



**Organization for Security and Co-operation in Europe  
The Representative on Freedom of the Media  
Dunja Mijatović**

ENGLISH only

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**Regular Report to the Permanent Council**

**Introduction**

*Mr. Chairman, Excellencies,*

*Ladies and Gentlemen,*

*Dear Colleagues,*

I am honoured to have the opportunity to address you today and to present to you my first regular report since I was appointed on 11 March as the OSCE Representative on Freedom of the Media.

Needless to say, it is not only an honour, but foremost a great responsibility for me to lead this intergovernmental media freedom monitoring Office. The very fact that 56 participating States agreed to a set of commitments to uphold and foster media freedom is a remarkable achievement. It emphasizes the core values upon which the OSCE is based. It also distinguishes our Organization from other organizations and NGOs active in the human dimension.

But, in my humble opinion, this is not enough. The simple existence of this unique Office is not enough if we want to ensure better implementation of existing OSCE media commitments. Many argue that media freedom is in decline across the OSCE region. In some aspects, I can subscribe to that. However, what has been achieved since 1975 is by all means not small; on a global scale it is even exceptional. Holding ground and defending that which already has been achieved is a requirement of the moment. But it is also the right moment to move forward toward better implementation. Allow me to return to this topic later.

For my first Report I have decided not to single out in this Introduction particular cases in which I have intervened. The Report speaks for itself. I look forward to your comments, positive I hope, but I also welcome differing views and criticism. I have decided to focus more on my views and plans for the future of the Office. I am aware of the fact that my task today is not an easy one. I would like to underline several significant matters in this Report that in my view deserve a mention in this Introduction.

The current situation in Kyrgyzstan is now the focus of many OSCE structures.

Restoring stability in this participating State is a priority and I hope it will be achieved soon. My mandate urges me to view Kyrgyzstan from a long-term perspective. I believe that the events of the past months, as tragic and painful as they were, have provided a unique opportunity to improve, among other things, the media-freedom situation. The new Government has signalled that it is ready to engage in improving the working conditions for journalists and the media. During my meeting with President Otunbayeva last week, I proposed that, at this early stage, all political parties and candidates agree to a charter in which they promise to let media do their work. A new nationwide commitment to the independent work of media should also set the stage for the upcoming election campaign, when reporting by media is crucial for citizens to make informed choices.

I look forward to continuing a dialogue with the Kyrgyz authorities to further improve the media-freedom situation. Freedom of the media is a key component to guaranteeing stability and peace and my Office will continue our involvement in order to assist Kyrgyzstan in all matters of importance.

On 19 July, I was deeply saddened by the murder of journalist Socratis Giolias and urged the authorities of Greece to carry out a rapid and thorough investigation into this crime. Giolias was the administrator of the most popular political and social blog in Greece, *Troktiko (Rodent)*, and the information director of radio station *Thema 98.9*.

While I condemned this horrid crime against free speech and democracy, I was pleased to see the Greek Government act quickly to investigate this murder and inform me – several times within the first days after the tragedy – about the progress of the investigation. The Government assured me that it takes a most resolute stance on crimes against journalists. I hope that my co-operation with all the participating States will develop in the same spirit.

Finally, I would also like to commend Armenia for decriminalizing defamation. My Office reviewed this forward-looking proposal before the National Assembly in Yerevan adopted the law on 18 May. The President signed the bill into law on 15 June.

By decriminalizing libel and insult, Armenia has made a significant step forward to support freedom of expression. It has become the 11th OSCE participating State to do so. I hope that this number will grow in the near future.

Additionally, allow me to mention that I already have received invitations from the Governments of Albania, Belarus, Tajikistan, Turkmenistan and Ukraine to visit their countries. I thank these Governments for the co-operative spirit in which the invitations were extended. I plan to visit all five countries in the near future.

You will learn from the Activities section of this Report that my initial period in office exposed me to a heavy dose of OSCE activities, mostly due to the robust agenda the current Chairmanship is pursuing. The Corfu Process and the Informal Ministerial Meetings were precious occasions for me to get acquainted with the review process the OSCE is undertaking and also meet with representatives of the participating States. Apart from this, my appointment raised a great deal of interest by NGOs and the international press and exposed this Office to the public even more than in the past. All of this calls for a greater involvement from all of us in order to be able to show the work we do in a more transparent way and ultimately to present results to the outside world.

My decision was to fully dedicate this starting period to the needs of participating States and OSCE events. This period was interesting, challenging and a necessary exercise in order for me to get a clear picture and to assess the situation so I can present my Report to you and to formulate my strategy for the future of this Office, of course bearing in mind the mandate I have.

The main *modus operandi* to fulfil my mandate is known to all of you. I will assist participating States to implement the commitments that they undertook in a better way. I will evaluate needs and point out possible problems in order to determine what the participating States need to do to foster media freedom. Let me assure you that, in exercising my mandate, I will not hesitate to knock on your doors to remind you of your media-freedom obligations. I will do that because, by appointing me, you asked me to do so. I also will do it for the sake of maintaining the professionalism, transparency and credibility of my Office and the OSCE as a whole.

Allow me to emphasize two outstanding features of the OSCE organizational set-up that are key for protecting and developing media freedom:

1). The Office's independence. I perceive it as a sign of strength that 56 participating States not only agree to uphold media-freedom commitments, but also create an instrument to remind themselves of their obligation to comply with them. However, just having an Office is not enough. Only combined with your assistance, co-operation and active involvement, can my Office's work live up to your high expectations. I will deeply respect this fact when exercising my function. With this in mind, let me note that my interventions are meant to assist; to support reform, and to bring national legislation and practices in line with the commitments. The implementation, however, largely remains the responsibility of the participating States. The role of my Office is to remind the participating States of their commitments and to offer assistance whenever required.

2). Public statements and transparency. Everything affecting the world of media is, by definition, public. Quiet diplomacy is therefore only one of many forms of intervention available to me. However, my mandate also empowers me to make public statements. I will use this effective instrument to make all layers of our societies aware of risks to media freedom in the participating States. I see this as key in assisting governments and civil society, including the media, to remedy media-freedom problems. This will strengthen their own significant efforts to improve.

I am fully aware that my Office cannot fulfil these tasks on its own. Close co-operation with other international organizations, media-freedom advocacy groups and "think tanks" is therefore essential for us. Promoting "best practices" brings results only if it is perceived with a will to learn from the others and constantly improve. I will remain vigilant to ensure that the existing "bad practices" or outdated laws in some participating States are not used by others as pretexts for avoiding improvement.

### ***Tasks and Challenges ahead for my Office***

Although the challenges and dangers that journalists face in our countries may differ from region to region, one sad fact holds true everywhere: The freedom to express ourselves is questioned and challenged from many sides. Some of these challenges are blatant, others concealed; some of them follow traditional methods to silence free speech and critical voices,

some use new technologies to suppress and restrict the free flow of information and media pluralism; and far too many result in physical harassment and deadly violence against journalists. We regularly receive reports of threats, intimidation, administrative harassment (registration and re-registration requirements, alleged tax violations, cancelled contracts for printing or distribution of papers and the like).

### *What is to be done?*

Authorities have yet to understand that media are not their private property and that journalists have the right to scrutinize those who are elected; those who voluntarily chose to represent citizens and to be in the public light. Violence against journalists equals violence against society and democracy and should be met with harsh condemnation and prosecution of the perpetrators. There is no true press freedom as long as journalists have to fear for their lives while performing their work.

The OSCE commitments oblige all participating States to provide safety to these journalists. Combating violence and harassment against media professionals will be high on my agenda and I will do my best to pursue this goal with the mandate I am given and with all professional tools at my disposal.

- Monitoring and early warning, our core function, will remain the top priority of my Office.
- Fostering pluralism, which is the very essence of democratic societies and is fundamental for ensuring that citizens make informed choices, especially during elections, also is a priority.
- My Office will continue to observe and comment on widely applied practices of legal persecution based on “media-freedom-unfriendly” laws. These include sanctions for defamation, libel and insult; criticism of the powerful; coverage of “taboo topics” such as declaring certain events or personalities off limits for reporting; or even the outright framing of journalists on fabricated charges.
- In the area of electronic media, big issues which will have my Office’s attention include the digital switchover in broadcasting and matters related to New Media, including the Internet, blogging, citizen journalism and the like. New technologies demand new approaches to safeguarding the OSCE media-freedom commitments.

Needless to say, all societies recognize that free expression has its limits. We should not tolerate those who incite others to violence, engage in and promote child sexual abuse and exploitation, terrorism and human trafficking. We should recognize the legitimate role of government to take steps to protect privacy, personal data and the ownership of intellectual property. However, legal frameworks, needed as they are to protect these rights, should be designed in a manner that furthers freedom and should not go beyond what is necessary in a democratic society.

Most of these challenges are not new, but some are, especially those generated by technological changes.

But these challenges must not become an excuse for governments to systematically violate the rights and privacy of those who use the Internet for satire or criticism.

My Office is currently working on the compilation of the first comprehensive matrix on Internet legislation which will include an overview of legal provisions related to freedom of the media, the free flow of information and media pluralism on the Internet in the OSCE region.

If we look at freedom of the media from a typical cross-dimensional angle, it is a cornerstone upon which society is built. Not only does it directly affect other human rights issues, such as elections and minority concerns, it also plays a crucial role in debating hard-core security matters and new threats to security linked to transnational threats. If we touch upon issues like migration or climate change or transnational threats, including terrorism, a meaningful debate without free and independent media is unthinkable.

Freedom of the media concerns arise in most OSCE participating States. They only manifest themselves differently. My guiding principle is to observe the issues based on the seriousness and the scope of problems, rather than on their geographic origin. Please, do not get me wrong, this is not about me: Representatives come and they go but this Office, with all the values and past achievements, should stay. This Office is one of the mirrors this Organization has to the outside world.

I kindly ask for your support, in the true spirit of the OSCE. I would like to see an issue of one participating State become that of others. My Office will continue to compile facts, trends and cases in an impartial manner. For me, one thing is already crystal clear: Without your active support and involvement none of these plans will be fulfilled. This Office was created by you and is for you to shape. It is up to all of you to choose the path this Office should take going forward, while all the time preserving its core values: neutrality, transparency and professionalism. Above all else, we must continue to recognize the importance of free media to free societies. Those values never should be underestimated.

### **Issues Raised with the participating States**

#### **Albania**

**On 28 June**, I addressed Albanian authorities regarding the so-called Pango defamation case. In a letter to Ilir Meta, Minister of Foreign Affairs, and Bujar Nishani, Minister of Justice, I expressed concern about the decision of a Tirana District Court to order *Top Channel TV* to pay €400,000 in moral damages to former Minister of Tourism, Ylli Pango, for airing on 4 March 2009 secretly filmed footage which allegedly showed the minister requesting favours in return for a job in his ministry. This led to Pango's dismissal from office.

I reminded the authorities that the media's watchdog role in any truly democratic society demands investigative journalism and that damages awarded in any case should be proportionate to the actual harm caused and the economic situation of the media concerned and should not lead to a chilling effect on reporting.

**On 16 July**, during the Informal Ministerial Meeting in Almaty, I had the opportunity to meet Minister Meta and to bring to his attention once again the above-mentioned case. The Minister kindly agreed to convey my letter to President Bamir Topi who, according to the

Constitution of Albania, chairs the High Council of Justice. During the meeting, I offered my Office's full support in assisting Albania with the reform of its legal media framework by providing legal reviews on relevant media legislation.

## **Armenia**

**On 31 March**, I forwarded to Nerses Yeritsian, Minister of Economy, an analysis of the "Concept Paper on Migrating to Digital Radio and Television Broadcasting in Armenia" written by two international experts my Office had commissioned. In my letter, I pointed to the shortcomings our experts found in the Concept Paper and recommended that public discussions involving all stakeholders be held on those issues. (*See **Legal Reviews***)

I was pleased that the Armenian authorities followed my suggestion and, together with the OSCE Office in Yerevan, organized a public discussion on 18 May. This event was a great opportunity to make my first visit to Armenia.

On 18 May, I was received by President Serzh Sargsyan and discussed with him Armenia's ongoing media reforms, including the move from an analogue to a digital broadcasting system and the current amendments to the law on Television and Radio Broadcasting.

I also met with National Assembly Deputy Chairman Samvel Nikoian, Minister Yeritsian, Deputy Foreign Minister Arman Kirakossian and the President of the National Commission on Television and Radio, Grigor Amalian.

During all my meetings with the Armenian authorities, which were held in a very open and constructive manner, I stressed that, in order to ensure broadcast pluralism, tender procedures should be made public well in advance and the digital switchover should be carried out in a transparent manner.

I was pleased that my visit coincided with the adoption of amendments to the civil and criminal codes, and to the code of criminal procedure, which partially decriminalize defamation. I was also pleased to learn that legislators took into consideration many of the recommendations that were contained in the legal analysis of the proposed amendments I had forwarded to them on 12 April.

I commended the National Assembly for decriminalizing defamation by adopting the amendments to the Criminal Code on 18 May.

On 20 May, the National Assembly voted to amend an existing, related law on Television and Radio Broadcasting. My Office quickly reviewed the proposed changes to this law. While some of my Office's concerns were addressed during the National Assembly hearings that followed the first vote, the amended law was passed in a final reading on 10 June.

**On 15 June**, I issued a public statement in which I regretted the fact that the new legislation failed to ensure broadcast pluralism. Shortcomings include a limit to the number of broadcast channels; a lack of clear rules for the licensing of satellite, mobile telephone and online broadcasting; the placement of all forms of broadcasting under a regime of licensing or permits granted by a national regulatory agency; the granting of authority to the courts to terminate licenses based on provisions in the law that contain undue limitations on freedom

of the media; and a lack of procedures and terms for the establishment of private digital channels.

Much to my regret, President Sargsyan on 17 June signed the bill into law. I sincerely hope that, as I was assured, work on this important piece of legislation will continue this fall.

On a positive note, I welcome the fact that on 15 June President Sargsyan signed the amendments to the Criminal Code, making Armenia the 11th participating State to decriminalize defamation. I hope that other OSCE participating States follow the example of Armenia and intensify efforts to decriminalize speech offenses.

## **Azerbaijan**

**On 25 March**, I wrote to Foreign Minister Elmar Mammadyarov to welcome President Ilham Aliyev's decision to pardon Ganimat Zahidov, chief editor of the newspaper *Azadliq*. Zahid served half of the four year-prison term he was sentenced to after being convicted on questionable criminal charges.

All my subsequent interventions focused on the three remaining jailed journalists and bloggers.

**On 22 April**, I publicly called upon Azerbaijani authorities to comply with a judgment of the European Court of Human Rights holding that journalist Eynulla Fatullayev had been wrongfully sentenced to eight-and-a-half years in jail in 2007 and should be immediately set free. The editor-in-chief of the now-closed independent Russian-language weekly, *Realny Azerbaijan*, and the Azeri-language daily, *Gündalik Azarbaycan*, was sentenced in 2007 on charges of defamation, incitement to ethnic hatred, terrorism and tax evasion. On 15 July, Azerbaijan appealed to the Grand Chamber of the European Court of Human Rights.

**On 15 June**, I wrote to President Aliyev asking him to secure the release of Fatullayev and two video bloggers – Emin Abdullayev (Milli) and Adnan Hacizade – who are serving two and two-and-a-half years in jail, respectively, on charges of hooliganism and inflicting light bodily injuries. An appeals court in March upheld both sentences.

On 6 July, a district court in Baku sentenced Fatullayev to an additional two-and-a-half years in a maximum security prison colony on highly questionable drug-possession charges. On the same day, I publicly condemned this new sentence which, in my view, shows that Azerbaijan is unwilling to fulfil its OSCE media-freedom commitments.

My Office will continue to closely monitor the Fatullayev case and will continue to insist that this journalist, as well as the two video bloggers, be set free.

## **Belarus**

**On 25 March**, I wrote to Belarusian authorities to express concern about intimidation by law-enforcement authorities of Natalia Radina, editor of *Charter97*, Irina Khalip, Minsk correspondent of *Novaya Gazeta* and Svetlana Kalinkina and Marina Koktysh of *Narodnaya Volya*. In connection with the so-called “hunting case”, offices and homes of the journalists

were raided and work equipment and materials were confiscated. During the search in the office of *Charter97*, the website's editor, Natalia Radina, was assaulted.

**On 6 May**, I addressed Sergey Martynov, Minister of Foreign Affairs, on the same matter. I also made a public statement **on 10 May** expressing regret that pressure against the above-mentioned members of the media had increased.

In the same letter to the Minister, I also raised concern about the criminal defamation investigation, under Article 188 of the Criminal Code, launched against *Charter97*. The defamation case was based on users' comments posted on the *Charter97* website in February 2009 in response to the article that it reprinted from *Sovetskaya Byelorussiya*, an official state newspaper.

Additionally, I was disappointed that the implementing guidelines to the Presidential decree "On Measures to Improve the Use of the National Segment of the Internet" were adopted without prior consultation and assistance previously offered by my Office.

The Permanent Delegation of Belarus to the OSCE has forwarded to my Office a non-paper "On measures to improve the use of the national Internet segment in Belarus and the existing international practice in this sphere". The document refers to regulatory measures in other participating States which are believed to be similar to the new Belarusian provisions. My Office is currently studying the document.

During the Informal Ministerial Meeting in Almaty, I spoke with Minister Martynov. We discussed the cases mentioned above and the developments regarding the new Internet legislation. I was pleased to receive an open invitation to visit Belarus and the assurances of the authorities to hold a round table on the Internet. I look forward to visiting Minsk.

### **Bosnia and Herzegovina**

I was concerned to learn about an instruction issued on 5 March by Milorad Dodik, the Prime Minister of Republika Srpska, in which he calls upon all of the entity's public institutions to cut their co-operation with the public service broadcaster RTVFBiH after airing an allegedly wrong portrayal of the entity's governmental actions.

The instruction was directed at governmental and administrative bodies, public enterprises and schools and instructs these institutions to reject any requests for interviews or information coming from RTVFBiH and to cut any advertising agreements with the public service broadcaster, which effectively leads to media censorship. This development comes despite the assurances received by my predecessor, Miklós Haraszti, after his visit to the country in February 2007 following a governmental boycott of the public broadcaster BHRT. Haraszti was told that incidents like these would not become normal behaviour toward public media.

I fully support the reaction of the OSCE Mission to Bosnia and Herzegovina, emphasizing that public broadcasters must not be exposed to any political pressure or limitations on media freedom. Grievances of any kind should be settled through legal or self-regulatory mechanisms.

On 1 April, I received a letter from Valentin Inzko, High Representative and EU Special Representative for Bosnia and Herzegovina, informing me about the continuing deterioration of the country's media situation and the increasing political pressure exerted on media in the run-up to the general elections this autumn. Inzko also referred to the above-mentioned instruction issued by Dodik and the increased verbal attacks against RTVFBiH journalists as a consequence of this instruction.

In my reply of **14 April**, I reiterated my Office's readiness to support an EU-led approach by the international community which would send the necessary signal to the political elite to more strongly support media freedom in Bosnia and Herzegovina.

I proposed a high-level meeting with representatives of the international community, preferably under the auspices of the EU, the OSCE and the OHR, to finalize and endorse media-freedom recommendations as a joint international mechanism. These recommendations could provide the EU with specific benchmarks for progress on media legislation and ensure the independence of media institutions as part of the EU Partnership conditionality.

On 16 July, I learned that the government of Republika Srpska, upon a public invitation for bids for public media support, had distributed significant amounts of money to media outlets in the entity. The allocation of funds, however, was approved before the deadline for submission of bids had passed. While governmental support to media, particularly in times of financial hardship, is not uncommon, procedures need to be transparent and allocation of funds criteria-neutral to ensure that media remain independent of governmental influence.

I was concerned to learn that on 21 July the highest authority of the Islamic Community of Bosnia and Herzegovina, Reis-ul-Ulema Mustafa effendi Cerić, proposed the creation of a separate public television channel in the Bosnian language. This proposal was prompted by a television presenter's use of a Croatian word in a news summary. The public broadcasting service in Bosnia and Herzegovina is composed of one BiH-wide channel and two entity television stations, together serving a population of four million people. The establishment of any additional public television stations along ethnic lines bears the risk of further fragmenting the already divided media landscape in Bosnia and Herzegovina. I urge the authorities to complete the reform of the public broadcasting system and fully implement the appropriate legislation.

## **Canada**

**On 12 May**, in a letter to Canadian authorities, I welcomed a Supreme Court ruling that confirmed, for the first time, the right of journalists to protect their confidential sources. However, I noted the limits of that ruling which obliges media in each case to prove that the public interest of preserving the anonymity of sources outweighs the interest of society in investigating a crime.

On 21 May, I received an answer from the Delegation of Canada indicating that my letter had been forwarded to the relevant authorities in Ottawa who should provide me with a review and an explanation of the judgment. I look forward to receiving the reply.

**On 5 July**, I wrote again to Canadian authorities to express concern about reports of mistreatment of some journalists covering the Group of 20 Summit in Toronto on 26-27 June. I considered the incidents regrettable as most of these people were clearly identified as journalists. I hope that an investigation into the matter has been launched and I encourage police and journalists' associations to discuss these issues jointly.

### **Estonia**

**On 25 March**, I sent a letter to Urmas Paet, Minister of Foreign Affairs, and Ken-Marti Vaher, Chairperson of the Legal Affairs Committee of the Riigikogu (Parliament), to enquire about a draft law on the protection of journalists' confidential sources, which was being considered by the Riigikogu. I was informed that the draft might allow too many exemptions to the journalists' right not to disclose the identity of their sources.

I received responses from the Estonian authorities: on 6 April from Rein Land, Minister of Justice and the author of the draft, on 7 April from the Minister of Foreign Affairs and on 20 May from the Chairperson of the Legal Affairs Committee. My correspondents assured me that Estonia was committed to adopting a law in line with international standards. I was informed that a working group representing Estonian media and other stakeholders was established to discuss the initiative.

### **France**

On 5 July, President Nicolas Sarkozy nominated a new head of the public service broadcaster, France Television, following a new selection procedure approved in March 2009 as part of a reform of audiovisual laws.

Although this nomination by the President comes with extensive approval guarantees by the regulatory authority and requires approval by three-fifths of the relevant Parliamentary Commission, I would like to restate that it is the position of my Office that the presidential nomination of the head of a country's public service broadcaster is an obstacle to its independence and contradicts OSCE commitments.

This concern was already expressed by my predecessor, Miklós Haraszti, in a letter sent to the President on 16 December 2008.

### **Georgia**

**On 15 March**, I publicly called upon Georgia's broadcasters to abide by ethical standards of journalism and cautioned them against spreading false information that may impact media freedom and security. My first intervention as Representative was prompted by a hoax report aired by *Imedi TV* stating that President Mikheil Saakashvili had been assassinated and that Russian troops were advancing toward Tbilisi. This report, which carried no clear warning that it was fictitious, spread panic among the Georgian public. While condemning *Imedi TV's* irresponsible approach, I commended Georgia's National Communications Commission for swiftly reacting to the controversial television report. I also offered to assist Georgia in enhancing and strengthening its self-regulation mechanisms.

**On 16 April**, while in Tbilisi on the occasion of a media-freedom conference, I met Davit Bakradzet, the Speaker of Parliament, Dimitri Shashkin, Minister of Education and Science, David Jalagania, Deputy Foreign Minister, Akaki Minashvili, Chairman of Committee on Foreign Affairs of the Parliament, Irakli Chikovani, Chair of the Georgian National Communications Commission, and representatives of the media community of Georgia.

During my meetings, I welcomed the positive steps that Georgia has already undertaken, especially regarding decriminalization of defamation and the financing of the Public Service Broadcaster, but I also expressed my hope that the reform process will continue. I encouraged the Head of the National Communications Commission to consider issuing new broadcast licenses with national coverage even before the digital switchover in 2015. I was pleased to learn that Georgia is currently drafting legislation regarding transparency of media ownership.

I have taken note of the fact that Parliament on 2 July voted to write off the debts of all national and regional television stations. I hope this measure will be implemented for the benefit of all broadcasters, regardless of their political affiliations, thus contributing to enhanced media pluralism.

I was pleased to hear that, following my suggestion, the Georgian National Communications Commission already has lodged an application to become a member of the European Platform of Regulatory Authorities. For more information on EPRA see <http://www.epra.org>

## **Germany**

**On 6 May**, I wrote to Sabine Leutheusser-Schnarrenberger, Minister of Justice, to express appreciation and support for her recent legislative proposal to strengthen media freedom in Germany by better protecting journalists' confidential sources. I would be pleased to see Germany joining the list of OSCE participating States that have adopted a shield law for investigative journalists and wished her success in this important endeavour.

I welcome the fact that on 25 March the ZDF-Staatsvertrag, the public service broadcasting law establishing a second German public broadcaster, was taken to the country's highest court to assess its constitutionality and accordance with freedom of the media principles. This move came after the refusal of ZDF's administrative board on 27 November 2009 to re-nominate the broadcaster's editor-in-chief.

In a letter to Leutheusser-Schnarrenberger, my predecessor, Miklós Haraszti, had asked the authorities to approach the judiciary for a clarification on whether the composition of the administrative board and its role in the appointment of the editorial management of the ZDF was constitutional.

## **Greece**

**On 19 July**, I wrote to Greek authorities condemning the murder of journalist Socratis Giolias and asked for a rapid and thorough investigation into the matter.

Giolias was shot on 19 July in front of his home in Athens by unknown assailants. He was a well-known investigative journalist, the administrator of the most popular political and social blog in Greece, "*Troktiko*" (Rodent), and the information director of radio station *Thema* 98.9. As the motives of his killing are still not fully clear, I asked the Greek authorities to ensure that his murder is investigated rapidly and thoroughly, and the public is kept up to date about developments. I also recalled the recently adopted Oslo Declaration by the Parliamentarians of the 56 OSCE participating States, which emphasizes the unique and vital role of investigative journalism in strengthening democracies and calls upon participating States to vigorously prosecute all of those responsible for the murder of investigative journalists.

I was very much encouraged by, and thankful for the genuine co-operation that the Greek Delegation has had with my Office in providing all available information on this case. I was pleased to see the swift reaction of the authorities in condemning this horrendous murder, starting the investigation quickly and stressing that they will not tolerate free speech to be terrorized or intimidated.

On 28 July, I received from the authorities the latest updates on the investigation. I hope that the perpetrators will be soon brought to justice.

**On May 7**, in a letter to Greek authorities, I indicated that my office has been monitoring the case of *Tele Radio*, the oldest minority radio station in the region of Xanthi, which broadcasts in Turkish. In November of last year, the station received an official warning from the National Broadcasting Council stating that the main broadcasting language should be Greek. In case of non-compliance the Council said it could take further and harsher measures against the station. The warning was based on a law that requires a high capital investment, manpower and Greek-language skills to be considered for a license. My Office has been promoting the reform of the law since it was passed in 2007.

I was reassured by the Permanent Mission of Greece that there has been no follow-up to the warning against *Tele Radio* and that no restrictions have been imposed on other minority radio stations.

## **Hungary**

**On 23 June**, I wrote to the Hungarian authorities asking them to halt the draft media legislation that was to be voted on in Parliament at the end of June and start public consultations involving all stakeholders to modify the draft laws. The proposed media package could breach OSCE standards guaranteeing freedom of expression and freedom of the media, and its adoption could lead to all broadcasting being subordinated to political decisions.

On 22 July, I received the detailed reply from the authorities regarding the principles upon which the amendment to Article 61 of the Constitution and the modifications of the media law have been based.

On 23 July, I was sorry to hear that the Hungarian Parliament had adopted parts of the media package. As a result, two new bodies were established, the National Media and Telecommunications Authority and the Media Council, which is the new licensing body

supervising both private and public broadcasting. Based on the new law, the president of the Authority and the president of the Media Council will be the same person, nominated by the Prime Minister for nine years, and the Parliament will nominate, with a two-thirds majority that the government possesses, the members of the Council and the public-service broadcasting board. The opposition parties, the Association of Hungarian Journalists and other stakeholders have voiced their concern regarding the constitutionality of the new laws.

In the coming weeks, my Office will commission a detailed expert legal review of the drafts of the media package that are still awaiting adoption later this year. I hope that the recommendations of the review will be taken into consideration when finalizing these draft laws.

## **Iceland**

**On 17 June**, the Parliament unanimously passed a resolution that requires the government to draft media regulations to strengthen the protection of journalists' sources, shield reporters from foreign libel judgments, boost access to information provisions and exempt intermediaries, such as Internet service providers, from content responsibility. If passed, these measures would become the world's strongest protection for free speech and journalism. I therefore warmly welcome this step and will follow with great attention the drafting of these proposals and ultimately their adoption.

## **Italy**

**On 15 June**, I called on lawmakers to drop a draft law on electronic surveillance and electronic eavesdropping passed by the Senate on 10 June. This law could seriously hinder investigative journalism by criminalizing the publishing of documents related to court proceedings, police investigations or leaked wiretapped materials before the beginning of a trial. I underscored that the draft law in its current form contradicts OSCE commitments, especially as it prohibits the use of certain confidential sources and materials which may be necessary for meaningful investigative journalism in the service of democracy.

This appeal followed several interventions by my Office, the last one being a letter **on 4 June** to Renato Giuseppe Schifani, President of the Senate, as the bill reached the Senate for discussion. In this letter, I requested amendments to the bill in accordance with the recommendations of my Office sent to him in a letter dated **23 June 2009** from my predecessor, Miklós Haraszti. On 30 June 2009, my predecessor received an answer that the Senate president was not able to comment on the law as the bill had not reached the Senate at the time.

On 20 July, amendments improving the bill were introduced by the government and so far have been approved by the Justice Committee of the lower house of Parliament. Changes include the authorization to publish transcripts of a criminal investigation before the beginning of a trial when considered relevant by investigating magistrates. I welcome this step and will continue to closely monitor the matter.

## Kazakhstan

**On 23 April**, I wrote to Kazakh authorities drawing attention to several developments concerning the Internet in Kazakhstan. I welcomed the annulment of a requirement that Kazakh websites be hosted by servers within the country. I also requested information on the purpose of and operating methods of the newly established Computer Emergency Response Team (CERT) within the Ministry of Information and Communication. As well, I asked that authorities resolve issues relating to the interruption of service to certain websites, including the Internet forum of the independent newspaper, *Respublika*, and *YouTube*.

**On 28 April**, I addressed the 9th Eurasian Media Forum in Almaty. During my speech, I publicly raised the case of the journalist Ramazan Yesergepov, editor of the newspaper *Alma-Ata Info*, who was sentenced on 8 August 2009 to three years in prison after being convicted of disclosing internal documents of the National Security Committee in an article that criticized its actions. I also expressed my concern about the reported blocking of websites and the problem that the newspaper *Respublika* is experiencing to find a printing house for its editions.

On 6 May, I received a response from the Kazakh authorities. I was informed that *Respublika* newspaper's Internet forum and *YouTube* were again accessible to users in Kazakhstan and that the resources were inaccessible due to technical problems and not to intrusion from the authorities. As for CERT's mandate, I was assured that limitation of Internet access or law-enforcement activities against Internet resources are not among the tasks of the Team.

**On 30 June**, at the OSCE High-Level Conference on Tolerance and Non-Discrimination, I had the opportunity to meet the OSCE Chairperson-in-Office, H.E. Kanat Saudabayev, Secretary of State and Foreign Minister. I brought to the attention of the Chairperson-in-Office the case of the imprisoned journalist Ramazan Yesergepov. I reiterated that citizens should have access to government-held information of public interest and journalists should not be criminalized for breach of secrecy. Only those whose job descriptions contain the duty to protect sensitive information should be liable to justice in cases of breach of secrecy. I expressed my hope that, although the Supreme Court refused a re-examination of the court proceedings, Yesergepov would be freed soon. During the meeting, I also once again expressed concern over reports on blocking of several independent websites.

During my visit in Astana I also met with Nurai Urazov, Vice Minister of Information, and Dulat KUSDavletov, Vice Minister of the Ministry of Justice. I discussed the ongoing media legislative reform process, including both recently adopted legislation and that being drafted. I was told that Kazakhstan is planning to draft legislation on Access to Information and that decriminalization of defamation is still on the agenda of the authorities. I offered my Office's support in this important endeavour.

**On 5 July**, I wrote to Minister Saudabayev summarizing all the issues raised during my visit to Almaty.

At a press conference during the Informal Ministerial Meeting in Almaty, I once again, this time publicly, raised the above-mentioned issues. I also expressed my concern about the consequences of the recently adopted Leader of Nation law may have on media freedom and investigative journalism in the country.

I look forward to continue my constructive dialogue with the Kazakh authorities on media freedom related issues. My Office stands ready to support Kazakhstan's media legislation reform.

## **Kyrgyzstan**

**On 16 March**, in a letter to Kadyrbek Sarbaev, then Minister of Foreign Affairs, I expressed concern over several negative developments that led to serious infringements on media pluralism in the country. I raised the issues of the removal of *Radio Free Europe/Radio Liberty (RFE/RL)* from air, inaccessibility of some Internet sites, the seizure of the opposition newspaper, *Forum*, and an assault against Abduvahab Moniev, the editor-in-chief of the opposition website *Press.kg*. I requested that *RFE/RL* be allowed back on air and asked authorities to conduct investigation and resolve the situation.

In a public statement **on 7 April**, I called on Kyrgyz authorities to restore access to information in Kyrgyzstan and allow journalists to report on the situation in the country, so citizens could receive full-coverage of the events taking place in their country.

Since events of 6-8 April, my Office has carried on an intensive dialogue with the authorities in order to assist them in restoring media freedom in the country. **On 19 April**, I made a public statement acknowledging the first steps of the Kyrgyz Provisional Government to restore media freedom and calling for further media reform. I also welcomed the return of *RFE/RL* programs back on air after having been suspended since October 2009.

**On 12 May**, I welcomed the efforts of the Kyrgyz Provisional Government to restore public service broadcasting and offered my support on this initiative and other media reforms as needed. In addition, on the same day my Office offered Kyrgyz authorities a legal analysis of the Decree on public broadcasting adopted by the Kyrgyz Provisional Government on 30 April. (See *Legal Reviews*)

**On 2 June**, in a letter to Rosa Otunbaeva, then the Chairperson of the Kyrgyz Provisional Government, I welcomed the ongoing efforts to restore media freedom in the country and offered suggestions regarding the kind of assistance my Office can offer to improve the media situation in the country.

Specific forms of offered assistance included:

- Continuing legal support,
- Facilitation of the discussion of the role of independent media and public service broadcasting and a national multi-partisan platform regarding the role of media,
- Introduction of safety practices for media professionals, including fluorescent vests that visibly distinguish journalists on duty and a free-media hotline for journalists to report cases of intimidation or violence against them,
- Assistance with identification of the partner organizations to conduct professional training for public service broadcasting staff.

On 22 June, I was pleased to receive a swift response from now-President Otunbaeva and was informed that ensuring the safety of journalists, promoting universal standards of free press and restoring the media system in the country are important goals for the government. I was

also happy to learn that my suggested ways of assistance were considered positively and were seen as important ones.

**On 19 July**, during my first visit to Kyrgyzstan, I was received by President Otunbayeva. I once again welcomed her pledge to continue to support and further develop media freedom in Kyrgyzstan. During the meeting, I stressed the urgent need for a quick reform of the Public Service Broadcaster, particularly in light of the upcoming October parliamentary elections. Free, fair and credible election results are only possible if every citizen can be well informed and has access to sufficient information representing a diversity of views. Therefore, I expressed hope that the Observation Board of the public service broadcaster would be appointed as soon as possible so that it can start its important work. During the meeting, I also raised the issue of protecting journalists and explored possibilities to assist in developing a training strategy that could be offered to journalists in Kyrgyzstan.

I look forward to continuing my dialogue with the Kyrgyz authorities to further improve the media freedom situation. Free media is a key component to guaranteeing stability and peace.

### **Latvia**

**On 20 April**, I wrote to Latvian authorities expressing concern and asking for additional information about the 16 April killing of Grigorijs Nemcovs, the founder and publisher of the regional newspaper *Million* and owner of a television station in Daugavpils.

On 25 May, I received a response explaining the progress of the investigation into the crime and was assured that investigators swiftly reacted to this crime. I hope that the perpetrators soon will be brought to justice.

**On 20 May**, I wrote to Aivis Ronis, Minister of Foreign Affairs, expressing my concern about the 11 May search of the home and confiscation of a computer belonging to journalist Ilze Nagla of *LTV's De Facto* news show.

Nagla was the first journalist to break the news about a person who gained access to the protected server of Latvia's tax authority to copy tax declarations. The data revealed that board members of state-owned companies were receiving substantial bonuses in a time of austerity. Although the method used to obtain this information was illegal, the facts disclosed by the news show were not state secrets.

Investigators said they wanted to check Nagla's computer to determine if the reporter had the leaked data in her possession.

I offered the government some of my Office's essential recommendations on the protection of journalists' anonymous sources.

On 9 July, I received a detailed response from the authorities clarifying the circumstances of the case, including information regarding a court hearing on Nagla's complaint. The authorities assured me they reacted promptly in order to ensure that freedom of the media principles were observed in the handling of the matter.

## Russian Federation

**On 5 May**, I wrote to Russian authorities to express my concerns over a recent attack against Arkady Lander, the chief editor of *Mestnaya*, a Sochi-based newspaper known for its critical stance toward regional authorities.

**On 31 May**, I wrote to the authorities following a series of attacks against journalists in Daghestan, St. Petersburg, Tomsk and Krasnodar. I asked them to shed light on the fate of Aleksei Dudko, a blogger and former journalist who had been recently arrested in Moscow and charged with possession of drugs and explosives. Dudko, who was reportedly beaten during his arrest, claims the drugs and explosives law-enforcement officers say they found on him and in his apartment were planted. He links his arrest to his blogging activities.

The consolidated response I received on 17 June provided detailed information on the Dudko case and the criminal investigations that were launched in most of these recent cases of violence.

**On 15-16 June**, I travelled to Moscow to attend an international media conference and meet with government officials. During my talks with Deputy Foreign Minister Aleksandr Yakovenko I urged the government of the Russian Federation to tackle the unrelenting violence against journalists and decriminalize defamation. My meeting with Deputy Communications and Mass Communications Minister Aleksei Malinin focused on Russia's plans to switch to terrestrial digital broadcasting in 2015. I also discussed with Minister Malinin the possibility of the Russian Federation joining the European Platform of Regulatory Authorities.

**On 16 June**, while in Moscow, I welcomed the adoption, by the Supreme Court of the Russian Federation, of a landmark resolution that instructs lower courts how to interpret and implement the 1991 Media Law. The "Resolution on the Practical Judicial Implementation of the Law of the Russian Federation on Mass Media" refers Russian courts to the basic principles of the European Convention on Human Rights on Freedom of Expression and Freedom of the Media and to the principles of the 1975 Helsinki Final Act of the Conference on Security and Co-operation in Europe. This document is a commendable effort to bring Russian court practice in line with international media freedom standards.

On 6 July, the head of the Memorial human rights center, Oleg Orlov, was charged with criminal libel for his criticism of Ramzan Kadyrov, the President of the Republic of Chechnya. Although Kadyrov had earlier announced his decision to call off all his pending defamation lawsuits, he reversed his decision in Orlov's case. Should criminal proceedings go further, Orlov would face up to three years in jail. I hope the charges will be dropped. In democratic societies the activities of government officials must be open to public scrutiny and I urge once again the Russian Federation to abolish its criminal defamation laws, which have a chilling effect on freedom of speech.

Earlier this month, both chambers of the Russian Parliament voted to amend the Code of Administrative Violations and the Law on the Federal Security Service (FSB). The Office of the Russian Human Rights Commissioner; the Presidential Council for the Promotion of Civil Society Institutions and Human Rights and civic rights defenders have all opposed the proposed changes, which aim to give the FSB enhanced prerogatives in the fight against terror. In addition, concerns remain over the possible implications these changes could have

for media freedom. My Office will closely monitor the implementation of the legal changes and react accordingly.

## **Serbia**

**On 26 July**, I strongly condemned the brutal attack against Teofil Pančić, journalist of the weekly *Vreme*. Pančić, who is known for his critical columns against nationalism and sports hooliganism, was followed by two unknown assailants on to a Belgrade bus late in the evening of 24 July and beaten with a metal bar. He was rushed to the hospital and treated for a brain concussion. I welcomed the decision by the Government to make the solving of this case, as well as the general protection of journalists and media in Serbia, a priority. I look forward to receiving updates on the investigation.

I was pleased to learn that on 22 June, the Constitutional Court of Serbia unanimously rejected several amendments to the Public Information Act adopted on 31 August 2009 in a fast-track procedure. My predecessor, Miklós Haraszti, at that time voiced his concern as reported to you on 29 October 2009.

The Court found that some amendments to the Public Information Act violated Serbian and international standards, and objected to the provisions governing the founding and registration of media outlets and the proposed fines for violating them. My Office stands ready to assist the Government in reforming the Public Information Act in line with international standards and OSCE commitments.

## **Spain**

**On 11 June**, I wrote to Spanish authorities to draw their attention to the 1 June ruling of the European Court of Human Rights in the case of the journalist Jose Luis Gutiérrez who was found liable and fined by a Spanish court in 1997 for defaming the late King of Morocco, Hassan II. The ECHR ruled that the judgment against Gutiérrez violated Article 10 on the right to freedom of expression. In my letter, I called for the repeal of obsolete laws regarding defamation of public figures and suggested the authorities use this opportunity to adopt the most advanced international practices on defamation and repeal laws relating to criminal libel.

**On 19 July**, I received an answer from the authorities regarding the positive outcome in two cases raised by my predecessor, Miklós Haraszti, on 25 November 2009 and 20 January 2010. The authorities informed me that on 11 June an appellate court revoked the sentence against Daniel Anido, director of the online radio *Cadena SER*, and Rodolfo Irango, its news director, who were convicted in December 2009 and sentenced to suspended jail terms for “revealing secret information”. The authorities also informed me that on 7 July, a criminal court ruled that Antonio Rubio, Deputy Editor in Chief of the newspaper *El Mundo*, who was prosecuted for “discovering and revealing State secrets” was found innocent. I welcome these two rulings that recognize the important role of investigative journalism in revealing information of public interest.

## Tajikistan

**On 4 June**, in a letter to Hamrokohon Zarifi, Minister of Foreign Affairs, I raised three ongoing libel cases that were filed by public officials against five newspapers, *Aziya Plus*, *Farazh*, *Ozodagon*, *Paykon* and *Millat*, demanding extortionate amounts of compensation that could lead to bankruptcy and closure of the newspapers. I sincerely hope that the higher court will rule in favour of the newspapers to preserve the fragile pluralism of print media in Tajikistan.

During the Informal Ministerial Meeting in Almaty, I spoke with Minister Zarifi and discussed with him the above-mentioned cases. I offered my Office's support for the improvement of the legal framework for media in the country, especially in the field of decriminalization of defamation. I was pleased to receive an open invitation to visit Tajikistan to receive first-hand information on the media freedom situation in the country.

## Turkey

**On 26 March**, I wrote to the authorities regarding the high number of criminal prosecutions against journalists in Turkey who cover issues of sensitive nature, including terrorism, noting that these judicial proceedings can threaten freedom of expression in the country.

I stressed that it is the media's task to inform the public on matters of public concern and governments should acknowledge the important public function of the media by ensuring the implementation of an appropriate legal and regulatory framework.

I recalled the December 2008 joint statement of my Office, the Special Rapporteurs on Freedom of Expression of the United Nations, the Organization of American States, and the African Commission on Human and Peoples' Rights, advocating that the criminalization of speech relating to terrorism should be restricted to instances of intentional incitement to terrorism. Vague notions, such as the glorification or promotion of terrorism or extremism, and especially the cases of repetition of statements by terrorists in the media, should not be criminalized.

I hope that this approach will be increasingly adopted in legislation and court practice in Turkey.

**On 20 April**, I wrote to the authorities requesting information on the death of Metin Alataş, an employee of the Kurdish *Azadiy Welat* newspaper. Mr. Alataş was found dead on 4 April, hung from a tree in Adana, in south-east Turkey. Previously he claimed he had been threatened, and he was attacked in December for distributing copies of the newspaper.

On 7 July, I received a reply from the authorities, informing me that the recently concluded criminal investigation pointed to suicide.

**On 18 June**, I asked the authorities to restore access to *YouTube* and other services offered by Google, and bring the much-criticized Law No. 5651, commonly known as the Internet Law, in line with international standards on free expression.

The June 2010 decision of the Turkish Telecommunications Communication Presidency to block access to dozens of Internet addresses related to *YouTube* and Google services resulted in several Google services becoming unattainable or access to them becoming very slow. This considerably limits freedom of expression and severely restricts the citizens' right to access information.

The alleged reason behind the block is an unsettled tax dispute between the Ministry of Transport and Communication and Google, the owner of *YouTube*. The recent blocking is a worrying sign that, instead of allowing free access to the Internet, new ways have emerged that can further restrict the free flow of information in the country.

I also stressed in my letter that more than 5,000 websites have been blocked in Turkey during the last two years, and repeated my call to reform the Internet Law. I also referred to the legal review of the law commissioned by my Office in January, which is available on the website of the Office.

On 14 July, I received the letter of the authorities replying to my above concerns. I look forward to continuing the co-operation with Turkey on this issue as well.

### **Turkmenistan**

During the Informal Ministerial Meeting in Almaty, I met with Deputy Prime Minister and Foreign Minister Rashid Meredov. I welcomed the intention of the Turkmen government to allow private ownership of the media. I accepted an invitation to visit Turkmenistan to get acquainted with the media landscape in the country and explore ways of co-operation between the government of Turkmenistan and my Office.

### **Ukraine**

**On 1 April**, I wrote to Konstyantyn Hryshchenko, Minister of Foreign Affairs, to express concern about the attack on Vasyl Demyaniv, the editor-in-chief of the newspaper *Kolomoyskiy Visnyk*.

In a 22 July response, the authorities informed me that the police arrested a suspect who confessed to having attacked Demyaniv. I was also informed that the investigation established that the attack was not connected with Demyaniv's professional activities.

**On 22 April**, I wrote to President Viktor Yanukovich and **on 23 April** made a public statement welcoming the President's pledge to uphold media pluralism and honour OSCE media-freedom commitments.

I commended the new administration for its pledge to combat violence against the media as timely and expressed hope that it would translate into vigorous and resolute action to conclude the investigations into old and new cases of violence against members of the media, including the murder of *Ukrainska Pravda* journalist Georgiy Gongadze in 2000.

I also highlighted negative developments that could threaten media pluralism. They included the President's decision on 2 April to dissolve the national free speech commission, which

was part of the presidential administration, and to change the legal status of the new head of the state television.

I offered Ukraine support for reform of the media law, including the adoption of laws on public service broadcasting, access to information, privatization of media and ownership transparency.

On 3 June, I received a letter from Minister Hryshchenko who, on behalf of President Yanukovich, invited me to visit Ukraine.

In my **16 June** letter to the Minister, I thanked him for the invitation and the opportunity offered to meet with the authorities and journalists to obtain first-hand information about the media-freedom situation. I also expressed concern about the developments regarding *5 Kanal* and *TVi* television channels. I was informed that on 8 June a Kyiv court annulled the 27 January decision of the National Council for Television and Radio Broadcasting allocating broadcasting frequencies to the two channels. I viewed the 8 June decision as potentially negative for pluralism in Ukrainian broadcasting and requested additional information about these developments.

During the Informal Ministerial Meeting in Almaty, I discussed with Minister Hryshchenko my upcoming visit to Ukraine. I plan to travel to Kyiv in October in order to receive first-hand information on the developments mentioned above and on the overall media freedom situation in the country.

## **United States**

**On 9 June**, upon the invitation of the U.S. Helsinki Commission, I testified on threats to media freedom in the OSCE region. I used the opportunity to urge the adoption of a federal shield law in the United States. Such a provision is part of the Free Flow of Information Act of 2009, which passed the House of Representatives early in this session of Congress and currently awaits consideration by the Senate.

If passed, the Free Flow of Information Act would provide stronger protection to investigative journalists. Currently 36 U.S. states and the District of Columbia offer shield law protections. There are four states with some protection for journalists and 16 with no shield laws. I asked the Commissioners to continue their efforts to see the Act passed.

I was pleased to note that on the day of my testimony, Commission Co-Chairman Alcee L. Hastings presented my testimony to the U.S. Congress, where it was read into the Congressional Record. Representative Hastings also presented my plea in relation to the shield law to the Members of Congress. I hope to soon hear positive developments on this issue.

## **Uzbekistan**

**On 2 June**, I wrote to Vladimir Norov, Minister of Foreign Affairs, to express my concern over the imprisonment of journalist Hairullo Khamidov. On 27 May, Khamidov was sentenced to six years in prison on charges of associating with a radical Islamist group.

Although the court proceedings were held behind closed doors, information made available to my Office indicates that Khamidov pleaded not guilty to the charges brought against him.

Khamidov was the deputy editor-in-chief of the *Champion* sports newspaper and a former commentator for the Tashkent-based *Novruz* radio station. In 2007, Khamidov's *Odamlar Orasida* newspaper was closed upon recommendations issued by the Uzbek Press and Information Agency.

In the same letter I raised the case of photographer and filmmaker Umida Akhmedova, who was found guilty of defaming the Uzbek people and its traditions by her photographs and a documentary film. Though she was amnestied by the court after the verdict was announced, Akhmedova now has a criminal record. I urged that she be completely exonerated of the charges because of the chilling effect not only on Akhmedova and other media professionals, but on freedom of expression grounds in general.

On 26 April, my Office received a letter from the authorities, restating the official view that Akhmedova's book and film constituted a violation of law.

As my predecessor, Miklós Haraszti, did on many occasions, I call on authorities to release journalists Dilmurod Saiid and Solijon Abdurahmanov, who are serving twelve-and-a-half-year and ten-year prison sentences, respectively, on dubious charges. I also hope that cases of Khamidov and Akhmedova will be reconsidered by relevant authorities.

On a positive note, my Office, along with the OSCE Project Co-ordinator in Uzbekistan and Uzbekistan's National Association of Electronic Mass-Media, held a week-long television training course in Tashkent. (See *Projects*)

### **Co-operation with the OSCE Parliamentary Assembly**

**On 28 June**, I sent my Office's comments to João Soares, President of the OSCE Parliamentary Assembly, and Spencer Oliver, Secretary General of the OSCE Parliamentary Assembly, on the Draft Resolution on "The Protection of Investigative Journalists". We were glad to offer our comments to the Draft that was proposed by U. S. Senator Benjamin Cardin, the Vice President of the OSCE Parliamentary Assembly and the Co-Chairman of the U.S. Helsinki Commission.

**On 6-10 July**, at the Nineteenth Annual Session of the OSCE Parliamentary Assembly, the Parliamentarians of the 56 participating States unanimously adopted the Resolution. In a letter written to Senator Cardin **on 20 July**, I expressed satisfaction with the adoption of this important document and endorsed it.

## **Projects and activities since the last report**

### **Visits and participation in events**

**On 16-17 March**, my Office briefed scholars at a meeting on “Roma and the media: countering prejudices and promoting tolerance” organized by ODIHR in Warsaw, **Poland**.

**On 24-26 March**, I was a lecturer in a Master Class in Broadcast Regulations for Elections organized by UNESCO and Albany Associates in Paris, **France**. See <http://www.albanyassociates.com/training/masterclass10.php>

**On 15-16 April**, I visited Tbilisi, **Georgia**, on the occasion of a conference promoting effective guarantees for freedom of expression in the South Caucasus, Moldova and Ukraine, organized by the Council of Europe.

**On 27-28 April**, I travelled to Almaty, **Kazakhstan**, to participate in the 9th Eurasian Media Forum. I took part in the opening session “Kazakhstan as chair of the OSCE: significance, expectations and opportunities” and in the session “Media Law and Media Freedom: Anxieties and Realities.”

**On 3 May**, I participated in World Press Freedom Day events in Berlin, **Germany**, where the “The Legal Leaks Toolkit” was launched. The publication was prepared by Access Info Europe and Network for Reporting on Eastern Europe and funded by my Office. (*See Publications*) It is available at: [http://www.osce.org/publications/rfm/2010/05/43727\\_1462\\_en.pdf](http://www.osce.org/publications/rfm/2010/05/43727_1462_en.pdf)

I also used the visit for introductory meetings with the German Foreign Office and the head of the German Delegation to the OSCE Parliamentary Assembly.

**On 11 May**, I contributed to a conference titled “Independent media in Bosnia and Herzegovina under severe pressure” with an address given in *absentia*. The event was organized by the BH Journalists Association in Sarajevo, **Bosnia and Herzegovina**

**On 13 May**, in Barcelona, **Spain**, I attended, for the last time, and chaired the 31st meeting of the European Platform of Regulatory Authorities. This provided the opportunity to celebrate the 15th anniversary of the establishment of EPRA which is the largest network of media regulators in the world (52 members from 43 states). On this occasion I decided to step down, in the middle of my second mandate as EPRA Chairperson, due to my recent appointment as the OSCE Representative on Freedom of the Media and my true wish to fully dedicate my efforts toward this new professional challenge and responsibility. My Office will, of course, continue to co-operate with EPRA and I will personally engage in exploring the possibility that the Representative’s Office becomes a standing observer of this platform, together with the Council of Europe and the European Commission.

**On 17-18 May**, I travelled to Yerevan, **Armenia**, on the occasion of a round table on Armenia's digital switchover, co-organized with the OSCE Office in Yerevan. The event brought together government officials, parliamentarians, as well as broadcasters, non-governmental organizations and international human rights organizations.

**On 18-19 May**, my Office participated in the OSCE Asian Partners for Co-operation conference in Seoul, **Korea**.

**On 25-26 May**, My Office and the OSCE Office in Tajikistan hosted the 12th Central Asia Media Conference in Dushanbe, **Tajikistan**.

**On 8 June**, my Office was invited to speak at a Balkans Forum meeting on the state of media freedom in South East Europe organized by the European Policy Center, a think-tank based in Brussels, **Belgium**.

**On 9 June**, I testified before the U.S. Helsinki Commission on “Threats to free media in the OSCE region” in Washington, D.C., **USA**. A text of the testimony is available at [http://www.osce.org/documents/rfm/2010/06/44433\\_en.pdf](http://www.osce.org/documents/rfm/2010/06/44433_en.pdf)

While in Washington I also met with U.S. Department of State officials Michael Posner, Assistant Secretary of the Bureau of Democracy, Human Rights and Labor, Nancy McEldowney, Principle Deputy Assistant Secretary of the Bureau of European and Eurasian Affairs and Anthony Pahigian, OSCE Coordinator. I also met with Catalina Botero, Special Rapporteur for Freedom of Expression of the Organization of American States.

**On 16-17 June**, my Office participated in a preparatory meeting on the human dimension for the incoming chairmanship in Vilnius, **Lithuania**.

**On 15-16 June**, I was invited by Mikhail Fedotov, secretary of the Russian Union of Journalists (SZhR), to address an international media conference. The conference was organized by the SZhR and the Moscow-based Center for Journalism in Extreme Situations to mark the 20th anniversary of the Russian Federation’s 1991 Media Law. I also met with Deputy Foreign Minister Aleksandr Yakovenko and Deputy Communications and Mass Communications Minister Aleksei Malinin. I also attended a session of the Supreme Court, during which a resolution was adopted instructing lower courts how to interpret and implement the 1991 Media Law. My remarks are available at: [http://www.osce.org/documents/rfm/2010/06/44928\\_en.pdf](http://www.osce.org/documents/rfm/2010/06/44928_en.pdf)

**On 17 June**, I participated in an Expert Meeting on Human Rights and the Internet organized by the Swedish Ministry of Foreign Affairs, the Raoul Wallenberg Institute of Human Rights and Frank La Rue, the UN Special Rapporteur on the right to freedom of opinion and expression in Stockholm, **Sweden**.

**On 21 June**, my Office participated in the European Commission’s consultations on the preparation of the EU’s 2010 enlargement package in Brussels, **Belgium**.

**On 28 June**, my Office contributed to the civil society preparatory meeting ahead of the High level conference on Tolerance and Non-discrimination held in Astana, **Kazakhstan**.

**On 29-30 June**, I spoke at the High level conference on tolerance and non-discrimination in Astana, **Kazakhstan**. My introductory remarks to the session on the role of independent media in addressing manifestations of intolerance can be viewed at: [http://www.osce.org/documents/rfm/2010/06/45224\\_en.pdf](http://www.osce.org/documents/rfm/2010/06/45224_en.pdf)

**On 8-9 July**, I participated in Informal Discussions on Lithuania's preparations for the Chairmanship 2011 in Vilnius, **Lithuania**.

**On 16-17 July**, I participated in an Informal Ministerial Meeting in Almaty, **Kazakhstan**.

**On 19 July**, I visited Bishkek, **Kyrgyzstan**. I was received by President Rosa Otunbayeva and held meetings with media and civil society representatives.

## **Legal reviews**

### **Armenia**

#### *Analysis of the Draft Laws of Armenia amending defamation legislation*

My Office analyzed the draft laws of Armenia amending defamation legislation. The initial draft was commendable for the initiative to decriminalize libel and insult. The review also welcomed the intention to amend the civil law to balance the right of citizens to protect their reputation with the right to free expression.

Our assessment of the Civil Code amendments was positive overall: The draft contained some progressive provisions, including those regarding defences applicable in defamation cases. It also limited the scope of persons who can sue for insult and defamation, introduces a ceiling on pecuniary compensation and establishes a time limit for legal actions to be brought.

Still, our expert made several recommendations for improving the draft.

- Legal definitions in the text should be streamlined to recognise the defence of truth, the defence of opinion and the defence of reporting words of others explicitly.
- In terms of remedies handed down by courts in defamation cases, their purpose should be explicitly stated as the redress of harm to reputation. All remedies for damages should be based on the three-part test outlined in Article 10 of the European Court of Human Rights.
- The ceiling for pecuniary damages should be lowered significantly. Additionally, the burden of proof should rest with the plaintiff; and persons who are not authors of defamatory materials should be exempt from liability.

### **Belarus**

#### *Implementing Guidelines to the Presidential Internet Decree in Belarus*

My Office commissioned a legal analysis of the implementing guidelines (by-laws) adopted by the Government of Belarus to complement Decree No. 60 "On measures to regulate the

use of the national segment of the Internet". This set of legal provisions entered into force on 1 July. I regret to note that the by-laws were adopted without a wide public discussion.

The expert who reviewed the guidelines found the following positive features of the new regulations:

- The new regulations oblige state bodies and organizations to publish information about their work on their websites.
- Internet service providers are not liable for contents of the information published on the Internet.

However, these positive features are outweighed by the following areas of concern:

- mandatory identification of users of devices enabling Internet access and of users of Internet services (this would make the confidentiality of journalists' sources, as guaranteed by the media law, problematic, and therefore would seriously hamper investigative journalism);
- vague definitions of limitations and bans on dissemination of illegal content and the way of their implementation;
- vaguely defined liability of the provider of information on the Internet in cases of violation of an order from a respective body on rectifying established violations, or of the requirement to cease the provision of Internet services;
- the lack of an obligation for state bodies to inform the public on the Internet not only of their activities, but also of the information that was received or created as a result of such activities;
- the requirement to accompany information or media materials disseminated through the Internet with a hyperlink to the original sources or media, which published them earlier.

## **Kyrgyzstan**

### ***Analysis of the Decree "On Establishment of the Public Television and Radio Broadcasting in Kyrgyz Republic"***

My Office commissioned a legal analysis of of the Decree adopted by the provisional government on 30 April "On Establishment of the Public Television and Radio Broadcasting in Kyrgyz Republic". I welcomed the fact that the new Statute of the Public TV and Radio Broadcasting Corporation resembles the Statute of the Kyrgyz Republic "On the National Radio and Television Broadcasting Corporation", which was adopted by the *Zhogorku Kenesh* on 8 June 2006 and signed into law on 2 April 2007.

I especially welcome several positive elements in the Decree and the Statute, namely:

- The mandate of the executive structure of the Public TV and Radio Broadcasting Corporation is efficient to ensure effective management and functioning of the national public service broadcaster;
- The commitment for impartial and diverse news reporting is legally stipulated;
- The provisions on advertising and sponsorship are in line with international standards.

According to the expert analysis, there is still room for improvement though, including:

- Remedying inconsistencies between provisions of the Decree and the Statute, as well as eliminating the duplication of some provisions with current legislation;
- Rectifying the absence of minimal standards of financing to ensure financial independence of the public broadcaster.

## **Moldova**

### ***Analysis of the Draft Law on Freedom of Expression of Moldova***

My Office commissioned a legal analysis of the draft law on Freedom of Expression of Moldova. The Parliament adopted the Law on 23 April.

The expert found the draft law commendable as a significant step toward the realization of the right to freedom of expression in Moldova.

The expert found, however, that the law could be further improved in the following areas which are particularly important from an OSCE media-freedom perspective:

- The Law should ensure that all restrictions on the right to freedom of expression fulfil the necessity requirement of the three-part test set by the European Court of Human Rights: The test requires that any restriction of freedom of expression must be (1) provided by law, (2) for the purpose of safeguarding a legitimate interest, and (3) must be necessary to secure this interest.
- The confiscation of copies of a publication or liquidation of media outlets should be allowed only as the last resort in response to extremely serious violations of the law.
- The regulation on the protection of confidential sources should be in full compliance with Council of Europe Recommendation R (2000)7.
- The regime of measures for ensuring legal action should be narrowly and more specifically defined.
- Defamation complaints made on behalf of the dead should not be allowed.

## **Internet-related activities**

My Office participated in five events related to freedom of expression on the Internet.

**On 16-17 June**, my Office participated in an expert event on ensuring and strengthening freedom of expression on the Internet, jointly organized by the Swedish Foreign Ministry, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law and Frank La Rue, the UN Special Rapporteur on the right to freedom of opinion and expression.

**On 8 July**, my Office participated in a similar event held in Paris, **France**, which was initiated by the Foreign Ministers of France and the Netherlands. Upon the invitation of the two participating States, government officials, NGOs, industry representatives and international organizations discussed how to ensure media pluralism and freedom of expression on the Internet and how to maintain the open and global character of this new

media platform. The event was the first of a series. Follow-up meetings, which my Office will continue contributing to, will be held in the second half of 2010.

Active participation was also ensured for two ODIHR events, held on 22 March in Warsaw, **Poland**, and 10 May in Amsterdam, **the Netherlands**. The events, bringing together participating States, NGOs and the Internet industry, were dedicated to the topic of addressing manifestations of hate on the Internet and aimed at forming specific recommendations to effectively tackle online hate without infringing on the right to freedom of expression and media pluralism on the Internet. The ODIHR events directly resulted from the Athens Ministerial Council Decision 9/09 of December 2009 which mandated ODIHR to explore the issue of hate-inciting material on the Internet.

My Office also contributed to this year's forum on European Dialogue on Internet Governance, held from 29-30 April in Madrid, Spain. The EuroDIG was organized by the Council of Europe, the Swiss Federal Office of Communication and the Spanish Internet Governance Forum. Issues discussed included, among others, the public and economic value of the Internet, principles of "network neutrality" and policies for an open Internet, as well as online content policies and the role and obligations of governments in (non-) regulation of the Internet.

My Office has started a project to create a comprehensive research base on freedom of expression legislation applicable to the Internet. To this end, my Office commissioned the production of an OSCE-wide Internet regulation study which will result in the first comprehensive matrix on Internet legislation and provide an overview of legal provisions related to freedom of the media, the free flow of information and media pluralism on the Internet in the OSCE region. For this purpose, my Office will soon ask the participating States to provide information on their domestic legislation and pertinent practices related to media freedom on the Internet. The study is expected to be finalized in January 2011. A short report outlining the preliminary findings will be made available by the end of September 2010.

## **Projects**

### **Baku seminar on government-media relations**

**On 19-20 April**, my Office conducted a two-day training seminar in Baku on government-media relations in a democratic society. The seminar was part of my Office's training program that has already covered more than 10 OSCE participating States and attracted approximately 600 participants since 2005.

This was the third training event of this kind held in Baku, jointly with the OSCE Office. It looked into the Azerbaijani and international legal aspects of freedom of information and freedom of expression, including best practices in successfully managing government-media relations.

Sixteen heads of press and information offices of the ministries and government agencies, and 16 editors-in-chief of media outlets attended the training seminar.

## **Tashkent television training**

My Office recently co-organized a television training course in Tashkent in co-operation with the OSCE Project Co-ordinator in Uzbekistan and Uzbekistan's National Association of Electronic Mass-Media (NAESMI). The training took place from 30 June through 5 July. It brought together 35 cameramen, editors and journalists from various Uzbek regional television stations. NAESMI already has expressed its desire for more advanced training in the future.

## **Co-operation with UNESCO on journalism education**

As a follow up to the 2009 Central Asia Media Conference devoted to journalism education, my Office and the UNESCO Almaty Cluster Office for Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan jointly supported a project to develop the Russian version of the *UNESCO Model Curricula for Journalism Education*. The curriculum focuses on practical skills and the role of journalism in society, business, politics, human development and other areas. The courses are designed to be adapted by universities and media organizations to meet national and local conditions.

The project, implemented by the Institute for International Journalism at Ohio University in the United States, involves compiling lists of Russian-language readings and resources for all courses, having the lists peer-reviewed by a panel of leading journalism educators and researchers, and working with journalism faculties and professional media trainers to incorporate courses into their programs.

## **Central Asia Media Conference**

During our 12th Central Asia Media Conference in Dushanbe on 25-26 May, I had the opportunity to meet many journalists, representatives of media organizations and public officials from Central Asia to discuss issues related to access to information, free flow of information on the Internet and general media developments in the region. Journalists and representatives of governments and civil society from Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, as well as a journalist from Afghanistan, participated in the Conference. The two-day event provided a forum for discussion on media developments and challenges that journalists face in the region, with a focus on issues related to access to information and new technologies, including the Internet. Agenda topics included international standards on access to information, Internet development and regulation and access to information in Central Asia.

Conference participants adopted a declaration on access to information and new technologies in Central Asia, which is available in English and Russian at:

English version [http://www.osce.org/documents/sg/2010/06/44316\\_en.pdf](http://www.osce.org/documents/sg/2010/06/44316_en.pdf)

Russian version [http://www.osce.org/documents/sg/2010/06/44316\\_ru.pdf](http://www.osce.org/documents/sg/2010/06/44316_ru.pdf)

I called for more transparency and easier access to government-held information in my opening statement at the Conference. The full version of the speech is available at:

English version [http://www.osce.org/documents/rfm/2010/05/44261\\_en.pdf](http://www.osce.org/documents/rfm/2010/05/44261_en.pdf)

Russian version [http://www.osce.org/documents/rfm/2010/05/44261\\_ru.pdf](http://www.osce.org/documents/rfm/2010/05/44261_ru.pdf)

As in previous years, my Office holds two annual media conferences financed by extra-budgetary contributions. I would like to thank those Delegations that have provided financial support for the event in Central Asia: Sweden, the United States and Lithuania. The conferences provide a unique opportunity for participating States to engage in a constructive dialogue on media-freedom issues.

## **Publications**

### **Central Asia Media Conference**

As a follow up to the 11th Annual Media Conferences in 2009 my Office produced a book "Journalism Education – improvements of the quality of education and new technologies." The book compiles reports and papers of the international and national experts on the developments in journalism education and challenges that media professionals face in Central Asia.

The publication is available both in English and Russian at:  
[http://www.osce.org/fom/item\\_11\\_43018.html](http://www.osce.org/fom/item_11_43018.html)

### **The Legal Leaks Toolkit**

On 3 May in Berlin, I launched "The Legal Leaks Toolkit", a guide on how to access government-held information, on the occasion of the World Press Freedom Day.

The Legal Leaks Toolkit was prepared by the non-governmental organizations, Access Info Europe and Network for Reporting on Eastern Europe, with financial support from my Office.

The guide explains rules of access, appeal procedures and other important aspects of access to information in the 45 OSCE participating States that have access to information laws.

The full text of "The Legal Leaks Toolkit" can be found at:  
<http://www.osce.org/item/43727.html?ch=1462>.

## ***Planned activities for the next reporting period***

### **Bled Strategic Forum**

On 29-30 August, upon the invitation of the Slovenian Foreign Minister, I will attend the high-level Bled Strategic Forum in Slovenia titled "the global outlook for the next decade" and speak on the topic of the transformative power of the Internet. *"The Internet does Change Everything!"* <http://www.bledstrategicforum.org/>

### **International Press Institute address**

On 13 September, I will deliver the keynote speech at a Gala Dinner and Award Ceremony, to be held at City Hall on Monday, 13 September, during the IPI World Congress, Thinking the Unthinkable: Are We Losing the News? (Media Freedom in the New Media Landscape), in Vienna, honouring World Press Freedom Heroes. See more at:

<http://www.freemedia.at/events/congress/>

### **Training for Moldovan Journalists on Internet Media**

My Office will organize, in co-operation with the OSCE Mission to Moldova, a seminar on Internet media in Chisinau in September. Twenty journalists from central and regional newspapers and broadcasters, including those from Gagauzia and Transnistria, will discuss the legal context, professional advantages and risks, as well as the sustainability of Internet media. This will help raise awareness in the local media community of the importance of new media, including social media, and offer practical solutions to challenges the Internet presents to small markets.

### **Internet Governance Forum**

I will participate in this year's Internet Governance Forum, to be held on 15-18 September in Vilnius, Lithuania, where my Office will organize jointly with the Council of Europe an open forum on how to balance the governing of hate speech with the right to freedom of expression and the free flow of information on the Internet.

### **Reporters Without Borders**

On 6 October, I will participate in the Austrian chapter of Reporters Without Borders awards ceremony in Vienna.

### **Columbia University in New York**

Lecture on press freedom on 1 November.

### **7th Annual South Caucasus Media Conference**

My Office will organize the 7th Annual South Caucasus Media Conference on 11-12 November in Tbilisi, Georgia. This year's conference will discuss international standards and national developments in the area of access to information and Internet. It will feature topics which include legal developments related to access to information, Internet and the free flow of information and general media developments in the region.