



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Report to the Permanent Council

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This is my third regular report to the Council during this year. I would like to inform you on the results of our work in the two past months.

I shall, however, not focus today on media developments in Kosovo. My Office has made several contributions in this respect and will continue, within its mandate, to follow up on the development of journalistic freedom in the region.

My efforts and appeals to end the Serbian press law of October 1998 and to support independent journalists in their strive for independent media will continue. As you know, I have written to all Foreign Ministers of the OSCE Participating States encouraging them to use their influence, in whatever manner they deem appropriate, to support the repeal of this law which prevents the Serbian people from being informed about what is happening in their own country. I have received several positive responses. I also would hope that European parliaments will support repeal of this law, and have asked NGOs and media to do their part as well. I firmly believe that repeal of this law is a key to a more democratic Serbia.

A good news is the final release of Grigory Pasko, a Russian who was arrested in November 1997 and charged with spying. I intervened in his case last year. Pasko had covered ecological problems of the Pacific fleet. His publications contributed considerably to a public debate on issues of major concern such as nuclear safety and the ecological effects of toxic waste. In spite of the Military Court's decision to sentence him to three years in prison, he is now freed under a general amnesty by the Duma. On the hand, the similar case of Alexander Nikitin is still pending in St. Petersburg.

Now, I would like to focus on visits by my advisors to Romania and Moldova, and cite several concerns regarding negative trends in government-media relations in Ukraine, Belarus, Turkey and Azerbaijan.

My advisers, Stanley Schrager and Alex Ivanko, have visited two countries for the first time -- Moldova and Romania .

Romania has a flourishing and extensive media environment characterised by large numbers of print and electronic media, and government officials extremely aware of the need to maintain and enhance relations with the media. The government, besides abolishing the VAT tax, a policy we encourage of all governments, is working hard to get its message across and cultivate a positive relationship. Romania has come a long way in the past ten years, and we salute its efforts. We encourage increased dialogue between media, government and parliament, and will soon be putting forth a proposal to enhance this kind of co-operation through NGOs resident here in Vienna and in Bucharest. We would be pleased to attend such a conference and urge the Romanian government to participate actively.

During its last session the Parliament rejected, in a close vote, a proposal to change several provisions of its Penal Code which criminalize libel and insult offences, and risk imprisonment for journalists who have been convicted of these offences. A similar bill will soon be introduced in Parliament. We hope for positive results and encourage Romania to provide an example for other countries in ameliorating long-standing

provisions in the Criminal Code which threaten journalists with imprisonment for exercising their rights to freedom of expression.

My Office conducted an assessment visit to Moldova earlier this month. In general, the current media situation in Moldova is not much different from the other countries in the region. Once again we run into the same problems: lack of funding, lack of serious independent journalism, extensive domination of the media by political parties. Basically, the absolute majority of media are politically affiliated. However, because of a proliferation of political groups, most views are represented in the media. There is a genuine public debate in Moldova on issues of concern to the country, including the re-integration of the Trans-Dniestrian region. Journalists were refreshingly open and frank in their conversations with my Office. The Foreign Ministry representatives underlined that a lack of resources hampered freedom of expression and that often government structures pressured media through libel suits, a phenomenon not uncommon to the region.

In a country that is in the process of transition, there will be problems: certain sensitivities may be over-looked and a tendency exists among many government officials to be overly intrusive in media matters. Fully appreciating the need for the development of the state language, I would ask the authorities in Moldova to avoid for the time being any strict regulation of the Moldovan and Russian percentage of broadcast programming.

The assessment trip also included a visit to the Trans-Dniestrian region to specifically look into the case of Novaya Gazeta, a local newspaper harassed by the regional authorities. This case was raised at the 18 June OSCE Permanent Council. As to the background of this case, we were informed in Tiraspol that the situation in Trans-Dniestria "was unique" and that in some other regional conflicts in the OSCE region, for example, one could not even have a conversation on freedom of expression and that in those places these issues "were usually resolved with two shots behind a barn." We were told that the people of Trans-Dniestria were in the process of building a "homogeneous democratic society," however a so-called 'fifth column' was undermining the unity of the people. The editors of Novaya Gazeta were specifically named as being part of the 'fifth column' and by their work "promoted reintegration with Moldova and this position is not supported by the people". That is why the Ministry of State Security had to take action against Novaya Gazeta. The fact that recently a local court issued a decision in favour of Novaya Gazeta was mostly brushed off.

To say the least, such attitudes towards one of the basic human rights do not promote democracy nor a climate of reconciliation. While Moldova is trying to move ahead, one of its regions is still firmly stuck in a 'time warp' of pre-Glasnost time.

On the other hand, it would be in the spirit of reconciliation and reintegration if journalists from Trans-Dniestria could be regularly accredited with the country's parliament. I have suggested this already to the Moldovan members of the OSCE Parliamentary Assembly in St. Petersburg who promised to raise this matter with the Chairman of the Parliament in Chisinau.

We remain concerned about recent developments in other countries which continue to occupy a great deal of our attention: Ukraine, Belarus, Azerbaijan and Turkey.

In May, I paid an official visit to Ukraine following two previous visits of my Office. I had the opportunity of having substantive talks with the Government, with Parliament, with the Supreme Court and with a number of journalists. In addition, I was invited to give a key note speech at a conference on Ukraine and European integration. During my visit, I also had the occasion of meeting two editors and founders of regional newspapers outside Kiev who suffered from strong harassment by local authorities. These authorities used defamation laws and arbitrary measures to reduce the two editors and their newspapers to silence, thus making an open discussion on the urgency of basic reforms in the region impossible.

As a matter of fact, the various attempts to change the defamation laws have not yet led to any concrete result. Since there seemed to be a widespread conviction that things must change, I suggested to hold a round table on this issue in Kiev later this year. Representatives of the different state institutions as well as of the media and some

international experts should meet to discuss the current situation and options for change in accordance with international standards. My interlocutors agreed with my suggestion.

I have to state at this point that the media situation has not really improved over the past months. In this respect, I have recently addressed the President on several cases, including the harassment of TV channel STB. In view of the upcoming presidential elections end of October, the Director of ODIHR and I recently wrote a joint letter to the President raising our concerns with consistent reports indicating interference, sometimes even harassment and intimidation by the executive branch in the work of private media regarding their coverage of the upcoming elections.

As to developments in Belarus, my Office was informed of the hiding of two journalists, the editor of Beloruskaya Delovaya Gazeta and of Imya who both felt apparently under pressure from state security service. I made a public statement on this of which you are aware and I would like to urge your Governments represented in Belarus to take this matter up with the Government of Belarus.

A short time before, both newspapers had been officially warned by the State Committee for the Press for their coverage. Therefore, I wrote another letter to the Foreign Minister and to the Chairman of the State Committee to ask for an end to this practice of "warnings" and to change the relevant articles of the Press Law in accordance with international standards.

There are currently efforts by the OSCE at various levels to engage all political forces in a dialogue on parliamentary elections in the year 2000. I believe that free and fair elections next year would be an important achievement that could - however - not be realised without major changes in the field of media. Again, I want to stress that the constitutional framework of Belarus contains a number of sufficient provisions guaranteeing free, independent and pluralistic media as well as freedom of expression. The main requirement for implementing these provisions is the political will to do so.

Concerning Azerbaijan, I would first like to express my appreciation to President Aliyev for his recent grant of amnesty to journalist Fuad Qahramanli. As you know, I visited Mr. Qahramanli during my trip to Baku in February, and have called, in this forum and in others, for Qahramanli's release. I have communicated on several occasions with President Aliyev and I am pleased that Mr. Qahramanli, Azerbaijan's only imprisoned journalist, has been released.

However, I am obliged to express my concern over recent developments regarding free journalism. I have communicated with the Foreign Minister over these issues in considerable detail. My concerns revolve, first, around a series of recent reports of violence directed against media. The President himself seems to have criticised these acts of violence, and I urge the Government to initiate investigations of these acts of violence.

Second, I have highlighted several times the lack of licenses for independent television stations. While most of them are broadcasting without licenses, with the consent of the government, I understand that, three months before scheduled municipal elections, the head of the frequency commission in the Ministry of Communications has apparently sent letters to local prosecutors demanding that they shut down any station broadcasting without a license. In fact, several weeks ago, one such provincial station was closed by the police.

Finally, I want to express my concern about the new media law which has passed its first reading in Parliament. This law seems to place undue restrictions on the media and to limit access to information.

In Turkey, we understand that a relatively broad and unhindered coverage of the Öcalan trial has been possible. I am convinced that free coverage of this event will continue.

On the other hand, however, we are again receiving reports on alleged violations of journalistic freedom. These individual cases, which I have detailed in a recent letter to the Turkish Foreign Minister, refer to court decisions against journalists, writers, editors on such charges as, for example, insults of the army and separatist propaganda. In this

context, I would like to remind this Council of several binding judgements of the European Court on Human Rights in Strasbourg in early July. This Court stated in several cases a violation by Turkish jurisdiction of Art. 10 of the European Convention on Human Rights dealing with freedom of expression and decided in favour of the plaintiffs.

The series of new cases I have just mentioned seem to come at a particularly bad moment as we prepare for the OSCE Summit in Istanbul later this year. This Council will understand that this series of attacks on journalistic freedom cannot go unnoticed. I intend to follow up on this in the next months.