journalists, government officials and NGO

representatives to discuss issues related to pluralism and Internet governance as well as the state of the media freedom in the region. Invited speakers included Georgina Henry of the *Guardian* newspaper in Great Britain and Eve Salomon of the Internet Watch Foundation.

Conference participants adopted a declaration on pluralism and Internet governance, which was forwarded to the Foreign Ministers of the three States represented to ask for their consideration when looking at related issues. The declaration is available in English, Russian, Armenian, Azerbaijani, and Georgian languages at <http://www.osce.org/fom/84371>

Trainings

Spokespersons and press officers training in Ashgabat

On **21-23 September** my Office, in co-operation with the OSCE Centre in Ashgabat, organized a training seminar for 20 spokespersons and press officers of Turkmenistan's ministries and state institutions. The course was designed to improve the participants' professional skills and help them effectively fulfill their role and assist media in covering activities of government institutions. This was the first training event of this kind to be organized by the OSCE in Turkmenistan. I look forward to similar activities to promote Turkmenistan's commitments on access to information.

On **22 October** my Office and a Georgian NGO, the Resource Centre, co-organized a training session for police and journalists on how to ensure the safety of reporters covering public rallies.

On **1 November** the OSCE Office in Yerevan, my Office and others held a training session for judges on international best practices while trying defamation cases.

Visits and participation in events

On **24 June** my Office participated in the 15th annual OSCE summer academy in **Stadtschleining**, Austria.

On **13 July** my Office briefed staff members of the OSCE field operations and institutions about the Mandate and the activities of my Office at the Human Dimension Induction Course in **Warsaw** organized by the ODIHR.

On **5 July** I spoke about the role of media in combating corruption at the OCEEA Roundtable "On the road to Marrakesh: role of civil society in fighting corruption" at the Hofburg in **Vienna**.

On **7-8 July** my Office co-organized the annual OSCE Supplementary Human Dimension Meeting on the topic of "Promotion of Pluralism in New Media" at the Hofburg in **Vienna**.

On **12-15 July** my Office participated in the Human Dimension Induction course organized by ODIHR in **Warsaw**.

On **15 July** I testified before the U.S. Helsinki Commission on "The Promises we keep online: Internet Freedom in the OSCE Region" at the U.S. Capitol in **Washington, D.C.**

On **29-30 August** my Office attended a workshop organized by ODIHR in **Warsaw** on media monitoring in OSCE/ODIHR Election Monitoring Missions which focused, among other, on media digitalization and media monitoring in the Internet era.

On **9 September** my Office, together with Reporters Without Borders Austria, Medienhaus Wien and Presseclub Concordia, organized the conference “9/11 and Europe – 10 years of security versus freedom of expression” in **Vienna** to examine the consequences of the 11 September 2001 attacks in the United States and the threat of worldwide terrorism on the global information society. Well-known international media experts, including the first OSCE Representative on Freedom of the Media, Freimut Duve, spoke at the event. See more at: <http://www.osce.org/fom/82325>

On **10-11 September** I gave the keynote address and participated in the conference “10 years after 9/11: Journalism in the shadow of terror laws” in **Brussels**.

On **12 September** I spoke about the state of media freedom in Europe at a hearing held in the Swedish Parliament in **Stockholm** by the two sub-committees of the Committee on Culture, Science and Education of the Parliamentary Assembly of the Council of Europe.

On **12 September** Director Andrey Rikhter spoke in **Astana** at a conference on proposed changes in the Kazakh telecommunications law on the topic “The role of the government to promote freedom of access and distribution of information.”

On **13 September** I spoke at the UN Inter-Agency Meeting on the Safety of Journalists and the Issue of Impunity in **Paris** on the topic “International Legal Instruments: Strengths and Weaknesses.”

On **19-21 September** I visited Ashgabat where I met several Turkmen officials, including Deputy Prime Minister and Foreign Minister Rashid Meredov; Deputy Prime Minister Maysa Yazmuhamedova; Mejlis Speaker Akja Nurberdyeva; as well as Vladimir Gubanov, Chair of the Parliamentary Committee of Science, Education and Culture. I also held talks with Yazdursun Gurbannazarova, Director of the Turkmen National Institute for Democracy and Human Rights. I met with journalists and representatives of the civil society. I delivered a lecture at the Institute for International Relations on OSCE media freedom commitments and the work of my Office.

On **23 September** Principal Adviser Roland Bless spoke and participated in a conference on the reorganization of the public broadcaster Teleradio-Moldova in **Chisinau**.

On **26 September** I spoke at the Opening Plenary Session of the annual Human Dimension Implementation Meeting and chaired the first working session on Fundamental freedoms, including free expression and free media in **Warsaw**.

On **29 September** I addressed the 15th annual convention of the Russian Union of Journalists in **Sochi** with a speech on journalists’ safety and impunity in the OSCE region. I also took part in a panel discussion along with Mikhail Fedotov, the chair of Russia’s Presidential Council for the Advancement of Civil Society and Human Rights; Aleksei Simonov, the president of the Moscow-based Glasnost Defence Foundation; and Adam Michnik, the chief editor of the Polish newspaper *Gazeta Wyborcza*. On the sidelines of the convention I discussed possible areas of further co-operation with Fedotov.

On **29-30 September** my Office took part in the 5th Warsaw Seminar on Human Rights, where it moderated a panel on "Freedom of Expression and Respect for Private Life." The event was organized by the Ministry of Foreign Affairs in **Warsaw**.

On **3 October** I was the inaugural speaker of the "Global Internet Freedom and Human Rights Distinguished Speaker Series" at George Washington University Law School in **Washington, D.C.** The Distinguished Speaker Series highlights media leaders addressing a wide range of timely topics regarding global Internet free speech and human rights issues.

On **5 October** I spoke at the Council of Europe in **Strasbourg** at an event organized by Council of Europe Commissioner for Human Rights, Thomas Hammarberg. The event commemorated the fifth anniversary of the murder of Russian journalist Anna Politkovskaya. I presented an issue paper on protection of journalists from violence, assessing the threats and responses to attacks against journalists in the OSCE region.

On **6-7 October** Director Andrey Rikhter participated in the European Platform of Regulatory Authorities meeting in **Brussels** and provided an overview on my Office's activities relating to broadcast regulatory affairs.

On **12-13 October** I participated in the OSCE 2011 Mediterranean Partners Conference on "Democratic Transformation: Challenges and Opportunities in the Mediterranean region" in **Budva, Montenegro**.

On **21 October** during the South Caucasus Media Conference in **Tbilisi**, I met with Giorgi Bokeria, the secretary of the National Security Council. The day before I held talks with Deputy Parliament Speaker Giorgi Tsereteli and Deputy Foreign Minister Tornike Gordadze, who both attended the conference.

On **26-27 October** I visited **Skopje** to meet with governmental officials and media representatives.

(See Issues raised with the participating States)

On **28 October** Director Andrey Rikhter presented a report on international standards of freedom of the media at the plenary meeting of a scholarly conference at the Pan-European University in **Bratislava**.

On **29 October** Director Andrey Rikhter participated in a panel discussion on the legal and ethical considerations of leaked news at an ORF-sponsored conference of the international Commission on Media Policy in **Vienna**.

On **2-3 November** Principal Adviser Roland Bless participated in the Fifth South East Europe Media Forum in **Belgrade** which focused on Media Pluralism and Media Business in South, East and Central Europe.

On **30 October-3 November** I conducted an assessment visit to the former Yugoslav Republic of Macedonia. I met with Prime Minister Nikola Gruevski, Foreign Minister Nikola Poposki, Vice-Prime Minister in charge of European Affairs Teuta Arifi, Communication and Transport Minister Mile Janakieski, as well as the President of the Broadcasting Council

Zoran Stefanovski, the President of the Association of Journalists Naser Selmani, the President of the Journalists' Trade Union Tamara Causidis, the Director of the Media Institute Biljana Petkovska, as well as other media professionals.

On **2 November** my Office participated in the round-table event "Freedom of the Media in Montenegro - the Situation and Challenges", which was held by the OSCE Mission to Montenegro in **Podgorica**.

On **4-6 November** I visited **Dushanbe** and held meetings with Foreign Minister Hamrokhon Zarifi, Interior Minister Abdurahim Kahorov, members of the Parliament Olim Salimzoda and Akramsho Felaliev, the Head of the Committee on Television and Radio under the Government of Tajikistan Asadullo Rahmonov, the Head of Tajik Communication Service Beg Zuhurov, media non-governmental organizations and journalists.

On **7 November** my Office participated in a meeting of the Inter-agency Working Group on the media in **Kyiv**, organized by the President's Administration. The group focused on the situation regarding Kharkiv broadcaster ATN. The group also addressed the recent cases of violence against journalists and the interaction between law enforcement agencies and journalists. My Office shared with the working group its earlier report and recommendations to the participating States on this subject.

On **8 November** I opened a round table on broadcasting regulation in **Tashkent**. The event was supported by the Legislative Chamber Oliy Majlis of Republic of Uzbekistan, the National Association of Electronic Media and the OSCE Project Co-ordinator in Uzbekistan. During my visit in Tashkent I met with Deputy Speaker of the Legislative Chamber of Oliy Majlis Ulugbek Mukhammediev, the Deputy Head of UN and International Organizations Department of the Foreign Ministry Timur Rakhmonov, the Chairperson of National Association of Electronic Mass Media Firdavs Abdukhalikov, the Deputy Director General of Press and Information Agency Ruzamat Safaev, the Director General of the Communications and Information Agency of Uzbekistan Hakim Mukhitdinov, the Chairperson of the National Television and Radio Company, Alisher Khadjaev and civil society and media representatives.

On **8 November** Principal Adviser Roland Bless spoke in **Brussels** on a panel discussing "The role of the press in a democratic society" at an event commemorating the 50th anniversary of the European Newspaper Publishers Association meeting which focused on the future of the press in Europe.

On **9 November** Principal Adviser Roland Bless spoke in **Brussels** on a panel discussing "Media Freedom, the role of TV and new forms of communication in global politics" at the annual conference of the Association of Commercial Television in Europe.

On **14 November** Principal Adviser Roland Bless addressed an international seminar on Transformation from State to Public Broadcasting in **Sarajevo** organized by the European Commission, the Regional Cooperation Council, the Association of Public Service Media in South East Europe and the European Broadcasting Union.

On **13-15 November** I visited **Ashgabat** and opened a round-table discussion focusing on modernizing Turkmenistan's media legislation in the era of new communication and information technologies. On the occasion of the round table I held meetings with Deputy

Prime Minister Maysa Yazmuhamedova; Chairperson of the Mejlis Akdja Nurberdiyeva, Vladimir Gubanov, the chair of the parliamentary committee of Science, Education and Culture, Chairperson of the State Committee on TV, Radio and Cinematography Shadurdy Alovov, First Deputy Foreign Minister Vepa Hadjiyev, and Yazdursun Gurbannazarova, the Director of the Turkmen National Institute for Democracy and Human Rights.

On **17 November** I visited **Sarajevo** and addressed a meeting entitled “Living together: conference on combating hate speech in South-Eastern Europe” organized by the Council of Europe, the Press Council in Bosnia-Herzegovina and the Bosnia and Herzegovina Journalists Association.

On **17 November** my Office briefed staff members of the OSCE field operations and institutions about the activities of my Office at the Human Dimension Induction Course in **Warsaw** organized by ODIHR.

On **22 November** I attended the 21st annual Committee to Protect Journalists' 2011 International Press Freedom Awards (Honoring courage in defiance of censorship) an annual recognition of courageous journalism in New York City.

On **23 November** Director Andrey Rikhter and Principal Adviser Roland Bless participated in a conference in **Vienna** on “Safety of Journalists: Toward a more effective international protection framework” organized by the Austrian Foreign Ministry.

On **23 November** Director Andrey Rikhter participated in a webcast in Vienna hosted by the International Press Institute on impunity in crimes against journalists commemorating the International Day to End Impunity. The panel included experts from Columbia, Mexico and the Philippines.

Legal reviews

Kazakhstan

On **12 September** Director Andrey Rikhter presented a legal review of a draft law on broadcasting to the participants of a round-table discussion, organized by the OSCE Centre in Astana, between the Government and media organizations.

In the analysis, Rikhter indicated that recommendations of international experts and civil society in Kazakhstan were not taken into account. In addition, he pointed to these main concerns:

Instead of a body independent from the Government and business interests, the statute foresees a government department to oversee broadcasters, select winners in must-carry competitions and access to free multiplexes of digital TV. The Commission on Development of Broadcasting is to be created by the government without criteria for its members, term of service, clear mandate and guarantees of its independence from the government.

It is not envisioned to reform state-run broadcasting (at least 11 nationwide state channels) into public broadcasting.

The draft statute allows for state control over dissemination of TV programmes on all platforms, including Internet, satellite and mobile telephones

The digital switchover will be operated by a national state monopoly Kazteleradio.

The bill requires foreign broadcasters that are disseminated in Kazakhstan to be registered by a government department.

The bill echoes restrictive Mass Media statute in keeping the ban for broadcasters (including private ones) to use foreign languages (Russian, Uyghur, Uzbek, etc.) for more than 50 percent of airtime. Kazakh subtitles are not counted.

Turkmenistan

On **14-15 November** Yelena Sherstoboyeva of Moscow State University (Russia) presented her legal analysis of the Law “On the Press and other Mass Media in Turkmen SSR” (1991) currently in force in Turkmenistan as well as the review of the “Basic Rules that Regulate Professional Activity of Correspondents (Journalists) of Foreign Media on the Territory of Turkmenistan” approved by the Ministry of Foreign Affairs of Turkmenistan in 1993. Her presentations took place at the round-table discussion in Ashgabat focusing on modernizing Turkmenistan’s media legislation in the era of new communication and information technologies. The event was organized together with the OSCE Centre in Ashgabat.

(See Visits)

In her review of the press law Sherstoboeva indicated the lack of implementing mechanisms for the main provisions of the statute, as well as flaws of the current system of registration, access to information rights. The review points to the excessive character of such penalties envisioned in the press law as forced closure of media outlets and criminal defamation. Its author provides recommendations to bring the law in line with the OSCE standards. The review of the rules on activity of foreign correspondents suggests that the Ministry of Foreign Affairs foresees in the rules the guarantees of accreditation for foreign correspondents, sets criteria for accreditation, and removes hurdles that exist for their free movement and access to information.

Planned activities for the next reporting period

Trainings

On **29-30 November** my Office, jointly with the OSCE Mission to Moldova, will hold a two-day training seminar in **Vadul-lui-Voda** on establishing and managing professional and financially sustainable online media outlets. The event will gather journalists working for online media from both sides of the Nistru/Dniestr river.

In early 2012 my Office will organize a broadcast regulation master class for representatives of broadcast regulatory authorities from Central Asia and South Caucasus. The master class

will provide with comprehensive knowledge of issues related to broadcast regulation, including content and licensing, as well convergence, spectrum management, intellectual property rights and digital switchover.

Publications

My Office intends to issue several publications in the near future including a brochure **“Safety of Journalists, Why It Matters,”** in English and Russian and, jointly with the Lithuanian Chairmanship, **“The OSCE Safety of Journalists Guidebook.”** My Office also will produce a brochure on **“Internet Governance”** in English and Russian and **“Freedom of Expression on the Internet: A study of the legal provisions and practices related to freedom of expression, the free flow of information and media pluralism on the Internet in the OSCE participating States”** in English with the summary section of the study also provided in Russian.

In addition, the Office will update its publication setting forth OSCE commitments relating to freedom of expression, the free flow of information and freedom of the media from 1975 – 2011 in English and Russian.

Speaking engagements and visits

On **24-25 November** I will participate in the conference **“Our Internet – Our Rights, Our Freedoms”** in **Vienna** organized by the Federal Ministry for European and International Affairs of Austria.

On **30 November** my Office will participate in an Eastern Partnership Civil Society Forum in **Poznan**, Poland, on Methods of Promoting Media Freedom in the Eastern Partnership Countries.

On **6-7 December** I will attend the Ministerial Council meeting in **Vilnius**.

On **9 December** I will participate in a conference in **The Hague** focusing on the responsibilities of governments in protecting human rights online organized by the Ministry of Foreign Affairs of the Netherlands.

In **mid-December** I will visit **Turkey** to meet with the highest authorities to discuss the media freedom situation in the country and jointly assess the ways my Office can assist Turkey in reforming its legislation in order to enhance implementation of the OSCE media freedom commitments.

Media Conference

On **29-30 November** my Office will hold the 13th Central Asia Media Conference in **Dushanbe** focusing on media pluralism and Internet governance, as well as the state of the media freedom in the region. Invited speakers will include David Goldberg, associate research fellow at the University of Oxford, Erik Albrecht of the Deutsche Welle Akademie, and Dainius Radzevičius, Chairman of Lithuanian Journalists Union.

During the conference a side event on digitalization of broadcasting and its implications for media freedom will be facilitated by Director Andrey Rikhter. The participants will discuss the switch-over process in Europe and Central Asia, provide information on legislation, licensing, infrastructure, spectrum use and other issues related to digitalization, as well as benefits and pitfalls of digitalization for content pluralism.

Extra-budgetary donors

I would like to express my sincere thanks and appreciation to the delegations that provided financial support to our annual media conferences, including France, Germany, the Netherlands, Norway, Switzerland and the United States.