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The drawing was created in the context of Grass's novel *Das Treffen in Telgte*, dealing with literary authors at the time of the Thirty Years War.

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Freedom and Responsibility

What We Have Done, Why We Do It –

Texts, Reports, Essays, NGOs

Contents

Jaap de Hoop Scheffer <i>Preface</i>	9
Freimut Duve <i>Introduction</i>	13

I. Internet

Felipe Rodriquez and Karin Spaink Rights and Regulations	23
Hans J. Kleinsteuber The Digital Age	31

II. Views and Commentaries

Mass Media in Central Asia Central Asian Journalists Speak about Media Freedom and Corruption	41
Jacqueline Godany The War in Iraq and its Impact on Journalists and Journalism	45
Freimut Duve Freedom and Responsibility Media in Multilingual Societies	63
Milo Dor Conference Address: Media in Multilingual Societies	71
Johannes von Dohnanyi The Impact of Media Concentration on Professional Journalism	75
Freimut Duve The Spiegel Affair	79

Achim Koch	
Mobile Culture Container	83
Freimut Duve	
In Defence of our Future?	89
Besnik, age 17, Mitrovica	
Growing Old Young	93
Sevji, age 16, Bitola	
As If Nothing Had Ever Happened	97

III. Our Work – What We Think, Why It Matters

Personal Reflections by Staff Members

Jutta Wolke	
The Caffeine Factor: News from the Coffee House	103
Alexander Ivanko	
Hate Speech: To Prosecute or not to Prosecute, that is the Question	111
Christiane Hardy	
Investigative, Undercover and Embedded Journalism	123
Hanna Vuokko	
The Transformation <i>or</i> Homage to Kafka	135
Ana Karlsreiter	
The Value of \$20,000	141
Christian Möller	
First Amendment Freedom Fighters?	149
Andrey Kalikh	
The Eye of the Storm	159

IV. Overview – What We Have Done

Mandate

of the OSCE Representative
on Freedom of the Media **171**

Reports and Statements

to the OSCE Permanent Council and
Other OSCE Fora **175**

Report on the Media Situation in Chechnya 224

Joint Declaration by OSCE, UN and OAS

London, 10 December 2002 279

Projects 2002/2003

Freedom of the Media and Corruption
*Fourth Central Asian Media Conference, Tashkent,
26-27 Sept. 2002 282*

Freedom of the Media and the Internet
Workshop, Vienna, 30 November 2002 284

Public Service Broadcasting:
New Challenges, New Solutions
Meeting, Ljubljana, 10-11 March 2003 285

War: Images and Language – Coverage of
Conflicts in the Media, 1991-2003
Round Table with UNIS, Vienna, 17-18 March 2003 288

Media in Multilingual Societies
Conference, Bern, 28-29 March 2003 291

Freedom of the Media and the Internet
Conference, Amsterdam, 13-14 June 2003 292

Principles for Guaranteeing Editorial Independence
Round Table, Berlin, 16 July 2003 295

Media in Multicultural and Multilingual Societies <i>Fifth Central Asian Media Conference, Bishkek, 17-18 Sept. 2003</i>	297
Libel and Insult Laws <i>Conference, Paris, 24-25 November 2003</i>	299
Visits and Interventions in 2002/2003	302
Media NGOs in the OSCE Region	311
Books Published by The OSCE Representative on Freedom of the Media	314
Authors	317

Jaap de Hoop Scheffer

Preface

From the outset, the Netherlands has been closely involved in the Conference on Security and Co-operation in Europe, later the Organization for Security and Co-operation in Europe. Throughout this time, the Netherlands' attention has focused, in particular, on human rights issues and the human dimension of the OSCE's work. Against this background the Netherlands endeavoured to take an active stance while holding the Chairmanship of the OSCE in 2003.

In the past year the OSCE has witnessed a number of innovative developments and activities where the Chairmanship could act as facilitator and, sometimes, as initiator. Let me mention a few of these. The first Annual Security Review Conference was held in Vienna in June 2003. This was the first time that the participating States had reviewed the fulfilment of OSCE commitments in security policy and arms control. We are also looking into ways of improving the functioning and effectiveness of the organization's field operations. We all realize that the OSCE's strength lies in its work at field level and we should lose no opportunity to improve these operations still further.

But there is more. Last year the Porto Ministerial Conference made it clear that the OSCE participating States were eager to adopt a new strategy on "New threats and challenges for the 21st century". The OSCE is in the process of developing a strategy.

A great deal of preparatory work has been done to enable us to tackle some of the most intractable problems we are currently facing in the OSCE region. I refer to, among others,

trafficking, particularly trafficking in human beings, and combating terrorism while at the same time upholding human rights. Seminars and round tables have been held to exchange views and experiences on these topics, with the active participation of outside experts. Action plans have been adopted to implement the recommendations.

Within the OSCE as a whole, the Office of the Representative on Freedom of the Media is of prime importance. Peacebuilding efforts take place in a highly charged and unstable media environment. The goal of peacebuilding, after all, is to enhance the capacity of a society to manage its own conflicts without violence. In this the media play a crucial role. The OSCE Representative on Freedom of the Media promotes the independence of journalists and others working in the media, in particular by exposing cases of journalists arrested and sent to prison without a fair trial.

The Representative also voices concern if the use of the Internet is restricted, as is the case in a number of participating States. While more and more information is being distributed over the Internet regardless of national borders, at the same time new methods of censorship are being developed and implemented. The Representative on Freedom of the Media has drawn attention to this on several occasions, culminating in the conference on *Freedom of the Media and the Internet* held in Amsterdam in June 2003.

Given the fundamental changes that European media have undergone over the past ten years, the impact of media concentration on professional journalism is a source of serious concern. New markets in the post-communist countries and media mergers in Western Europe have accelerated the trend towards media concentration all over the continent, in particular in the print media. Here again the OSCE Representative on Freedom of the Media has expressed concern and provided guidance.

The present OSCE Representative on Freedom of the Media, Freimut Duve, will complete his term of office at the end of 2003. Over the past six years, Mr. Duve has played an important role as the OSCE's media watchdog in a very distinctive way. Wherever the position of individual journalists or media organizations in the region was challenged Mr. Duve was tireless in his efforts to improve their situation. I would like to take this opportunity to commend Mr. Duve for all he has done during these years. He is an inspiring example for any successor.

Jaap de Hoop Scheffer is Minister of Foreign Affairs of the Netherlands and Chairman-in-Office of the OSCE 2003

Freimut Duve
**Our Task: Freedom and Journalistic
Responsibility - Independence
from Government Interference**

Introduction

Elected by 54 governments, I was given the mandate of the OSCE Representative on Freedom of the Media to look into the independence of media from government influence. That was a major step by the participating States to actually agree in 1997 to appoint somebody whose job it is to look in a critical way at the role that these same governments played in relation to the media in their countries. No other regional organization of the UN or the UN itself had ever gone that far.

Appointed in December 1997, we had good reasons to start the work and to face the great challenges in an enthusiastic mood. In the 1990s Bosnia and Herzegovina and Croatia went through a brutal war, accompanied by racist and ethnic war propaganda that Europe remembered so well from the time the Nazis had set fire to our common house with racial propaganda and ethnic mass killing. These conflicts had died down in 1997. Freedom of journalism, freedom of the media – my portfolio for the next six years – showed hopeful signs in most of the participating States.

Six years on, with several new conflicts behind us, we have to question whether more could have been done to prevent the establishment in some of our less developed Member States of an across-the-board structure of government or big business control over all spheres of life, including media.

We could not prevent the cementing of control of the media by different power groups. We have not been able to stop the oligarchs of today, often the party leaders of yesterday,

from taking hostile control of the media either at the behest of senior officials or on their own.

However, we made the general public aware of this challenge that new authoritarian forms of government present to the independence of the media. We explained the problems, how they developed and how they might be solved. If there is a will, we clearly showed that there was definitely a way.

We went even further and showed that control of the media by interest groups in the former Soviet bloc only worked to stifle awareness of the many inadequacies in economic development when it was coupled with control over the judiciary. We were clear in underlining that the two pillars of democracy – free media and rule of law – were intertwined. One cannot really survive in this New World disorder without the other one.

We tried to stop several of our participating States from sliding from partial democracies into a state of affairs one can only describe as elected authoritarianism (most of these countries have elections, which are often not really free and fair, but a choice of candidates is usually available to the voter).

In line with the mandate, we exercised an early warning function. Often we failed in making countries listen. But from the very beginning I stressed that in addition to the basic value of freedom of expression, in modern times critical journalists play a vital corrective function in making public the serious mistakes of those in power. These mistakes affect the country, the economy and in particular the ecological future of the region. One of the reasons why more and more papers are being bought by big business is to stop journalists from writing about the dangerous ecological failures of major companies in many regions.

These countries and their ministers of foreign affairs – my counterparts (and bosses since I was elected by unanimous vote by these same ministers) – were accommodating and

understanding in their answers. But nothing changed. On the contrary, very often we saw a tightening of screws: another newspaper harassed, another journalist detained.

In the end, we had to find ways to describe this situation, to analyse it and to offer possible solutions that might lead the country concerned out of this never-ending battle between civil democracy and a semi-corrupt system of government and business. My Office has fixed its flashlight permanently on corruption and how it affects the work of journalists, who should be the very agents to open citizens' eyes to corruption.

One problem that we came across in the post-Soviet world was that of definition. We have many participating States that can proudly state that they have a variety of media representing different political viewpoints, that they have thousands of privately-owned newspapers and magazines, hundreds of radio and television channels. And they are correct if slightly deceitful.

Very few of the emerging democracies have an independent media. Many of these numerous private outlets that the OSCE partners like to point out *ad nauseam* are either owned by government-controlled businesses or influenced by them through third companies. That is why, for example, very little is written on corruption, on ecological disasters of the present and those looming in the future.

Why would a newspaper that at first glance looks "independent" start investigating industrial pollution when there is a high probability that one of its owners happens to also own the factory that is polluting half of the country? Or why would a television station air a report on bribe taking among senior officials when the company that owns it also happens to need a building permit and wants to speed up the procedure? This is an endless list, and those aware of what I am referring to probably have their own, even more glaring examples.

Those who do venture into the dangerous territory of government-business relations in a post-Soviet economy, the few courageous journalists bent on investigating stories nobody else in the media world would touch, are often harassed, imprisoned, forced out of a job, sentenced (usually for libel), and end up in some detention cell, shunned even by their former colleagues. Their only salvation – an independent judicial investigation – is an option more related to science fiction rather than to the stark reality of post-communism privatization.

We have rarely come across cases (although there are a notable few) when the judiciary took the side of the journalist who was in conflict with the authorities over something he or she wrote/filmed. This is especially true for the regions outside the capital where the judges are at the mercy of the local executive for many things: housing, access to better schooling for their children, medical care, etc.

This climate of subtle oppression, of psychological censorship has succeeded in turning many reporters into bashful cynics who happily defend the owners of their media, often acting as press officers and not as society's eye-openers.

Another worrying tendency concerns the aftermath of the 11 September attack and the fight against criminal terror acts which is being waged throughout the world. While prior to the terrible events of 2001, some of our governments when confronted with cases of media harassment went on the defensive, today they use a different approach: they immediately refer to terror threats to national security.

The debate on what comes first – human rights or national security – has been going on for years, 11 September just brought it back on the front page. When levelling criticism at our Western democracies I have always pointed out the problem of creating a precedent. Yes, I have voiced concerns in developed countries regarding some of the actions taken there – actions which may not have attacked media freedom

in general but were certainly rather questionable. Europe has itself witnessed dramatic moments in the twentieth century when journalist independence was threatened, not only in Germany and Italy in the thirties. We all have to be very careful to avoid any steps that might now weaken this basic freedom. These new actions might not undermine the fundamental structure of a civil democracy. However, they might provide a precedent that is then easily followed by countries where democracy does not have a long history. A developed democracy will survive these hiccups but for a developing one they might be lethal.

The OSCE, as a family of declared democracies, has a responsibility to ALL its participating States, and these States have responsibilities towards each other. You cannot do something in one country in today's instant communications day and age and expect it not to be noticed thousands of kilometres away. A piece of legislation adopted by a democratically elected parliament in one country may give very different ideas to a democratically elected dictator. Especially when this piece of legislation strays into the area of civil liberties vs. national security. The tyranny of precedent will always be with us.

In these six years, in this Office we, who are dedicated to defending one of the most basic human rights, were often frustrated with a lack of positive news. Yes, we did get a substantial amount of negative information. Every day, actually, somebody in the OSCE region was arrested, harassed, beaten for doing his/her job: reporting all the news. We intervened, wrote letters, raised these cases publicly, went to the countries, held meetings, even raised our voices in a very undiplomatic fashion at people not used to such behaviour. This was often without any positive result. The journalist continued to "enjoy" his/her stay in a three-by-three room with no windows, the newspaper never reopened (or if it did, under "new management"), the TV licence never materialized. A frustrating job to put it mildly.

So, what did we do? Where did we succeed, if anywhere? Maybe the way forward is to close down this Office – too much hassle with little, if any, positive output?

We did relight the torch of glasnost where it had fizzled out. I guess that awareness is the one area where we can claim success without any strings attached. In some of our States, thanks to this Office, media workers and the general public are more aware of the challenges of developing a free media even in some of these new, democratically elected authoritarian systems.

We did point an accusing finger at the most egregious violators of OSCE commitments on freedom of expression. No government was allowed to get away with threatening this fundamental civil liberty. Again this awareness empowers the citizenry to defend its rights.

Where we could we helped to draft legislation that should ensure a free, diverse and fair media landscape (if not today then in the future, but the basis is already in place).

We did many other things. Many good things, and yet the OSCE record on freedom of expression in 2003 is not a very positive one and here we did not really succeed in improving it.

I. Internet

Felipe Rodriquez and Karin Spaink
Rights and Regulations

Hans J. Kleinsteuber
The Digital Age

Felipe Rodriquez and Karin Spaink

Rights and Regulations

Ever since the Internet started to become a popular medium, strong concerns have been voiced about a small amount of content that is distributed on the Internet. There has been extensive media coverage of the dissemination of child pornography, hate speech, racial discrimination, neo-Nazi propaganda, political speech and other types of content that some governments in some countries find offensive.

Different nations have acted in different ways in response to these issues. Some have initiated government-sanctioned censorship of content on the Internet, others have promoted the implementation of industry self-regulation as a method of enforcing local standards. With the exception of several non-democratic countries, none of the attempts to ban illegal and harmful content on the Internet has been successful.

The easiest type of content to ban from the Internet is child pornography. It is relatively easy to act against because child pornographic content is illegal in virtually every country in the world. Therefore, a certain level of international cooperation between law enforcement agencies to find and prosecute the individuals that distribute this type of content can be effectuated without too many hindrances. A number of successes in this area have been attained: law enforcement agencies in recent years have become more skilled at tracking down distributors and passing this information to relevant agencies in other countries. As a result, large groups of child pornography distributors have been caught and prosecuted. Most other types of content are much more difficult to act against on the Internet, the prime reason being that there is no international agreement about the legality of the content

under dispute. An example is neo-Nazi propaganda; most European nations would like to ban neo-Nazi propaganda from the Internet, but other nations protect this type of content under their freedom of expression legislation.

Once content is (legally) published on the Internet in one country, it is freely available in all other countries connected to the Internet. Users can freely fetch all information available, no matter from where it originates and under which law it was legitimately published. Their local laws might be at odds, but in general, trying to enforce local standards on participants in a global network is futile. This concept in itself renders the notion of enforcing local legislation to ban hate speech and types of political speech rather meaningless. If one accepts the axiom that nations are entitled to have their own cultural and political values and have the right to implement these into national legislation, one must by necessity refrain from attempting to enforce global standards of what is and what is not acceptable on the Internet. If not, one would basically be forcing other countries to drop their own values.

After all, content that is deemed to be harmful, dangerous or perverse in one nation, can be perfectly acceptable in another, and thus – because of the nature of the Internet – it will be freely accessible in both. In other words: governments have to come to grips with the fact that such content cannot be removed from the Internet and that their citizens cannot be prevented from accessing internationally available material, unless these same governments are willing to eradicate all cultural and political differences between the various nations that together form the global fabric.

One important difference between printed and broadcast media on the one hand and digital media on the other may help governments to tolerate this – for them – often difficult notion of accepting national differences and the ensuing impossibility to enforce local standards. While printed and

broadcast media are characterized by their one-to-many nature, and cannot allot time and space to each and any opinion or refutation thereof, the Internet has unlimited space. Anybody who wants to publish an opinion or counteract a certain (political) viewpoint on the Net can do so, be it on their own website or on Usenet. People who publish on the Net are not dependent on editors to give them space or time. Thus, many more voices are being heard on the Net and, while some of them might be questionable, there is at the same time quite an abundance of people who will take great efforts to painstakingly refute and counter such opinions.

The interesting effect is that those who argue against opinions deemed politically undesirable or dangerous, depend on the presence of those opinions in order to document and present their *own* counter case. A beautiful example is Nizkor (Hebrew for “We will remember”, see <www.nizkor.org>), an elaborate website that refutes claims made by neo-Nazis in great detail. Nizkor presents original historical records and events, lists and undermines various ploys to deny the Holocaust, and – through their presence on the Internet – tracks the movements and associations of neo-Nazis and their organizations.

Various attempts have been made by European governments to censor content on the Internet by implementing technical solutions (such as filtering or blocking). None of these attempts have been a complete success, one reason being because content on the Internet is very easy to copy and can then be republished in a different location; this technique is called “mirroring”. Traditionally, content targeted by censorship is often mirrored on many other places on the Internet, rendering such technical censorship ineffective.

However, the implementation of technical censorship on the Internet invariably causes collateral damage, as the example of the German censorship of the Dutch Internet provider

XS4ALL in 1996 proves. A customer of this provider published a German ultra left magazine on his website that contained two articles with instructions on how to sabotage railway lines destined to be used for nuclear transports. While this magazine (*Radikal*) is banned in Germany, and possession of it is illegal in that country, the publication was not illegal in the Netherlands. The German authorities, the *Bundesanwaltschaft*, forced German commercial and academic Internet providers to block the XS4ALL website to prevent Germans from accessing the publication. German providers proceeded to block access to the entire XS4ALL domain. Tens of thousands of completely legal publications were also blocked as a consequence of this action, and thus became the collateral damage of a very coarse censorship act. The end result for the German Government was nil, as the *Radikal* publication was copied to many different websites around the world, and is still available on the Internet today, seven years later. Indeed, the act of censorship caused proliferation of the banned content instead of its discontinuation.

Various governments have implemented content regulations to ban specific content from the Internet. The problem with these regulations is that national regulation has a local focus and limitation; it can only affect content in the country of origin and has no effect on content outside that country. Therefore, virtually all national Internet content regulation systems are ineffective and useless. They basically serve no other purpose than political window dressing: the internal ban might work, but the material in question can still be accessed from locations outside the national jurisdiction as if nothing had happened.

A lot can be learned from the Australian Internet content censorship bill that was passed in 1999. This censorship framework was implemented in 2000 to protect minors from offensive content. A study by the Australia Institute in 2003

demonstrated that the Australian censorship framework was completely ineffective, and that minors could – and did – access any type of content on the Internet.

Another way governments have tried to deal with content on the Internet is by promoting the concept of industry self-regulation. In 1996, when governments became aware of the nature of the Internet and called for action, the Internet industry stakeholders called for self-regulatory action as opposed to government regulation.

The Internet has a long tradition of self-regulation. Various protocols and networks on the Internet are managed and coordinated by its users. Examples are the Usenet newsgroup hierarchy and the Internet Relay Chat networks, which have no central management, but are kept in working order by volunteers without a central hierarchy. The engineering of new protocols and the implementation of new technology on the Internet is also largely the result of the work of Internet users and experts who co-operate without any central hierarchy or organization; instead, the *modus operandi* is community consensus, based on open discussion, public engagement, expert input and transparency.

The type of industry self-regulation on the Internet that has been promoted by governments differs radically from the traditional Internet self-regulation. Industry self-regulation is usually co-ordinated by industry associations, there is no public participation, and the actions of industry self-regulation are usually not transparent to the public, nor is there a possibility to appeal against decisions. Hence, industry self-regulation is a misnomer: Internet users are not regulating themselves, on the contrary, it is the industry imposing its regulations upon users. In practice, industry self-regulation is regulation by the industry of the Internet community. Thus, a better term would be “industry regulation” omitting the word “self”.

Moreover, in many instances the industry didn't start this practice of self-regulation of its own accord: there was a clear threat that if the industry didn't impose rules upon itself and on users soon, the government would. Hoping to both prevent stricter (government imposed) rules and to codify their own influence, the industry as a whole opted for this so-called 'self-regulation', thereby – as many critics have stated – accepting and furthering the process of the privatization of state censorship. The industry ends up being the governments' handmaiden, while users are simultaneously deprived of their democratic and judicial rights: there is no voting, no public participation or representation, no accountability, no redress and no transparency.

Leaving enforcement of Internet regulations to the industry is a fundamentally flawed concept, because the industry is driven mainly by a profit motive and not motivated by the civil rights of Internet users. The profit motive causes industry players to have risk-averse behaviour, which can infringe citizens' rights of expression. In addition to industry self-regulation, the industry often uses the licence agreement with its customers to ban content or ban the customer. When users are confronted by their providers they usually have nowhere to turn, and are faced with an asymmetric balance of power. If anything Internet citizens need stronger protection of their rights, to be protected from industry initiatives that are overly restrictive or obscure.

Due to the widely varying nature of content on the Internet, it is natural that some people are concerned and call for government action against Internet content. But history and facts demonstrate that governments are incapable of enforcing their local standards on a global network. Hence governments should not focus on additional attempts to censor content on the Internet, but should instead focus on empowering the end-user.

The attitudes towards content on the Internet are highly subjective. Some users may be offended by erotic content

because minors access the Internet, whereas a young adult may be perfectly entitled to view that same content; hence censorship is not a solution. After all, censorship affects all users, not only minors. The solution might be to emphasize to users that they can implement their own filters to prevent the viewing of specific content according to their own standards instead of general, government imposed standards. End-user empowerment teaches the population about the Internet, and how users can become more aware of content on the Internet and protect themselves against it.

An analogous situation has spontaneously developed in the area of computer viruses. The distribution of computer viruses is an illegal act in most countries, yet this has not prevented the proliferation of viruses in recent years. Citizens realize that governments cannot mount an effective defence against viruses despite the fact that they do occasionally prosecute virus writers. As a result people are forced to protect themselves by installing anti-virus software, which is what most people have ended up doing in recent years. Censoring content on the Internet by the government is as hopeless an attempt as preventing the proliferation of computer viruses. Another problem that is receiving a lot of attention is unsolicited commercial bulk e-mail, usually dubbed "spam". Different governments have announced that they are considering the implementation of regulations against spam; the EU has already published a directive, to be implemented by national states before the end of 2003.

Regulating spam is a tricky proposition, because it is an international phenomenon. When one country creates regulations against spam, it does not affect the senders of spam in other countries. But a potential side effect of spam regulation could be that mandatory e-mail filters are installed by providers which also filter legitimate e-mail. It is highly unlikely that national anti-spam regulations will prevent bulk e-mail from being sent to its citizens. It may not be sent from

that same country but from a safe haven abroad where the sending of spam is not illegal.

Another important consideration is that spam filtering systems should by necessity be voluntary for the end-user, and may never be involuntarily forced upon the user, because no filter is foolproof. Filtering will always result in the loss of some legitimate e-mail messages, and it is only the users who can decide what risks they would like to take in that area.

It might be better to fund public initiatives that develop anti-spam measures and technologies, instead of implementing regulations. There is a variety of ways in which end-users can protect themselves against spam. Government regulation is not needed as a protective measure, nor does it work: national jurisdiction is at odds with the international character of the Internet. But what does work is enabling end-users to install software that will help them deal with the problem. Some quite effective anti-spam filters are available on the Internet. Another development is the rise of the concept of challenge response e-mail, where a recipient has to approve the sender in order to receive e-mail from that address now and in the future.

The conclusion that many advanced Internet users have drawn is that government regulation of the Internet is an inherently negative development: on the one hand it simply doesn't work and threatens cultural differences, while on the other hand it causes collateral damage and hampers the proper development of Internet technologies. Industry self-regulation is even worse than government regulation: it suffers from obscure methodology without offering the possibility of public scrutiny. Apart from that, it is unheard of to give any industry the power to enforce regulation, and thus censorship, upon citizens.

Hans J. Kleinsteuber

**The Digital Age: New Challenges
after Three Hundred Years
of Mass Media Experience**

When Freimut Duve made his introductory statement to this conference, he defined himself as a Stone Age man in terms of the Internet. If you look at me, I am perhaps from the Copper Age. You should take this into consideration when I emphasize the point that our attitudes and behaviour in terms of media and freedom of information are very much still shaped by roughly three hundred years of mass media experiences with patterns that are totally different from what the digital age offers.

What I would like to emphasize is the following. The majority of media consumers are used to technologies that are one-dimensional, mass oriented, passive and based on a media monologue. The Internet offers totally new possibilities. Communication can be bidirectional, it can be individual or it can be peer-to-peer, it can be active or interactive and it allows dialogues. But the question is, How is this really handled in a real world where, for example, global media industries have been established or where governments have an interest in controlling political communication? What we can now observe is that features of the entertainment or fun industry are moving into the Internet; that things like entertainment in television, or marketing and advertising are becoming increasingly important; and that the potential of the Internet to create new spheres of information, to create public spheres where citizens can communicate with each other is not really being used.

So my question is: How does the Internet contribute to the development of the media landscape? If you look at the technologies of media, I think the most important application today is streaming technology, representing the digital convergence of old and new media that offers news portals including text, animated graphics, radio, television and even interactive features like instant referendum or sending back a letter to the editor or journalist. But this is just the potential of this technology. Before we go into that in depth, let's quickly see how media developed before the age of digitalization.

Here in Amsterdam is the place where the European institution – and there wasn't anything like this outside of Europe – of freedom of information started. Freedom of the press, freedom of the media began here even before it came to London and certainly much earlier than in other places in Europe. The reaction of the State at that time to this bourgeois power of creating public spheres was, of course, open censorship and this tradition of censorship still continues in non-democratic States. In a second stage of development open censorship has more or less vanished, due to the relationship between State and media in the broadcasting age. Again, we established a European tradition, the tradition of public service broadcasting, which is unique to our continent. But then another model, the commercial broadcasting model, was developed in the United States in the 1920s and internationalized in the 1980s. It moved over to Europe and if we talk about regulation, and this will be a central theme of the conference, we should keep in mind that regulation is an American experience. It is even mentioned in the American Constitution and it reflects the adoption of American models of organizing broadcasting media. However, if we transfer it into a new age of the Internet, we will see that it does not work because it reflects experiences of a more or less bygone age.

Let us now transfer our attention to the Internet. I think that it has been very clearly presented that any form of censor-

ship or filtering does not work well in this field. The question is how to regulate problems of the Internet in the future – child pornography for example. I think the only model that we can offer, and I say this as a political scientist, is what we call global governance, which is a model that was developed around the United Nations conferences on environment, women, or health. There will be another UN conference in 2005 in Tunis on the Information Society. Global governance just means that the old state action does not work any more. Instead, we need some form of round table where government representatives, including the EU of course, people from industry and – very important – NGOs, representatives of an emerging world civil society, sit together, see where they have common interests and then follow a minimum strategy where they can then introduce measures jointly that might help in the worst fields where we need some global regulation. These global governance processes may not be democratic, even though I think that they may well be more legitimate than traditional processes in international policies. Yet, again, the Internet offers possibilities to organize elections as the example of The Internet Corporation for Assigned Names and Numbers (ICANN) shows. There we have role models about how to democratize these governance processes in the future and I think this is very necessary.

If I look at the global processes around the Internet at the current time, I see a kind of world struggle between those who support open and non-discriminatory architectures of the Internet and others who are trying to kind of privatize the Net – the software, the hardware, whatever – for their personal and usually economic interests. It seems very clear that the industries that now want to control the Internet are moving into the hardware field. They are trying to create chips that they control which might lead to a new form of censorship. This would not be state but industry censorship. There I see a clear conflict between the United States and Europe, for example in

the field of software: Microsoft versus Linux, and certainly we should do everything to keep the development open.

In the United States, Microsoft, the world's largest software producer, started an alliance with AOL a few weeks ago. It would seem to me that they are jointly trying to introduce a system of Internet control that uses whatever technology is suitable. I think it will be predominantly hardware technology, trusted computing etc., which might in fact mean censorship. We should be very aware of this.

The US Digital Millennium Copyright Act and the European reactions to it – the Copyright Directive is currently under consideration in the European Parliament – were also mentioned. Again, I am very concerned about this process. In the United States, copyright law is already used to limit the free use of Internet material. Amazon.com, for example, successfully stopped all competitors from using a one-stop shopping software so that Amazon can, like Microsoft, create a de facto monopoly in a certain field. Or another example: recently an American law was passed that extends copyright protection for another twenty years. The law is called the Disney Law because it was lobbied for by the Disney Company in order to delay Mickey Mouse's entry into the public domain.

Let me finish with a few words on the opportunities that the Internet provides for journalism. Of course, online journalism is a new feature. You can read newspapers all over the world. Journalists have new sources for research and investigation, which is quite fascinating. We have new types of news portals, and much more. On the other hand, especially in the field of journalism, we also discussed the death of traditional media reporting simply because the Internet allows direct access to information for anybody, so you may bypass the journalist or the professional reporter, and the job may die out. There are even examples like Google News, which I would urge you to look at. Google now has a news portal and

it works without a single journalist. They have their machines continuously monitoring all the English-language news portals of the world – and there are several thousands of these. Then they use their statistical parameters and the news features that are most often mentioned on those home pages are also the top stories in Google News. It is a parasite system, but it is still very interesting to see.

Still, with all these problems, I think that journalists become more important because of the information overflow and the unreliability of the Internet, and serve to protect against rumours and fakes. There will certainly be an increasing demand for navigation and selection and for this you need a new brand of professional media producer that, of course, requires different education from the old brand. Also the Internet offers an incredible variety of alternative sources of information – information that was previously issued in leaflets, radio stations, or news bulletins. During the Iraq War the mainstream media in the United States more or less sang the song of patriotism with very few exceptions. But if you went on Google and just wrote 'Iraq War' you would have been linked to dozens of home pages that offered the other stories, the non-reported facts or the number of dead bodies, or you would even have been linked to people in Iraq who were writing their war logs and giving their personal impression of what was happening during this war. The chance to have a counter public sphere, therefore, very much increases with the Internet, as does the opportunity for citizens, non-professionals, to become newsmakers – at least in extreme situations.

One last element that I would like to emphasize, which has to do with my activities with *Deutsche Welle*, is that I think that the technical side of the Internet and the quality of offering dialogues should also be transferred into a journalism of dialogue. In fact, the Internet offers incredible chances to connect cultures that are different in history, languages and experiences. It can

even connect people in countries at war in a new way. I very much propose portals or websites that offer information from other parts of the world. Take for example the Arab world. We have lots of English-language information that has been discontinuously produced in the Arab world – radio, television programmes, newspapers that all offer news in English. If this were to be selected, sorted out, commented on and presented to us we would gain a much better image of the Arab world. The Internet also increasingly offers translating machines. Arab friends have told me that their language is too beautiful ever to be translated by a machine. But at least it is already possible to obtain raw translations from other cultures where we have no language access. Google offers this and I think that in a few years you should be able to read Arabic, or even Chinese or Japanese, newspapers on your computer. There are prospects for building bridges between cultures which deserve serious consideration. Again, here we have to develop new models so that the professional media producers, the journalists, are really able to handle these potentials of the Internet. Then we will have no problem in the process of the transfer of old media into new media and we will have the chance to take people who are, in their vast majority, still socialized in their old media, into the area of new media where all the qualities of the digitalized age can be truly fulfilled.

This article is adapted from a transcript of Mr. Kleinstaub's speech held at the Conference on Freedom of the Media and the Internet in Amsterdam, 13 and 14 June 2003 organized by the OSCE Representative on Freedom of the Media.

II. Views and Commentaries

Mass Media in Central Asia

Central Asian Journalists

Speak about Media Freedom and Corruption

Jacqueline Godany

The War in Iraq and its Impact

on Journalists and Journalism

Freimut Duve

Freedom and Responsibility

Media in Multilingual Societies

Milo Dor

Conference Address:

Media in Multilingual Societies

Johannes von Dohnanyi

The Impact of Media Concentration

on Professional Journalism

Freimut Duve

The Spiegel Affair

Achim Koch

Mobile Culture Container

Freimut Duve

In Defence of our Future?

Besnik, age 17, Mitrovica

Growing Old Young

Sevji, age 16, Bitola

As If Nothing Had Ever Happened

Mass Media in Central Asia: **Central Asian Journalists Speak About Media Freedom and Corruption¹**

“... Each of us can give plenty of examples of when society itself facilitates corruption in all spheres of our life. Against a background of political infantilism and legal illiteracy of most of the country’s people, bribe-giving and -taking is considered the norm.

This constitutes the greatest priority of our work. We should provide our citizens with full and reliable information and offer them the opportunity to learn various (including opposing) viewpoints on different issues of public life. Journalists should give more attention to the draft laws passed by Oliy Majlis (Parliament) or by the government, and not simply say ‘we approve’ but analyse and evaluate the prospects for the future.”

“... Uzbek journalists should display more solidarity and support for each other. It’s high time for us to unite and to address together the problems that still exist.

I would like us, the journalists, to keep in mind that the media are a strong power that can bring changes to this world.”

Lyubov Bagdalova, freelance journalist, Uzbekistan

“I would like to begin my statement by quoting a good friend and a well-known Kazakh politologist Nurbulat Masanov, who finds that corruption in Kazakhstan is ‘the foundation of the state and political system’.”

1 The following quotations are from the presentations at the Fourth Central Asian Media Conference *Freedom of the Media and Corruption* held in Tashkent on 26-27 September 2002.

“... They have their own interests, which are quite material. In principle, nothing can function in Kazakhstan at present without the involvement of the personal interests of public officers; corruption has become the driving force of the entire state machinery.”

“... Most manipulated periodicals merely appear to fight corruption. Moreover, such press provides informative support: All of its critical analysis as well as its praise of governmental efforts in the fight against corruption create an illusion that the authorities themselves are not involved, that the corruption exists by itself, and that governmental authorities even help in the fight against corruption.”

Sergei Duvanov, *Human Rights in Kazakhstan and the World*, published by Kazakhstani International Bureau for Human Rights and Rule of Law, Kazakhstan

“Considering the growing corruption among governmental employees and the role of the media in informing the public about corruption cases, our conclusion will be far from comforting.

Unlike their colleagues in neighbouring countries or in the rest of the world, Uzbek journalists practically do not touch on the problem of corruption in their country, almost as if it does not exist at all. Extremely occasionally, the word ‘corruption’ can be found in the Uzbek newspapers; it is usually substituted by the word ‘bribery’, which has less scope.”

“... Uzbekistan today has no active public opinion that could counteract the dictatorship of governmental employees. There are almost no editors willing to risk their positions for the victory of justice or in order to tell the truth or at least part of the truth to the people. There are almost no journalists who would dare to throw publicly a shade of doubt on the actions of the governmental authorities.”

Sergei Ezhkov, *Pravda Vostoka* newspaper, Uzbekistan

“The main reason for having no ‘teeth’ is a fear among journalists for their safety. [...] But there is also another reason – the unavailability of real incentives to write such kinds of articles. Tajik journalists do not earn high royalties. The editors who should be the initiators of such investigations are often against them, and there are no powerful financial groups that could order such articles in Tajikistan. For instance, journalists in the West can be awarded a grant from a foundation in order to conduct an investigation. If a person has a living wage they can work for a sufficiently long period without having to worry about their daily bread. In Tajikistan, as well as preparing a serious and comprehensive investigation, a journalist should also be ‘producing lines’ to make just enough money to live on.”

“... Still there are not many critical materials even of this kind. Essentially, it cannot be called fully fledged investigative journalism because most of it does not meet the common criteria of reliability, clarity of narration and – most importantly – comprehensive coverage of the problem.

The shortcomings can be attributed, on the one hand, to the low professional level of the journalists, their inability to clearly write down their ideas on paper. The meaning of their content can get confused or even distorted. In general, much depends on the professionalism of the journalists.

On the other hand, another serious drawback is insignificant content, superficial conclusions or no conclusions at all. A low professional level of the authors may explain it too. Another major reason can be fear among the journalists to speak the entire truth, to make comparisons or to draw conclusions.”

Marat Mamadshoev, *Asia-Plus* newspaper, Tajikistan

“Naturally, the press was able to see everything, and it was able to hear and know everything, but it followed the principles of the three eastern monkeys – see no evil, hear no evil, speak no evil. Moreover, its mouth was sealed by censorship.

How could it be possible to write about misappropriation, abuse, persecutions and suppression by the authorities, when in just a moment one could find oneself squashed by the state machinery? [...] That's why we consume from the print media and TV such information that has been painfully familiar to us since the old Soviet times, namely reports about glorious victories on economic battlefields, the social protection of the people, the revival of medieval traditions and outlooks, diplomatic successes, an enhanced status of Uzbekistan in the world, the national ideology as the most acceptable and proper one. There is no mention of the real problems. We did not know what we were because we could not see our image in a real mirror, or we were looking at our reflection through a distorted looking-glass."

"... Thanks be to God that censorship as an institution no longer exists in Uzbekistan. But there is self-censorship which is essentially worse than censorship in that it kills the will for freedom in people. Maybe we have spent too much time in a cage and when 'all of a sudden' we are let free we do not want to abandon this 'warm and well-adjusted' little world. We have been tamed, we are scared of losing the attention of those who are higher up, and it's difficult for us to become independent. There is no doubt that such a slave mentality should be squeezed out, drop by drop, because it's free people thinking freely who build democracy. A herd of slaves does not represent a civil society. While the process of 'squeezing out' is going on, corruption can be calm and continue to perform its deeds. But there will be an end to it."

Alisher Toksanov, *Tzentralnaya Azia* newspaper,
Uzbekistan

Jacqueline Godany
**The War in Iraq and its Impact
on Journalists and Journalism**

Introduction. The war in Iraq (19 March – 1 May 2003) was one of the most dangerous wars for journalists in media history. In May 2003 the Committee to Protect Journalists (CPJ) named Iraq as number one on its list of the world's worst places to be a journalist, as nine journalists were killed in the first three weeks of the war. At least 15 journalists died in this conflict; two are still missing.

This seems to be the most covered and most televised war in history. An estimated 3,000 journalists covered the conflict (including more than 800 that were embedded with the coalition forces), but conversely it also seems to be the war with the most claims and protests about violation of press freedom, and threats to freedom of expression. The media were not manipulated, but reporting was limited, managed, monitored and restricted.

Journalists were beaten, harassed, jailed and censored says the International Press Institute in its latest report *Caught in the Crossfire: The Iraq War and the Media* which was published in May 2003 <<http://www.freemedia.at/IraqReport2003.htm>>.

According to the British newspaper *The Guardian*, veteran war reporters and experts claimed that the war in Iraq was the worst ever for journalists and could mean the end of "independent witnessing of war".

Former BBC war correspondent Martin Bell for example said: "I have a feeling that independent journalists have become a target because the management of the information war has become a higher priority than ever."

Under the Geneva Conventions (Articles 50 and 79), journalists and other media workers – including those of combatant nations – should be treated as civilians. This should clearly outlaw the treatment of the media as military targets. But media organizations have been told from the start that unembedded journalists would not be protected in the so-called “Operation Iraqi Freedom”.

The Pentagon’s embedding programme caused great controversy. Only about 20 per cent were from non-US media. Under the Pentagon’s detailed guidelines embedded correspondents are forbidden to report any information that would undermine or compromise the US offensive, including reports of military and civilian casualties.

During the first Gulf War, journalists organized FTP (“fuck the pool”) excursions across the border into Iraq, disguised as soldiers, as the allied forces tried to keep control over the media with selected pools for selected places.

The Guardian called embedding a “charmingly horticultural metaphor for the US military’s new approach to handling journalists.”

A View on the Iraq Media Situation Before the War and Now.

Press freedom in Iraq in the last 35 years has been non-existent. From 1968, when Saddam Hussein came to power, to the 1990s there were two daily newspapers, two radio stations and two TV channels, the latter operating only in the evening.

Saddam Hussein’s son Uday had authority to control all press and media outlets in Iraq from 1993 onwards.

His media empire included the *Babil* (or *Babel*), a daily political newspaper, the daily *Al-Ba’th al-Riyaldi*, the weeklies *Al-Rafidayn*, *Al-Zawra*, *Nabd al-Shabab* and *Sawt al-Talabah*, the *Al-Shabab* TV station, the popular radio station *Voice of Iraq FM* and the TV station *Youth TV*. No word of criticism was tolerated, and everyone who criticized Saddam, his ministers,

his officials or anything they did, risked prison and torture or execution. The Journalists' Union was also headed by Uday.

The country's only Internet service provider was the regime-controlled Uruklink. Agents of the Baath Party or the secret police controlled Internet cafés, checking for unauthorized access to forbidden sites like private e-mail services. The reception of satellite broadcasts was forbidden. Helicopter patrols tried to track down hidden dishes.

Since the end of the Saddam regime about 150 new newspapers clutter the news-stands. Many of them are sponsored by political parties to spread their ideas and programmes. Some manage to publish every day, some are weeklies, and some appear irregularly. You can now find tabloids, religious papers, and magazines for women and about sport, the economy and culture. There are countless shops selling satellite dishes for about 150 dollars.

The US-British Coalition Provisional Authority (CPA), under the administration of Paul Bremer, is now drawing up rules to control the new Iraqi press. With order No. 7 from June 2003 there is a nine point list of "Prohibited Activities" including incitement to racial, ethnic or religious hatred, promoting civil disorder, rioting or damage to property, advocating support for the banned pre-war Baath party, and publishing material that "is patently false and is calculated to provoke opposition to the CPA or undermine legitimate processes towards self-government".

All Iraqi media must now be registered. Licences will be revoked and equipment confiscated from media sources that break the rules. Individual offenders "may be detained, arrested, prosecuted and, if convicted, sentenced by relevant authorities to up to one year in prison and a 1,000 dollar fine". Officials say the order is intended to stop hate speech.

The order has only been applied twice: to close a radio station and a newspaper. Although a lot of Iraqi journalists and organizations complain about this code of conduct, there

are other voices calling the current climate “a mess” that needs to be organized.

The situation can be compared to Germany and Austria after World War II. The occupying powers controlled and operated the media in the first months. Later military authorities started to issue media licences to Germans subject to various restrictions: they were not allowed to promote National Socialism or the politics of the German empire, to try to separate the Allies or to denigrate them, to criticize officials or the work of the military government.

In the beginning the Germans reacted to the first American information service by calling it American propaganda that replaced Nazi propaganda. But later the new media were influenced by English and American models and a new journalistic tradition was founded.

Iraq needs initial media regulation, and standards should be established to avoid hate speech and political propaganda. But journalistic help from experienced journalists from developed democracies is also needed.

Casualties among Journalists

1) Paul Moran: 22 March, northern Iraq.

The freelance cameraman on assignment for the *Australian Broadcasting Corporation* (ABC) was killed by a suicide car bomb. ABC correspondent Eric Campbell, who accompanied Paul Moran, was wounded in the attack.

Campbell told ABC radio that Moran was filming some final shots for a story 50 metres away when a taxi sped up beside him and exploded. Islamic militant group Ansar-al-Islam is being blamed for the attack which injured nine others.

2) Terry Lloyd: 22 March, southern Iraq, Basra.

The journalist from Britain's *Independent Television News* (ITN) was killed when coming under fire by the Allied forces when

he was on his way to Basra. French cameraman Fred Nérac and Lebanese translator Hussein Othman, travelling with Lloyd, are still missing.

Their cars, light-coloured Pajero off-road vans, were clearly marked with large signs as TV vehicles.

The fourth member of the non-embedded team, cameraman Daniel Demoustier, who was injured in the incident, indicated that US tanks opened fire on the ITN team after it came into contact with a group of Iraqi soldiers who appeared to be seeking to surrender.

On 3 April, during a NATO press conference in Brussels, Fabienne Nérac urged US Secretary of State Colin Powell to provide more information on her missing husband Fred Nérac. Powell personally promised to assist her. On 15 April, Fabienne Nérac had a meeting with Ministry of Defence officials in London in a bid to persuade them to help her. She made an emotional appeal to the British Government to help find her husband. She had already had a 45-minute audience with French President, Jacques Chirac, and said she could not understand why the British and Americans were so reluctant to get involved.

Reporters sans frontières, the Committee to Protect Journalists and the International Press Institute are also engaged in this case.

On 19 May, some 30 journalists covering a meeting of European foreign and defence ministers in Brussels put their cameras and microphones on the ground and refused to cover the ministers' arrival in a protest against the failure of the British authorities to help investigate the disappearance of the two ITN journalists. Fabienne Nérac took part in the protest, handing the ministers copies of a letter signed by her and Reporters sans frontières calling for urgent action in the case. The British Defence Minister Geoff Hoon refused to take the copy of the letter which Fabienne Nérac held out to him. But the French Defence Minister Michèle Alliot-Marie took her in

her arms and promised to raise the matter with Hoon. As Greece had the EU presidency, the meeting was opened by the Greek Foreign Minister George Papandreou, who read out the letter.

According to the *International Herald Tribune* (3 June), Iraqis have given accounts of the two men being taken alive to the Baath Party headquarters in Az Zubair. The British military found the two men's press passes in the town, and the television network reported finding one of the Pajeros there. The network has collected DNA samples from 18 unidentified corpses in the town's hospital to determine whether the missing men might be among them.

3) Gaby Rado: 30 March, northern Iraq, Sulaymaniyah.

The *Channel 4* foreign affairs correspondent was found dead in the car park in front of the Abu Sanaa hotel in Sulaymaniyah. It is believed that he fell from the roof of the hotel, and that there is no connection with military action.

4) Kaveh Golestan: 2 April, northern Iraq, Kifri.

The Iranian freelance cameraman on assignment for the BBC was killed when he stepped on a landmine as he exited his car near the town of Kifri. He was travelling as part of a four-person BBC crew that included Jim Muir, the BBC Tehran correspondent, producer Stuart Hughes and a translator. Muir and the translator were unhurt and suffered only light injuries. Hughes's foot was injured and later treated by US military medics in Sulaymaniyah.

As a result of his injuries, Stuart Hughes had his foot amputated. He has written movingly about the amputation in his daily weblog <<http://stuarthughes.blogspot.com>> and he continues writing about his life and his commitment to the fight against landmines.

5) Michael Kelly: 4 April, Baghdad Airport.

The editor-at-large of the *Atlantic Monthly* and columnist with the *Washington Post* was killed in an accident involving their

Hummvee military jeep while travelling with the Army's Third Infantry Division. Kelly was the first embedded journalist to die in the war.

6) Kamaran Abdurazaq Muhamed: 6 April, Mosul.

The Kurdish translator working for the BBC was killed in a "friendly fire" incident when a US jet bombed a convoy of American special forces and Kurdish fighters not far from the town of Mosul.

BBC correspondent John Simpson and BBC producer Tom Giles were injured. According to press reports, 18 people were killed in the incident, including members of the US special forces.

7) David Bloom: 6 April, Baghdad.

The embedded NBC correspondent, travelling with the US Third Army Infantry Division, died after suffering a blood clot (pulmonary embolism).

8) Christian Liebig: 7 April, Baghdad;

9) Julio Anguita Parrado: 7 April, Baghdad.

Two reporters - Christian Liebig, of the German weekly magazine *Focus*, and Julio Anguita Parrado, of the Spanish newspaper *El Mundo*, were killed in an Iraqi missile strike. They were with the US Second Brigade of the Third Infantry Division in the southern outskirts of Baghdad. Two US soldiers were also killed in the attack.

The magazine *Focus* reported that the two journalists had made the tragic decision to stay at the headquarters camp that day, as they felt it would be too dangerous to go with the troops entering Baghdad and the palaces of Saddam Hussein.

10) Tarek Ayoub: 8 April, Baghdad

The producer and correspondent for *Al-Jazeera* television was killed in a US air raid on Baghdad as a bomb hit the TV station's office. A second *Al-Jazeera* correspondent was slightly wounded in the attack. *Abu-Dhabi TV* was also hit.

Al-Jazeera accused the United States of deliberately bombing

its offices to silence a powerful voice in the Arab world. The channel's offices in Kabul were also hit during the 2001 US-led war in Afghanistan.

According to *The Guardian*, a senior BBC journalist, who preferred not to be named, said he was alarmed that the Pentagon did not seem to pay heed to information given by *Al-Jazeera* and every other TV organization based in the capital. The journalist stated: "I know *Al-Jazeera* gave the Pentagon all their GPS (global positioning system) co-ordinates. It was in a different part of town to the Palestine Hotel and my sources at *Al-Jazeera* are saying the attitude of the Pentagon seemed to be 'maybe we'll take your details'."

Reporters sans frontières (RSF) expressed outrage at the bombing and condemned the attack in a letter to General Tommy Franks, commander of US military operations in Iraq. RSF also called on Franks to make a serious and thorough investigation of who was responsible for the attack and why it was carried out.

11) Taras Protsyuk: 8 April, Baghdad, Palestine Hotel;

12) Jose Couso: 8 April, Baghdad, Palestine Hotel.

Reuters cameraman Taras Protsyuk, a Ukrainian based in Warsaw, died after a US Abrams tank opened fire at the 14th and 15th floor of the Palestine Hotel – the base for most of the Western media. Jose Couso, cameraman for *Telecinco* (Spain) was badly wounded in the attack and later died in hospital. They had their cameras on their balcony and were watching the streets. Three members of the *Reuters* team were also wounded.

In its first reaction, US Central Command stated that troops had come under fire from the lobby, but after a journalist questioned why the tank shot at the upper floors, it issued a revised statement saying there had been "significant enemy fire". It made the same claim about the *Al-Jazeera* incident. Reporters at the hotel said they had seen no sign of firing from the Palestine Hotel at US troops.

The next day the media all over the world were in a fury. According to *Reuters*, the respected Mexican daily *El Universal* printed on its front page: "The US is now murdering journalists". All relevant organizations called for an urgent independent investigation.

In Spain between 30 and 40 journalists piled cameras, tape recorders and notepads at the front of a room where Spanish Prime Minister Jose Maria Aznar was meeting his party's lawmakers. Aznar was also snubbed when he arrived at the lower chamber of parliament for the weekly question-and-answer session. A dozen photographers and cameramen turned their back and held up blown-up photos of Couso instead of taking pictures. Reporters in Madrid also walked out of a news conference with British Foreign Secretary Jack Straw after only one question.

In an interview with France's *Nouvel Observateur*, Captain Philip Wolford, commander of A Company, Fourth Battalion of the Third Infantry Division, later confirmed that one of his tanks had fired at the hotel, but said he had not been told that the hotel was home to the international press. His man had seen a glint of light reflected off what they thought were binoculars on one of the hotel's balconies.

13) Iraqi interpreter (name as yet unknown): 12 April, Baghdad. An Iraqi interpreter for *The Sun* (Malaysia), *New Straits Times*, and *Malaysian State Television*, was killed when gunmen ambushed and kidnapped three Malaysian journalists in Baghdad. The journalists were released the same day.

14) Mario Podesta: 14 April, Baghdad;

15) Veronica Cabrera: 14 April, Baghdad.

Argentine *America TV* correspondent Mario Podesta was killed in a car accident near Ramadi, 60 miles outside Baghdad. His colleague, camerawoman Veronica Cabrera, was seriously injured and died the following day. A tyre explosion caused

the accident. The Committee to Protect Journalists said it was investigating the reports of gunfire.

Before the war started, Patrick Bourrat, the French correspondent for the TF-1 television station, died in a hospital in Kuwait. On 21 December he was badly injured after being run over by a tank while covering US military exercises in the desert. He tried to push his cameraman out of the way of the tank.

Impact of the War on the World's Media

- 21 March: Journalists report being assaulted by police while covering anti-war demonstrations in the Spanish capital Madrid.
- 26 March: The TV channel *Al-Jazeera's* website in Arabic and its new English site were both inaccessible during most of the day. Explanations ranged from server crashes due to unusually high web traffic, to hacker activities, and rumours about an attack by the US Government.
- 29 March: Four members of the *Al-Jazeera* crew in Basra, the only journalists inside the city at that time, came under gunfire from British tanks as they were filming distribution of food by Iraqi government officials. One of the station's cameramen, Akil Abdel Reda, went missing and was later found to have been held for 12 hours by the US military.
- 31 March: Reporter Peter Arnett was fired by NBC after he gave an interview to Iraqi television. Arnett covered the first Gulf War for CNN from Baghdad.
- 1 April: Peter Arnett was hired by the *Daily Mirror*. "Fired by America for telling the truth. Hired by the *Daily Mirror* to carry on telling it", declared the paper.
- 3 April: *Los Angeles Times* photographer Brian Walski was fired after it turned out that he altered a cover photo, showing a British Soldier with refugees. Using computer software he merged two different pictures into one as he wanted to

have a “better picture”. This is unacceptable in serious photojournalism and the *LA Times* issued an editorial apology.

- 3 April: RSF accused the Iraqi authorities of showing contempt for foreign journalists, imprisoning and expelling some, and preventing the rest from working with even a minimal level of freedom. In a letter to the Iraqi interests section in Paris, RSF Secretary-General Robert Ménard said the Iraqi authorities’ attitude toward foreign journalists who were trying to cover the war from Baghdad and other cities in Iraq was “scandalous, contemptuous and hostile”.
- 3 April: The International Federation of Journalists (IFJ) joined broadcasters in protesting over “unacceptable discrimination” and restrictions being imposed on journalists covering the war in Iraq when they are not travelling with army units of the United States or Britain. Reports from journalists in southern Iraq state that media staff who are not part of the so-called “embedded” group of reporters travelling under the official protection of the military are being forcibly removed. The IFJ was also particularly concerned about reports that the military forces are singling out groups of journalists who are from countries that are not part of the coalition in support of the war.
- 4 April, Cairo, Egypt: During anti-war rallies police arrested and assaulted journalists. One of these journalists was Philip Ide, working for the British *Mail on Sunday*, who was seized by a dozen police officers, held to the ground, and had his camera confiscated.
- 13 April: US Marines searched the rooms of journalists at Baghdad’s Palestine Hotel. A Marines press officer Sgt José Guillen said that this was to check that the hotel, where most people from foreign media were living, was “100% safe”. CNN producer Linda Roth said she opened her door to several armed soldiers who ordered her to leave while they searched the room.

- 13 April: US soldiers ordered the foreign media away from an anti-US demonstration in front of Baghdad's Palestine Hotel, saying that the protesters were putting on a show "just for the press", according to a US Marine officer. The 300 demonstrators were demanding for the third day in a row the restoration of public services, especially electricity, and an end to lawlessness, which they blamed on US forces.
- 27 May: The Committee to Protect Journalists (CPJ) released an investigative report about the 8 April shelling of the Palestine Hotel in Baghdad by US forces, which killed two journalists and wounded three others. CPJ's investigation, titled "Permission to Fire", provided new details based on interviews with about a dozen reporters who were at the scene – including two embedded journalists who monitored the military radio traffic before and after the shelling occurred – suggesting that the attack on the journalists, while not deliberate, was avoidable. CPJ had learned that Pentagon officials, as well as commanders on the ground in Baghdad, knew that the Palestine Hotel was full of international journalists and that they were intent on not hitting it. However, these senior officers apparently failed to convey their concern to the tank commander who fired on the hotel. The report can be accessed on the Internet: <http://www.cpj.org/Briefings/2003/palestine_hotel/palestine_hotel.html>
- May: *Reuters* had barred CNN from using its Baghdad video feed after the Iraqi authorities ordered the news agency not to supply the US network with pictures. CNN had been expelled from Iraq, accused of being a "propaganda tool" for the US Army.
- 6 June: The International Federation of Journalists warned coalition forces in Baghdad not to "stifle alternative voices" in media by imposing a code of conduct on reporters that has not been endorsed by Iraqi journalists. Responding to reports from Baghdad that coalition officials planned to impose a

code of conduct, the IFJ said attempts to regulate journalism in Iraq would backfire unless they met international standards and were supported by Iraqi media professionals.

- 9 June: The *Al-Aalam* network, one of the most popular sources of news in Iraq since the US-led invasion, reported that the cameramen and reporters Sami Hassan, Zoheir Mostafa and Ghuran Tofiq, were detained in front of the central police building in Baghdad. In April, American Marines arrested another reporter from *Al-Aalam*, Abdol Hadi Zeighami, while he was reporting on US tanks entering the town of Kut, about 170 kilometres south-east of Baghdad. He was released after five hours of detention, but the film which the *Al-Aalam* crew had shot was confiscated.
- April: Boaz Bismuth of the Israeli daily *Yediot Aharonot*, Dan Scemama of Israel's *Channel One*, Luis Castro and Victor Silva of *Radio Televisao Portuguesa* – four journalists who had received accreditation as “unilaterals” and were non-embedded – decided not to stay in Kuwait and wait for organized tours. They rented a jeep and went to Iraq on their own. One week later they crossed paths with US military police. They were told to drop to the sand, face down. Their satellite phones, computers and identifications were confiscated. As Luis Castro was demanding the chance to call his wife, the soldiers threw him to the ground, placed their feet on his hands, neck and back, and then one of the soldiers kicked him in the ribs. The American soldiers accused the four unilaterals of spying for Iraq and held them for more than 48 hours without giving them food or water. They were then forcibly returned to Kuwait, where their material was returned to them and they were allowed to leave after several hours. Castro said that a first lieutenant by the last name Shaw later apologized, saying: “Try to understand, my men are trained like dogs – they just know how to attack. No hard feelings. God bless you.”

- President George W. Bush admitted during a press conference that he was calling on reporters according to his pre-arranged list of names, which his press secretary, Ari Fleischer, later confirmed preparing. “This is scripted,” Mr. Bush joked. At a televised news conference in March, President Bush deliberately snubbed several reporters he ordinarily calls upon, including journalists from the *Washington Post*, *Newsweek*, and *USA Today*. According to Jim Rutenberg of the *New York Times*, complaints about White House secrecy had reached new levels. White House reporters stated that they had been given very limited information about the cost, the length, and the risk of any military action in Iraq. They also contended that after September 11, many more policy and governmental decisions were considered “off limits” because of national security. Complaints from the White House press corps ranged from the paucity of presidential press conferences to fewer briefings from administration policy experts to instances where they believed they had been frozen out by White House officials when they asked questions considered out of bounds. For many reporters and producers, the briefings had become an exercise in frustration, a White House-produced television programme in which they said they felt like unamused straight men, there to set up policy punchlines for Mr. Fleischer.
- During the war CNN correspondent Kevin Sites also posted stories from northern Iraq on his very popular private website <www.kevinsites.net>. On 20 March, Sites got orders from CNN to discontinue these postings. This led to an ongoing debate about whether such postings are a legitimate form of journalism and stories broke in the *New York Times*, the *Washington Post*, the *Wall Street Journal* and other newspapers. Many journalists are exploring this medium for the first time in quest for new, independent and authentic ways to tell the story of war.

- The music channel *MTV Europe* had sent out a list of videos to be avoided during the war. The list included System of a Down's anti-war song "Boom!" directed by Oscar-winner Michael Moore. The leading music channel would not show pop promos that featured "war, soldiers, war planes, bombs, missiles, riots and social unrest, executions and other obviously sensitive material", according to an internal memo seen by MediaGuardian.co.uk. *BBC Radio 1* also removed potentially contentious songs from its playlist when the war began.
- May-June: The US media watch group FAIR (Fairness & Accuracy in Reporting) published a study that found democracy poorly served by war coverage. They looked at 1,617 on-camera sources appearing in stories about Iraq on the evening newscasts of six television networks and news channels. All of these had a heavy emphasis on official sources, particularly current and former US military personnel; each featured a large proportion of pro-war voices; and none gave much attention to dissenting voices. Nearly two-thirds of all sources, 64 per cent, were pro-war, while 71 per cent of US guests favoured the war. Anti-war voices comprised 10 per cent of all sources, but just 6 per cent of non-Iraqi sources and 3 per cent of US sources. <<http://www.fair.org/extra/0305/warstudy.html>>
- The *Associated Press* reported that at least 3,240 civilian deaths were recorded by hospitals in Iraq as a result of the recent war. AP reporters visited 60 of the country's largest hospitals to review these records.
- An independent volunteer group of British and US academics and researchers established a website on the Internet named *Iraq Body Count*, where they obtained casualty figures from a comprehensive survey of online media reports <www.iraqbodycount.net>. With this method they estimated that 5,000 to 7,000 civilians died in this conflict.

Conclusion. On 6 November 2000, leading media professionals and officials from OSCE participating States, from the United Nations and the Council of Europe, met in Berlin at a Round Table organized by the OSCE Representative on Freedom of the Media and the Ministry of Foreign Affairs to discuss protection of journalists. At that meeting a declaration was adopted that specifically stated: "Although deliberately killing a journalist in time of war, as with any other civilian, can be classified as a war crime, little had been done to bring perpetrators to justice. This issue may be discussed as part of the ongoing debate on the International Criminal Court. Nevertheless, governments could enhance their efforts to investigate the murders of journalists and to co-operate to this end. Governments should make it also clear within international organizations that the killing of journalists is not acceptable for the international community." Nevertheless, the death toll among war reporters is a statistic that is being recorded every year. It has not become a thing of the past.

Concerning the war in Iraq and embedding of journalists, among the positive aspects of this new practice is the unprecedented access reporters now have to the battlefield and the ability to provide information in real-time. As the Head of News-gathering at the BBC put it: "The advantage is that you get to see what's going on at a very localized level. So, when we talk about pockets of resistance, viewers can see exactly what we mean." Embedding also provides a degree of security that reporters could not even dream of before. They are treated as members of a military unit and are afforded army protection.

However, how independent is this type of coverage? How balanced can one be when one is attached for days or weeks to a unit, sharing almost everything with its soldiers? Bonds develop and bias may start creeping in. In the words of veteran American television reporter and media critic Marvin Kalb: "A large degree of editorial control over live coverage of

the battle rests with the US military, not with the journalist.” As another commentator wrote: “The danger in such a concept is that American reporters start to identify so closely with American soldiers that we as American viewers will get a one-dimensional view of war and will not get the stories that paint its full picture.” And the reality is that an absolute majority of reporters is embedded: the BBC, for example, has 16 embedded reporters. The only unembedded ones are in Baghdad and there is one team in northern Iraq. The danger is that not all but some journalists act more like military press officers rather than independent observers. And when a respected TV reporter starts referring to an American tank as “the best killing machine in the world”, responsible journalism has been sacrificed.

Another problem related to embedding concerns the treatment of those reporters who are not embedded, as mentioned above. During the war, the IFJ and the European Broadcasting Union protested against what they called “unacceptable discrimination” and restrictions being imposed on journalists who were not travelling with army units of the United States or Britain. Journalists in southern Iraq reported that media staff who were not embedded were being forcibly removed. The temptation to try to control the media is even greater at a time of crisis and this malady strikes the most democratic of governments. The International Federation of Journalists recently issued a statement warning that “Governments and military leaders should not try to manipulate media for their own purposes, particularly if they are in breach of international law.”

Sources:

IFJ, International federation of Journalists • CPI, Committee to Protect Journalists
IPI, International Press Institute • RSF, Reporters sans frontières • FAIR, Fairness & Accuracy in Reporting • Reuters • Associated Press • BBC News • The Guardian
Slate • World Press Review • The Freedom of Information Center • *Electronic Iraq*

Freimut Duve

Freedom and Responsibility Media in Multilingual Societies

In recent years there has been increasing recognition of the crucial importance of the role of the media in different languages within multilingual democracies. Our project *Freedom and Responsibility – Media in Multilingual Societies* that was launched in September 2002 has addressed for the very first time this important issue in a complex and comprehensive way. Independent experts were appointed to write country reports investigating the current working environment for the media in five multilingual countries which, both in their pasts and presents, couldn't be more different: the former Yugoslav Republic of Macedonia, Luxembourg, Moldova, Serbia and Montenegro, and Switzerland. All reports contain the same structure: the starting point is a description of the legal framework, which is followed by a detailed overview of the media outlets functioning in different languages. A special chapter is always devoted to the best practices existing in the countries. The similar structure allows the reader to compare the situation in the different countries.

The project was a premiere not only from the point of view of its uniquely broad geographical scope but also on account of its theoretical approach. The subject was not investigated from the common majority-minority perspective, which automatically brings with it a demarcation and differentiation. Our project, on the contrary, was meant to show that what we should focus on is not how languages divide us but on what unites us, which is being a citizen of a country where we live. The key word here is "citizenship". Of course,

all of us have different backgrounds, but as citizens we have a common responsibility and common rights.

Switzerland and Luxembourg represent undeniable historical successes in the management of linguistic diversity. At the beginning of the twentieth century, the “national myth” was more or less consciously developed to this end in Switzerland. In practice, this meant that the supposedly destabilizing quadrilingualism of the country was turned into an advantage and, more precisely, construed into a worthy trait. What was perceived as a fatal rift has developed into the essence of the Swiss nation. Similarly in Luxembourg, historical tradition and, of course, economic necessity have resulted in the peculiar situation of the peaceful coexistence of three languages. In Switzerland and Luxembourg nobody sees the language variety as a threat to the security or unity of the country, but rather as an enrichment of their identity and their culture. The Swiss and Luxembourg unique experiences with diversity in their societies have validity and a value which arguably transcends their national boundaries.

Indeed, in line with our history of thousands of years of migration and mixing of different peoples, no society is truly homogeneous. According to some sources there are approximately 5,000 national groups living in the contemporary world, and about 3,000 linguistic groups. In fact, all European countries are multilingual! The question then remains, why are the different language and ethnic groups in certain geographic regions still considered as a source of problems? Statistics clearly state that in Western Europe exactly the same percentage of the population, namely 14.7 per cent, belongs to national or linguistic groups, as in the Central and Eastern European region*. In the 1980s in Vojvodina, part of today’s Serbia (Serbia and Montenegro), 26 nations and nationalities were present and were living peacefully together, and, according to Marta Pal-

* Snezana Trifunovska, *Minority Rights in Europe. European Minorities and Languages* (The Hague, 2001).

ics, a journalist with *Magyz Szo*, even the word “minority” was almost an insult during these times. No society is truly homogeneous, and the transition to democracy cannot be accomplished without recognition of this fact. The essence of democracy assumes the full inclusion and integration of all peoples into the life of the nation, no matter what language they speak.

The former Yugoslav Republic of Macedonia, Moldova, and Serbia and Montenegro are countries at the beginning of their nation-building process and civil society development. Media, in all languages, spoken in the country represents a powerful social resource that can – and must – be mobilized to assist in this process.

The five country reports, which were elaborated in the course of the project, were made public for the first time at a conference my Office organized in co-operation with the Institute of Mass Communication Studies in Bern, on 28 and 29 March 2003 in Switzerland. It was important that Milo Dor, himself a writer with a multilingual background, agreed to address the event. The conference brought together journalists, media NGOs and governmental representatives from the five countries not only to report about the current working environment for the media, but also to exchange information and views with their colleagues from the other countries. Thanks to this broad geographical approach – reports on Swedish-language media in Finland and German-speaking media in Denmark were also presented – the conference became a unique forum for discussion. The session devoted to “diversity reporting”, as an efficient instrument to promote tolerance and understanding through the media, became a highlight of the conference. Representatives of three well-known media NGOs presented the concept of “diversity reporting” and critically evaluated their work in South-East Europe. During the last session of the conference some of the best existing practices in all five countries were presented.

The conference has identified some key problems holding back the development of media in different languages, especially in the former Yugoslav Republic of Macedonia, Serbia (Serbia and Montenegro) and Moldova:

- missing self-sustainability of the media outlets
- insufficient professionalism of the management
- low level training in diversity reporting
- lack of collegial solidarity between journalists from different ethnic backgrounds.

In the cases of Switzerland and Luxembourg, speakers at the conference acknowledged that government and media should do more to better integrate migrants by creating specific programmes in national broadcast and print products. Additionally, they should be offered better opportunities to learn the languages spoken in their new homeland.

The results of the project have shown that, despite all differences that are determining the working environment of the media in the different countries, the following factors have universal validity:

1. Support from the government is of crucial importance for the survival of media in different languages everywhere. The state institutions should be aware of their responsibility and create a legal framework that would be favourable to media in different languages, if this has not yet been established. Possibilities for defining legal provisions that would introduce positive discrimination should be explored. In addition to this, and bearing in mind the fact that this kind of media can never be fully self-sustainable, governments should continue or begin to provide long-term financial support to these media outlets. On the other hand, the practice of direct state funding which exists in some countries always leaves room for state control over media and should be abandoned. Following the examples of

Switzerland, Luxembourg, Finland and Denmark, mechanisms of indirect support, such as tax policy and postage costs, should be considered in order to enable media to operate independently. Governments should ensure that citizens who are members of linguistic groups have the right and the opportunity to freely express, preserve and develop their language via media. If this is not the case and the readers, viewers and listeners have little or no trust in the locally produced media, there is a tendency to look to the neighbouring foreign media, which I describe as “big brother media”. In the long term this could have a destabilizing effect on society. Each country needs its own independent, emancipated media which is a guarantor for the public debate that is imperative for the development of a civil society.

2. The media should be able to play a constructive role in combating discrimination, promoting understanding and building stable peace in multilingual societies. The reports showed that hate speech and hatred against the others have to a great extent disappeared from the media scene, but the gap between the different audiences still exists. “Positive speech” about each other is still very rare. The aim of the media should be to reflect the multi-ethnic and multilingual society instead of focusing only on their own community and forgetting the needs of other groups. Professional standards and ethical principles of journalism should be set and implemented. Journalistic education is of very high importance. All levels of education have to be developed and improved.

3. The role of public service broadcasters is still vitally important. The private sector alone cannot guarantee *per se* a pluralistic media landscape. Besides the legally secured amount of programming in different languages, public broadcasters should devote pertinent attention to the life and situation of

the different ethnic groups living in the country. The coverage of issues concerning these groups must be one of the major priorities of prime time news and current affairs programmes.

4. Bilingual or multilingual media, i.e. one media outlet broadcasting or publishing in different languages, will be able to deliver positive results only if society accepts multilingualism as part of a normal everyday situation. One should consider applying the example of *Radio Canal 3* from Biel/Bienne in Switzerland. The programmes there are prepared by multilingual staff but are broadcast in one language. The Finnish example of using subtitles for most TV programmes should also be seriously considered in other multilingual countries in order to avoid the danger of “ghettoization” of society through the media, which was reported at the conference.

As a result of the project, recommendations for each country were drawn up to be used as guidelines for future developments in the media in the respective countries.

I am convinced that the book which was published after the conference will have a productive effect in two ways. In the examined countries, all those involved – governments, media NGOs, journalists – will think about new ways of facing the positive challenge of their multilingual structure. Further, I am sure that the project is also very valuable because the best practices described in the country reports and the recommendations could be used to benefit the further development of the media in other multilingual societies.

I would like to share with you something on the background of the song with which I opened the conference in Bern. The history of this song was brought to my attention in a remarkable documentary by the famous Bulgarian filmmaker Adela Peeva, and is at the same time very complicated

and very simple. The song exists in not less than seven languages, in Turkish, Greek, Albanian, Serbian, Macedonian, Bulgarian etc., and has a different name in all these countries. But it is always the same song and this is what is important! Songs and languages should join us and not divide us!

The text is adapted from the book Media in Multilingual Societies (Vienna: OSCE, 2003).

Milo Dor

**Conference Address:
Media in Multilingual Societies**

My ancestors were Serbs, who had fled to Austria more than 300 years ago to escape the Turks, and settled north of the Danube, a natural border, on the fertile plain left by the now-vanished Pannonian Sea. They were granted land on condition that they would defend this border area against the Ottomans.

At this time, Belgrade was an outpost of the Turkish Empire, which was occupied for a short time by the Austrians at the beginning of the eighteenth century. After the fortress was lost again to the Turks, Maria Theresia had the area to the north, where Hungarians, Romanians and Serbs were already settled, further populated by people of Swabian and Ruthenian origin, the latter from both Ukraine and Slovakia. Others who found refuge there were Greeks and Bulgarians, who had fled before the Turkish advance, as well as Jews in search of a homeland. Thus this “military frontier” became a true reflection of the multi-ethnic state.

Up to the final collapse of the Habsburg Empire, in other words until 1918, my ancestors used to receive a certain amount of salt and oil each year, under an agreement dating from the eighteenth century.

I spent my childhood in this region, known as Vojvodina (in German *Woiwodschaft*), which by the middle of the nineteenth century had acquired a kind of autonomy. Although the Austro-Hungarian Empire no longer existed, many traces remained, above all the colourful mix of ethnic groups that were all at home there. Apart from my mother tongue, I was quite used to hearing German, Hungarian and Romanian spoken widely. My grandmother on my mother's side, a Greek

lady who was brought up in Vienna, spoke German with me, because she could not express herself too well in Serbian.

My father, born in 1895 in a village in Banat, had grown up in a huge area, geographically-speaking, where many ethnic groups had lived together, willingly or not. But this state structure had fallen apart because the rulers were not in a position to solve the national problems, and therefore indirectly, the social problems.

When the First World War broke out, my father had just left school and wanted to study medicine. That was the reason why he was called up to serve in the medical corps. Although he lived after the war in the newly-created Yugoslav State, he continued his studies in Budapest, in other words in the territory of the former Dual Monarchy.

When the new Hungarian authorities began to indulge in extreme nationalism, my father, instead of returning to Yugoslavia, went on to Poland, where in Poznan he took his final two semesters and completed his doctoral diploma.

At the end of 1939, when Poland was overrun by Hitler's troops, part of the beaten and disarmed Polish army fled towards the south and came by way of Romania to Belgrade, from where the Poles wandered further. My father used to speak to Polish officers or even ordinary soldiers on the street and invite them back to lunch or dinner, just to speak to them in Polish.

The first surgery my father started practising in was in a Romanian village. Then for a time he was the local general practitioner in a village in the Batschka, inhabited by Serbs and Ruthenians, who were known there as Russinen. Later, he studied plastic surgery with a Jewish professor in Berlin. During the middle of the war, he moved to Vienna, in order to be close to the prison in which I was kept. Here he again became a GP, and looked after the Italian forced labourers, with whom he got on well.

I admire my father, who mastered so many of the languages spoken in the former Habsburg Empire. Altogether it

was six – his mother-tongue, Serbo-Croatian, or Croat-Serbian, then German, Hungarian, Polish, Romanian and Italian. To that could be added three dead languages, Ancient Greek and Latin – which he learned in secondary school – and Hebrew, which out of boredom he had picked up out of a *Konvikt* (Jewish book) from a Rabbi friend of his father's.

My father was a true Central European, or better, a European without being conscious of it, because for him it was natural to learn the languages of his patients, instead of forcing them to speak to him in his own language. It was just as natural for him as ministering help to sick patients; he took them as he found them, without asking about their nationality, religion or some exceptional or stupid view. He was a practising humanist, and I admire that in him because I, as a writer, only have at my disposal words, whose effect can be questionable.

After the collapse of communist ideology – which had made it possible in the name of international solidarity for the Soviet Union to repress so many ethnic groups just like a nineteenth-century colonial power – there began to re-emerge from the ruins of a bankrupt system (though not only there) the ancient ideological spectres, which one had hoped had been safely packed away in the trunks of history; above all the spectre of nationalism.

By that I mean of course not national consciousness, which stems from the free, humane traditions of an ethnic group, but that form of nationalism as an aggressive ideology, which sees an enemy in every different or different-looking group.

No nation exists which has not at some point in its history committed some wrong. The battles, won or lost, in pursuit of greater empire, the power struggles between different dynasties usually ending in murder, the repression of others or groups with a different way of thinking, are no reason to feel particularly proud.

European culture, of which we can all rightly be proud, is the result of the efforts of numerous individuals from many

ethnic groups, who succeeded in looking beyond the narrow horizons of their own mountains and valleys. This has resulted in the Renaissance and the Enlightenment, that promise to make Europe into a humane land, a community in which it is completely irrelevant who belongs to which nation and to which god he prays, where the only thing that counts is how one person behaves towards another and what he does.

In comparison to this diverse culture with all its freedoms and democratic traditions, the nationalist rallies with their separatist flags and their martial brass-band music shrink into a foolish folklore.

Never were half so many people so vehemently seized with the idea of a European identity as today, yet never were so many petty iron curtains erected, blocking a true association which must be based on a free exchange of people, goods and ideas.

It is plain that such a union of all European ethnic groups is the only chance to survive in this beautiful, colourful world. Yet how can we put a stop to these raised spectres of intolerance and contempt for fellow men (in the eyes of militant nationalists all the peoples of other nations are inferior) when all appeals to intelligence apparently fail?

“What do we have left?” the great Croatian, non-conformist writer, Miroslav Krleža, has asked himself, only to respond at once: “A box of lead-type, and that is not much, but it is the only thing that humans have invented until today as a weapon to defend one’s humanity.”

What other choices are indeed left to us if we don’t wish to look helplessly on as our hopes of a bright, free, equality-sharing Europe of many nations appear to finally disappear in the foggy haze of aggressive, dogmatic nationalism?

This text is Milo Dor’s address to the conference Freedom and Responsibility – Media in Multilingual Societies that took place in Bern in March 2003.

Johannes von Dohnanyi

The Impact of Media Concentration on Professional Journalism

No modern open society can do without the free flow of information. Newspapers, radio, television and increasingly the Internet, too, are indispensable tools and not only for the distribution of information. The function of the media as the guardian against any abuse of political and industrial power has often been described. Probably even more important, however, is the role of a free and independent press as a fundamental instrument for social cohesion through an open social and political debate. Because democracy cannot flourish without free and independent media, their preservation must be a top priority.

Among the different types of media, daily newspapers fulfil a very special role. This role is not only to inform on relevant national, regional and local facts and developments. Various studies have shown that information carried by newspapers tends to have more influence on consumers' understanding than the same information carried by television and radio. The unanimous conclusion of those studies: regular readers of daily newspapers are high in political competence.

Yet, in many countries this very backbone of democracy is increasingly coming under threat. Sometimes this is the result of pressure from the political and/or the economic environment. More often it is financial weakness that makes newspapers vulnerable to the unforgiving forces of an ever more globalized market.

The economic situation of the print media does, of course, depend in part on the overall state of the economy. The main reason for the accelerating crisis of the print media,

however, has been the liberalization of the television and radio sector and, in particular, the arrival of the Internet. Television has become the media of choice for product advertisement. And classified ads, whether housing, second hand cars or job offers, have dramatically shifted away from the print media to the Internet.

This latter development alone has resulted in a reduction of newspaper revenues of up to 30 per cent. All indications show that this is a definite trend which will continue. Increases in sales prices and cost cutting are ways of countering the resulting financial difficulties. Merging with stronger national or international competitors is another option.

Economically this may be acceptable. The media are part of the service industry and as such are subjected to normal market rules. The experience in some Western European countries during the 1970s and 1980s indicates that a certain degree of concentration can lead to a healthy consolidation of the print media sector and may, therefore, even be desirable. Similarly many of the media in Central and Eastern European countries would not have survived the transitional period following the collapse of the old regimes without the massive influx of foreign capital.

Concentration movements in the print media sector do, however, carry high risks. By eliminating independent news sources, both content and opinion pluralism may be curtailed. This would result in a direct and negative impact on the citizens' right to information.

But concentration processes also put pressure on the most valuable asset media companies possess: journalists.

A logical way for print media to fight the crisis would be to strengthen its unique position within the information sector and to strive for drastic improvements in journalistic quality. Instead, more and more publishers opt for the reduction of their full-time writing staff. Financial and economic management

successfully influence the editorial line to adopt a stance that reflects the line of thought of political powers and/or industry and its advertisement agencies. Editors-in-chief are forced into mainstreaming the content of their newspapers. Being costly without the certainty of immediate results, investigative journalism is cut down to a minimum. Information gathering as well as background research is outsourced to news agencies and freelance journalists. Increasingly professional journalists have the feeling that they are considered to be more a necessary nuisance than an asset. It was the young editor-in-chief of a respected Swiss weekly paper who so aptly coined the term “journalistic Darwinism”. According to this perverse concept journalists who do not feel safe in their job will perform better.

The worrying result: solid traditional journalism is replaced by new concepts like “infotainment” and “edutainment”. Forgetting the rules of factual reporting, “faction” – the combination of facts and fiction – is becoming the order of the day. Many journalists admit to having been pressured by publishers and editors not to report on events or information obtained on people, institutions or industry that are considered important for the paper. The same journalists admit to regularly succumbing to such pressure.

“Journalistic Darwinism” is in full swing. Since the end of the “Golden Nineties” thousands of journalists all across Europe have lost their jobs. In many cases publishers and editors have used the financial dire straits of their newspapers to get rid of their most experienced, and therefore more difficult to manipulate, journalists. Instead of producing better performing journalists this selection process has led to nothing but a dramatic levelling of quality standards which in turn has led to a significant loss of credibility. The results are dramatic: across Europe newspapers are losing out to television and the Internet.

Freimut Duve

The Spiegel Affair: It is not just the Letter that Counts but the Spirit of the Law

The twentieth century has experienced many transitions from dictatorship to democracy and vice versa: the destruction of democracy by dictatorship. Freedom of the media as well as the rule of law plays a central role for both. To guarantee independent journalists free reporting, or to silence free reports in a way both total and totalitarian. This not only meant that freedom fell by the wayside but that many courageous journalists ended up in prisons, were forced to leave their homelands, or were killed.

The hope of averting these dangers once and for all – at least in Europe – prompted the OSCE process to establish my Office. As the chair of the third committee of the OSCE Parliament, I personally had also given my utmost support to this because my own country – Germany – had twice endured the bitter experience of dictatorship. And on two occasions a liberal democracy had to emerge from the media dictatorship.

In 1945 West Germany, occupied by the three Western powers of Great Britain, France and the USA, was rapidly placed on the road to democracy. It was British and American officers who issued the first licences for newspapers to young journalists. Springer Verlag was created in this way, as was *Der Spiegel*, today one of the largest and most influential weekly magazines in Europe. Some of the journalists who had fled in 1933 had returned from exile and, after the Federal Republic of Germany was founded, started working in their former profession again.

In 1949 there were already clear signs of liberal and very professional journalism. After the end of the German dictatorship this seemed to be a matter of course. The freedom of the

media was not just guaranteed in the new Constitution, but the spirit of these laws also meant that young journalists could pursue their profession without fearing government intervention in their work. Yet at the same time subservience to the State survived – a legacy of the previous period.

Today, during the difficult process of democratic modernization in the States of the former Soviet Union, the past experiences of other European countries in creating a liberal climate for professional, critical journalism after dictatorship are all too easily forgotten. Many of the post-Soviet States of the OSCE will soon have been working on this task for 14 years. My Office casts a critical eye over this process. It therefore seemed to me only fair to recall how 17 years after the end of Hitler's dictatorship, the democratically elected Government under Konrad Adenauer and Franz Josef Strauss detained behind bars the publisher Rudolf Augstein and leading journalists from *Der Spiegel*. And also to recollect how the democratic protest and outcry against this undemocratic surprise attack led to a true stabilization of media freedom in Germany.

The journalists were charged with betrayal of secrets and thus treason, because they had disclosed military secrets (cover story of 18 October 1962).

Ten days later, on 26 October 1962, 30 police officers from the Federal Office of Criminal Investigation burst into the editorial offices of *Der Spiegel*. Augstein ended up in prison, and Germany faced its greatest press scandal 17 years after Hitler's downfall. It became the German democratic public's greatest success in supporting freedom of the media. People protested for days in all of Germany's cities and in schools there were discussions about the independence of the press. The author of these lines, then a young scholar at the University of Hamburg, demonstrated in front of the prison gates with hundreds of other like-minded people.

It soon became obvious that Defence Minister F. J. Strauss's greatest concern was for himself. *Der Spiegel* had always been very critical of him! If "treason" could place Augstein behind bars then Strauss would be protected from other criticism.

Augstein was soon released; Strauss had to resign.

My Office is repeatedly faced with the problem that politicians believe that they are above any form of criticism and that whoever attacks them or presents their dirty washing to the public is acting against the interests of the State. We see this in many post-communist States to this day. Politicians think that they deserve special protection from criticism. The world witnessed how even Clinton, President of the United States, was harshly criticized in public for his personal behaviour, sometimes in ways that were unacceptable, and how he had to face the public. He could not take his attackers to court. Politicians in democracy must expose themselves to special criticism. If they want to avoid this then they should not become politicians.

With this scandal, now over forty years ago, Germany took a significant step into the democratic landscape of free media – a precious asset of our democratic history!

The work of investigative journalists has led to unexpected results. Recently, there have been repeated cases in which leading politicians, or mayors of major cities were forced to resign because reports about how they were discharging their office resulted in trials and charges. The route of smuggling one's way across the path of criminal law by means of libel paragraphs has today been blocked in Germany. This is also a result of the Spiegel Affair of over forty years ago.

We also want to remind others about this. There is no blueprint for media freedom, but it has to be created from citizens' close attention to the spirit of the laws.

This article is the preface to a booklet that was published in Russian and presented in Moscow in September 2003 called The Spiegel Affair (Moscow: Glagol Publishing House, 2003).

Achim Koch

mobile.culture.container*

In our first book¹ we described how the vision of a mobile secondary school became reality as the mobile.culture.container.

This project has been described many hundreds of times: mobile.culture.container – a project of the Defence of our Future Fund, a project for young people in war-worn cities in former Yugoslavia, a peace project, a media project, a pilot project for conflict-ridden regions, a project in the framework of the Stability Pact for South-Eastern Europe in close co-operation with the OSCE.²

The containers travelled for three years through the countries of Bosnia and Herzegovina, Croatia, Serbia and Montenegro, Macedonia, and Kosovo. They stayed for three to five weeks in each of the following cities: Tuzla (BiH), Osijek (Croatia), Cacak (Serbia and Montenegro), Gorazde (BiH), Mostar (BiH), Banja Luka (BiH), Skopje (Macedonia), Bitola (Macedonia), Mitrovica (Kosovo), Novi Pazar (Serbia and Montenegro), Brcko (BiH). Some of these cities were visited twice.³

Many thousands of young people between the ages of 14 and 21 came “to the containers” between the years 2001 and 2003. In every city between two and three hundred of them decided to take part in the projects of mobile.culture.container. The most successful results were always in the cities where the conflicts can still obviously be sensed today: in Gorazde, Mostar, Mitrovica and Brcko.

The 16 containers were set up in a circle that was covered with a stage floor and with a tent roof above. Container interiors were created that were used as an Internet café, library, video and radio room, kitchen, office, technical administration,

*The following four articles are reprinted from the book *We Are Defending Our Future: mobile.culture.container 2001-2003* (Vienna, 2003).

a workshop or stores.⁴ Under the tent roof, in the project's forum, there were group discussions about the young peoples' futures, and newspaper workshops, film evenings, podium discussions, band performances or disco evenings were also held.

Everything served one purpose: to talk and work with the young people on the subject of their future. In discussion groups, films, radio broadcasts, interviews, on photos, in plays, newspapers, and literary pieces, young people not only presented the many facets of a vision of their own future but also expressed the apparently insurmountable obstacles.⁵ They described the generally authoritarian school and teaching system, that their parents were still stuck in a past of war and violence, that sexuality was a taboo subject, being constantly and divisively identified through religious and ethnic affiliation, the seemingly hopeless situation in the education and training system and on the job market, the basic evil of corruption or the deeply-rooted wish to leave their own country. For most young people overcoming obstacles on the way to a chosen future and devising a clear life vision appeared almost impossible.

For many, mobile.culture.container was a project where they could start this process, which offered help of a kind they could not get elsewhere, either at school or in their parental home.

As the first step, for many the discussion about their future was important, because they had not been able to talk about this subject together anywhere before. The fact that these discussions tackled a common subject for all, transcending religious or ethnic divisions, was itself an important goal, for example in a city like Brcko where the two final years at grammar school are still taught in classes that are divided ethnically. Yet also the freedom of the discussions, without being regimented by teachers, animated many to say things they had never expressed in front of other young people of the same age before. Open and released from pressures, many of

them ventured towards lucid ideas, prompting them to further thought and then to transform these ideas into concrete tasks.

Even young people who as children had had particularly intense confrontations with war and violence and as a rule never spoke about this, often opened up for us in an astonishing way. The project's second film⁶ shows this process. Many young people took the opportunity provided by the project to "talk freely". People working for mobile.culture.container rapidly noticed the need behind this wish to talk and started to understand how they often helped by listening. Some of the young people later explained their own relief at having the chance to talk about their experiences. Their life became easier after opening up. Yet the memories will always cast a shadow on their lives. Sevji mentions this at the end of her story *As if Nothing Had Ever Happened*.

Many had another experience, when they not only talked and worked with their fellow students but also travelled to cooperate with pupils in other cities which mobile.culture.container had visited before. The pupils from Gorazde, who met up with those from Visegrad in 2001, had since the war never talked to, or even seen, students from this city that is just 30 kilometres away in the Republika Srpska, and vice versa.⁷ Pupils from Banja Luka in the Republika Srpska had similar experiences when they met up with young people from Mostar or Jajce. Although they lived in the same state they had previously believed that there could be no common future together. mobile.culture.container started to connect these groups of young people.

The visits to Mitrovica in 2002⁸ and 2003 were special experiences. The city in northern Kosovo is still seen as the most conflict-ridden place in Kosovo, because here is the dividing line between the south, populated mainly by Kosovo Albanians, and the north, inhabited primarily by Serbs. The partition is marked by the river Ibar, which flows through the city. The main bridge crossing the Ibar is guarded by KFOR soldiers

(Kosovo Forces) and in recent years was the scene of recurrent clashes between inhabitants of the north and south of the city. While the southern part of Kosovo accepted administration by the UN (UNMIK – United Nations Mission in Kosovo), large parts of the Serbian population from the north refused to recognize this until the international community safeguarded the property rights of Serbs who had fled and been driven out of southern Kosovo. The result was a state of lawlessness in northern Mitrovica in the summer of 2002, although KFOR and international police were patrolling these areas.

In this situation and on the invitation of UNMIK, the Defence of our Future Fund decided to visit Mitrovica in 2002 and to look for a solution to bring young people from both sides together. With the help of UNMIK and KFOR, mobile.culture.container created a neutral place on the bridge across the Ibar, which all young people could visit. From the existing bridge, steps were constructed to the middle of the river. From here visitors went via a footbridge to the location of mobile.culture.container, which had been closed off completely to the surrounding area by KFOR. Young people from the north and south had to go through KFOR checkpoints and could then enter a neutral zone with equal rights.

Over three hundred young people from both sides participated in the four weeks' work of the project. Many hundreds visited a communal place for the first time – peacefully and together. They danced, discussed and worked together without conflicts flaring up. The young people produced a radio programme lasting eighty-eight hours which, with the help of KFOR, was broadcast throughout Kosovo in Serbian and Albanian. At the end they endeavoured to continue their work together. Today part of this is housed in refurbished rooms in the city's cultural centre.

This particular success was not without challenge. At the end of its visit mobile.culture.container was faced with a media

campaign from Serbian politicians and government members. The project's work suffered as a result – especially in the next city of Novi Pazar (Serbia and Montenegro).⁹

In spite of this, the success could not be diminished. In 2003, mobile.culture.container visited Mitrovica for a second time to support the ongoing work.

In Mitrovica a youth newspaper was created – as in nine other cities. Together with the local NGO MCYPC the monthly journal *Future Magazine* was issued. Today this is distributed in Serbian and Albanian not only in Mitrovica, but also throughout Kosovo.

mobile.culture.container founded ten youth newspapers that with the support of Allianz-Kulturstiftung were fitted out with technical equipment.¹⁰ The printing costs were also covered.¹¹ The project developed a network of correspondence between editorial teams and linked up the young peoples' work.

The final task in 2003 was to strengthen the lasting results. Apart from the newspapers, there were radio¹² and video groups that had emerged from the project's work in these areas, which had continued their work even after mobile.culture.container had moved on. International donors were even found for Mitrovica who supported an Internet Centre.¹³ There were also concepts for photo, video, radio and scenography groups.

Based on these results, in 2003 mobile.culture.container modified its concept¹⁴ and concentrated on the media. The containers were partly refurbished. Newspaper, television and radio containers were created where definite results could be produced. These included a daily newspaper and a television and radio programme which were broadcast by local stations. Together the young people took as their theme their thoughts about the future and ideas about how to remove obstacles on the path to their future. Parallel to this, seminars were held at every location where with the help of specialists young people had the opportunity to learn more about media work. Under

the leitmotif *Freedom and Responsibility of the Media* they also learnt a lot about dealing with one of the basic rights of a democratic society.

In July 2003 the end of all this work was attained. The mobile.culture.container construction was transferred over to the responsibility of the city of Mostar. The project's progress will be accompanied and observed by the Defence of our Future Fund for a period of time. The youth newspapers will receive financial support for several months. But then it is envisaged that the results of these three years of work will continue to exist independently.

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- 1 Freimut Duve and Achim Koch (eds.), *Balkan: Die Jugend nach dem Krieg* (Vienna: Folio, 2002), 71 ff.
 - 2 Press archive on the pages 2001, 2002, 2003 at <www.mobile-culture.org>
 - 3 Gorazde, Mitrovica, Mostar
 - 4 tours of mcc – on tour 2002 – about – container hardware – at <www.mobile-culture.org>
 - 5 We presented the first results in our film “Cut 3 Times”; 45 mins., Igor Bararon/Nina Kusturica on behalf of the Defence of our Future Fund.
 - 6 “Out of Frame – Young People after the War”; 60 mins., Igor Bararon on behalf of the Defence of our Future Fund.
 - 7 tours of mcc – on tour 2001 – Gorazde – at <www.mobile-culture.org>
 - 8 tours of mcc – on tour 2002 – Mitrovica/a – news – at <www.mobile-culture.org>
 - 9 tours of mcc – on tour 2002 – publications – press releases – at <www.mobile-culture.org>
 - 10 Freimut Duve and Achim Koch (eds.), *Balkan: Die Jugend nach dem Krieg* (Vienna: Folio, 2002), 37 ff.
 - 11 Only the bilingual newspaper *Future Magazine* from Mitrovica covered its printing costs from over sources like assistance from the Soros Foundation.
 - 12 Mostar, Banja Luka, Skopje, Brcko
 - 13 American Jewish Joint Distribution Committee
 - 14 Booklet *Defence of our Future – mobile.culture.container 2003*

Freimut Duve

In Defence of our Future?

I.

It lingers somewhere, in the mind, in hearts – the violence children have experienced. The direct violence of people and the indirect violence caused by bombs and war. Often, both merge together.

Violence in many forms, from all sides. Old people today, who as children experienced state violence – a father taken away for organizing resistance against Hitler – this violence arose from their own State. Or the violence of invading soldiers – without this millions would not have fled and been driven away; or the violence from the sky as the people of New York experienced on 11 September, this violence rained down on my city, Hamburg, in 1943. Where yesterday evening there had been houses, in the morning there were piles of rubble, beneath which those who had sought refuge in cellars had been buried to death. A whole generation of children had experienced this like I did: in Hamburg, in Ludwigshafen, in Dresden and many other bombed cities.

For many years I have been aware that you can never get such scenes of violence out of your mind, even if I had buried them deep down – somewhere in the layers of memory about my life.

In 1945 we had great opportunities for our future. The mental baggage that refugees, bombed-out persons, or resisters lugged around was perhaps one of the unexpected instruments that we – we children who had been affected by violence – used to shape our own future.

In Defence of the Future – I thought of this alogical phrase one day many years ago in Guatemala. There had been massacres of

Mayas and thousands of young people had been witnesses and victims. A dedicated Guatemalan told me about it while many women were demonstrating in the capital against the violence of the state and the violence of terror groups. They wanted to protect their children, wanted to defend their future.

II.

This prompted me to ask very different authors, first of all from the Balkans and then from the Caucasus, to write texts tackling the question: *In Defence of the Future?*

Bosnians, Serbians, Croatians: Stop writing just about the past of the war and the atrocities of the others, write about what your older generation is contributing to defend the future of your children. The texts in both volumes show how difficult this question was for the older generation of authors who were already known.

In the Caucasus one text stood out, written by a Chechen teacher. He had fled with his pupils to Ingushetia and he knew that despite all the experienced horrors, the crux was the future of his pupils. I then invited him to Moscow to the book presentation. He made a stirring speech that also moved the Russian listeners.

Both volumes were political successes – especially the one on the Caucasus. We presented this in Moscow and also in Tbilisi (Georgia). Chechen, Russian and Azeri authors had been prepared to contribute to this book, to be published in the same volume in order to defend the future. It was perhaps the first time for centuries that Russian and Chechen authors had been published together.¹

III.

But all of these authors were older writers. How then would approaching young people succeed, who as children had experienced violence and organized hatred and terrorizing of “the others” and now lugged this around in their minds?

The idea of a travelling secondary school emerged – mobile. culture. container – that travelled through war-worn cities in Bosnia, in Croatia, in Serbia and then also in Kosovo and invited young people from the schools there to take part in discussion groups together.

For almost three years this travelling secondary school has been touring the cities. Thousands have taken part in the discussions; the statements of hundreds have been recorded. Achim Koch, managing director of the project, has approached young people from all of the visited cities and questioned them intensively a second time. The texts reveal what significance their memories of violence holds for them and how they handle the present differently to their parents' generation. And in some of the texts the often catalytic effect of the statement "In Defence of our Future" emerges with unexpected clarity. In the words of seventeen-year-old Armen in conversation with Achim Koch:

"Your main theme 'In Defence of our Future' hit the nail on the head. We noticed this during our discussions with you and our work together. Because for us it revolved around that and nothing else when, for the first time, we had the chance to be together again."

From the texts and the many meetings three things are apparent:

- The alleged, and also in the Western media recurrently cited, ethnic hatred "for generations" does not apply to the young people. Appalled that their long-standing acquaintances no longer spoke to them, they repeatedly sought out their one common point: what is our future?
- The deep impact of violence experienced by the young people has stuck in various ways in their minds and hearts.
- Despite all efforts geared towards the future, the wish is growing, especially with intellectual young people, to leave

their home country and to emigrate abroad to the West, if there is not hope on the horizon soon, also in terms of a shared European future.

IV.

This project with young people has taught us that no region in Europe is permanently, once and for all immune from violence that can ensue again and again from engineered ethnic hatred. Northern Ireland is still not really at peace; people are still killed and injured in the Basque Provinces. No European country is today and for all time “homogeneous”.

Young people in the Balkans were able to recognize that the concept of citizenship in their city, in their State, transcends their parents’ religious affiliation. They know that without this sense of community among citizens there will be no peaceful future.

1 Freimut Duve, Nenad Popovic, *In Defence of the Future, Searching in the Minefield* (Vienna, 2000).

Freimut Duve, Heidi Tagliavini, *Kaukasus - Verteidigung der Zukunft* (Vienna, 2001).

Besnik, age 17, Mitrovica
... **Growing Old Young**

Before the war, I was under the illusion that somehow things would get better. We had known for a long time that a war would come. Personally, I had noticed it very early on, years before the war in Kosovo, when I was only a young boy. I could feel the problems that I had building up over the years. You could say that they grew with me.

We lived in Zvecan, to the north of Mitrovica. Four or five houses belonged to Albanians. But the rest of the people who lived there were Serbians. When I was seven years old – that was in 1992 – my father, who was a driver for the largest factory in our area, lost his job. He was told that there wouldn't be any more work for Albanians. It was like that for lots of people. He went to Germany. Originally, he only wanted to stay for three or four months, but the months turned into years because at home the situation was getting worse and worse, and there was still no work for him.

At that time, I already had the constant feeling that I was hated in our village. Other kids said to me: *You're Albanian. You are terrorists. You left Albania to come to our country.* I didn't understand at all, as I just wanted to play with them, but they didn't let me. They called me a gypsy and said: *One day, you will all be killed.* That's what kids and grown-ups said to me.

Along with some Albanian kids, there was one Serbian boy who was a bit different. He would greet me and spoke totally normally with me. We both had a video game, and we used to swap cassettes. His parents thought a bit differently to other parents.

Apart from that though, the years just got worse. When I went along the street, people stared at me and shouted abuse.

I was being increasingly provoked. Some people started making a hand gesture to me, as if their head was being cut off. I also got the three finger sign. It's a Serbian sign, and I had no idea what it meant.

I was very afraid. My fear grew with my problems. It became routine for me to live like that. There were some streets where I knew that it would be better not to go along them. So I avoided them.

One day, during the war in Bosnia and Herzegovina, the police stopped me on the street and asked me about my father. I explained to them that he was in Germany, working. *No, no*, they said, *he's in Bosnia, and is fighting there against us Serbians, go on, admit it!* I didn't understand what they meant, I was still much too young.

Slowly, I started to realize that I wasn't living in any normality. For example, on the way to school, four older boys grabbed me by the arms and legs. They said to me: *Now we'll make an orthodox out of you*, and with their fists they thumped the shape of a cross on my body whilst reciting a religious text. Again, it was something I couldn't understand.

Once, when I wanted to buy chewing gum, the shopkeeper asked me: *Are you for Rugova or Drascovic? I am for Drascovic, because he will make sure that you will get your heads cut off.* Then he took out a large knife.

I had to be really careful where I spent my time. In the school bus, I couldn't really avoid being provoked. The kids would call after me: *UCK!*

There are a lot of things that happened that I haven't told my family about. My mother has enough problems of her own, and my father too. In the time before the war, I grew old whilst still being young, if you know what I mean by that. I had to cope with it by myself. I took the situation into my own hands, and thought a lot about how I could deal with it. That was routine for me.

There was one thing which happened that I couldn't conceal. I was going along a street near our house in Zvecan with three Albanian boys. Suddenly, some men, around 40 years old, came out of a bar, grabbed me and carried me back into the bar with them. My friends ran off. These men weren't drunk, but they kept making fun of me for being afraid. Then they opened a big refrigerator, where the drinks are kept cool, shoved me inside and closed the lid. They wanted to see how long it took for an Albanian to freeze. I screamed and cried, and soon they lifted up the lid, laughing. They only wanted to scare me. My mother turned up, as my friends had gone to tell her what had happened. I went home crying.

Then the war started. I saw the first pictures on TV. We fled from Zvecan, left our house, and during the following weeks we sometimes slept in the woods.

At that time, we still had hope. We hoped that there would soon be peace. Now it's all different. People have become different. There is no help, no mutual support, and a lot of corruption. Everyone looks out for themselves.

Only nature gives me hope. You can see that something grows, that something new develops.

Sevji, age 16, Bitola

As If Nothing Had Ever Happened

Yes, that's what it was like when I came back – as if nothing had ever happened. It was in August 2001. Exactly one year before you came to Bitola with mobile.culture.container.

I wasn't afraid when I returned, but only because I'd had a letter from my friends in which they'd written that I should come back soon and that everything was just great in Bitola. When I was back in the city they were all over the moon and asked me where on earth I'd been: *Why did you go to Turkey? What was it like there?* My relatives in Turkey had also made me feel more as if I was on holiday. Yet it was actually completely different.

It began even before the summer. When the war started on the border to Kosovo I gradually noticed that friends on the street looked at me in a different way from before. My mother told me that I shouldn't go onto the streets alone any more. But nothing happened to me. My brother, who is three years younger than me, came home in tears a few times because he'd been sworn at with words like: *Shove off from here, you Albanian!* But we're actually not Albanians. My father is Turkish and my mother's Albanian. My father's family have lived in Bitola for a long time. If somebody asks me where I'm from, then I always say I'm Macedonian, because I was born here.

I hardly ever watched the news about the war at that time because it always made me sad. My parents obviously didn't want to talk about it in front of us children either. It was only when neighbours came to visit that I could listen in when there was talk of the war.

Then it was 6 July 2001. I had been to school and wanted to prepare for a party in the park with my friend Elena. It was her birthday that day, and I'd turned 15 just two weeks ago. But my mother told me: *Don't go outside today. Something terrible could happen in Bitola.* So I phoned Elena and she also told me that her mother had said something similar. In the evening my parents packed their suitcases and told me to do the same. The most important things that I packed on that evening were a few clothes, my diary, photograph albums and my teddy. I felt really awful because I'd never been through anything like that. I couldn't sleep properly either. But I was also curious in a way about what was going to happen.

My parents seemed to know. Other people in the city had planned something. On the street you'd heard words like: *It's going to start this evening! This evening we're going to do it!*

My parents phoned my uncle who was outside the city and he invited us to his house. He said that it was safe because there were police there. Then from our balcony my mother saw the first houses burning in Bitola. Relatives from my uncle's family came and reported that my uncle's house was also burning. He had disappeared, had been taken away. We immediately got into a car and left for Turkey where we stayed for one and a half months.

Fortunately our house wasn't burned down. My grandpa, my father's father, was a very recognized consul in Bitola. Perhaps that's why our house was spared. But we also heard later that the arsonists had come into our street several times, but our neighbours had stood up to them.

Later it was said that nothing happened to the people who had systematically set fire to so many Albanians' houses. Apparently politicians had even asked them to do this. They are supposed to have had a list of houses which they should set fire to with them. Their aim had been to drive all people who were not Macedonians away from Bitola. All this also

happened in Prilep. Before, Macedonian policemen had been shot on the border to Kosovo. It was a type of revenge. The day when the houses were set alight was like a national day of mourning.

When I was back in Bitola, nobody talked about this any more. Perhaps people had spoken about it a lot in the weeks when we were in Turkey. I don't know. You can still see some of the burnt houses. My friends said to me: *Come on, let's go out now and meet up with her or him.* And that was what happened. It all seemed normal. However, a few of my parents' friends kept their distance from them, as if my parents had done something wrong. When you came to Bitola with mobile.culture.container I was able to talk about everything in detail for the first time. You filmed some of it. That was very important for me. By talking about it I've been able to rid myself of it all. Through talking I first found out what had actually happened to me. Since then I've managed to get over it.

And do you know that since the day when I packed my case to travel to Turkey, I've not written my diary? I don't really know why.

III. Our Work – What We Think, Why It Matters

Personal Reflections by Staff Members

Jutta Wolke

**The Caffeine Factor:
News from the Coffee House**

Alexander Ivanko

**Hate Speech: To Prosecute or
not to Prosecute, that is the Question**

Christiane Hardy

**Investigative, Undercover and
Embedded Journalism**

Hanna Vuokko

The Transformation or Homage to Kafka

Ana Karlsreiter

The Value of \$20,000

Christian Moeller

First Amendment Freedom Fighters

Andrei Kalikh

The Eye of the Storm

Jutta Wolke

The Caffeine Factor: News from the Coffee House

It was in Istanbul in the late 1980s that I first became acquainted with the institution of the coffee house. It was not a friendly acquaintance. I could not detect much conducive to public opinion building in them. Turkish coffee houses seemed to me dark and uninviting holes where men of all ages, and men only, would guard their dull secrets nobody cared to share anyway, in clouds of smoke they produced by lighting waterpipes with pieces of glowing coal, to which other ill smelling combustibles were added. Sexist and atavistic they were – that was my clear impression. Only later, when I had the opportunity to take a look at the history of the Ottoman Empire, did I find out that my evaluation was a result of looking at them backwards. If instead you stepped further back and looked forward from there, coffee houses seemed to have been the bearers of pluralistic and even democratic potential. At least the Sultan seemed to think so.

At the beginning of the sixteenth century, coffee and tobacco were a very popular luxury in Istanbul. However, they soon became a forbidden pleasure. At the beginning of the seventeenth century, Sultan Murat IV prohibited tobacco and coffee and closed down all coffee houses. He thus meant to prevent assemblies that might lead to conspiracies or plots against him. He is said to have made sure that his prohibition was adhered to by climbing up incognito on the roofs of the buildings in the old part of Istanbul. He would sniff at the chimneys to gain personal evidence of whether someone was smoking or even brewing some coffee. Whoever he caught had to face the

death penalty. The Sultan is said not to have stopped at holding drumhead court-martial in the middle of the night.

In Istanbul, the public dread of the persecution of coffee houses continued to persist until the beginning of the nineteenth century, when many coffee houses were still disguised as hairdressers. In recent years many coffee houses have become gambling halls¹ – not so much a disguise any more, but an indication of the prevalence of business considerations.

When you live in Vienna, you get the impression that it is the cradle of the coffee house. There is even a monument to the alleged founder of the Vienna coffee house, Georg Franz Kolschitzky, of Polish descent, in Vienna's fourth district. The story you hear in Vienna is that after their siege in 1683, the fleeing Turkish besiegers left behind 500 bags of green coffee beans, which ended up as Kolschitzky's property. He knew all about them, having lived in the Balkans for a long time and being fluent in Turkish. During the siege he had worked as a spy for the Austrians, and part of his remuneration was those 500 bags of coffee beans and the imperial privilege to brew coffee. He opened three coffee houses and the last of them was the famous Blue Bottle in Schlossergasse. Nice story that; unfortunately it cannot be proven.² Some claim that Kolschitzky, a merchant and spy, never had anything to do with coffee, that it is more probable that coffee entered Europe via Italy, where Venice had coffee houses since 1645, and via England, where the first were opened in 1652. In Hamburg, the first coffee house opened in 1671, in Paris the Café Procope was opened in 1672. In Vienna, it was Johannes Diodato who opened the first one in 1685. The Blue Bottle only opened in 1703, ten years after the death of Kolschitzky.³ The Vienna coffee house became world famous at the turn of the nineteenth to the twentieth century and in the period between the two world wars, when it became the meeting place of artists, journalists, and writers who as a result of the

First World War had faced the total collapse of everything in which they had believed.⁴ By then, the potential for free expression had developed in coffee houses elsewhere.

In seventeenth-century France, *le public* consisted of the royal court: lecturers, spectators and the audience were recipients and critics of art and literature. It was only when Phillip of Orléans moved the royal residence from Versailles to Paris, that the court lost its central function as *the public*. All of the great writers of the eighteenth century would first present their most important ideas in a *discours*, a lecture to an academy or to a salon. The salon held the monopoly of a first edition: a new work had to be legitimized there.

In Germany at that time there was no city which could offer a civil institution to replace the public which the courts had provided. Elements not dissimilar to the salons appeared in educated “dinner societies”. As in coffee houses, their customers comprised private people of all professions and classes, and a high number of academically trained intellectuals. Citizens from all walks of life met with members of the socially accepted, yet politically uninfluential, aristocracy in so-called “German Societies”. They were secret societies; the absolutist state did not permit open political equality.

For the Stuarts in England, literature and arts served to represent the king. After the reign of Charles II, the court came to be the residence of a royal family that lived a more or less secluded life. The increased importance of civil society was consolidated by the new institutions of the public – the coffee houses in their heyday between 1680 and 1730. The salons in France, the societies in Germany and the coffee houses in England were centres of what was first literary criticism, and later also political criticism. A parity of the educated from both aristocracy and the middle class began to develop.

In the first decade of the eighteenth century, London already had some 3,000 coffee houses, each of which had an

inner circle of regular customers. At the Rota Club, which was under the chairmanship of an assistant of Milton's, Marvell and Pepys met with Harrington, who supposedly presented the republican ideas of his *Oceana* there. Dryden could be found debating in a circle of young writers at Will's. Addison and Steele held their senates some time later at Button's. In the coffee houses, intelligentsia met with aristocracy, which represented landed and moneyed interests. That is probably why in London the debates soon went beyond art and literature to include economic and political topics.

The coffee house offered casual access to influential groups. They included broader circles of the middle classes, and even artisans and shopkeepers. Every profession, every party had their favourite coffee house. A few establishments doubled as business marts or auction halls, others were used as post offices or gambling parlours; they were the birthplaces of modern newspapers and typical eighteenth-century periodicals such as the *Tatler* and the *Spectator*; and the home of famous insurance and trade companies.⁵

The moral weeklies in London were a direct part of the coffee house discussions. When Steele and Addison published the first issue of the *Tatler* in 1709, coffee houses were so numerous that the coherence of these many circles could only be provided by a paper. At the same time, the new paper was so closely interwoven with the coffee house life that that life could be reconstructed from the paper's individual issues. The papers' articles were not only the object of discussion but also a part of the debate. Letters to the editor became an institution of their own: a lion's head was mounted on the west side of Button's coffee house through whose mouth the readers dropped their letters.

While dinner societies, salons and coffee houses in Germany, France and England may have been very different from one another, they had one thing in common: they organized

a permanent discussion between private persons which developed into a public opinion. They did not require equality of status; they took no account of it. The real authority was that of reasoning. Reasoning held its ground against the social hierarchy on the basis of the parity of human beings. *Les hommes*, private gentlemen, private persons were *the public*. Power and status of public offices were invalid, economic dependencies could not be enforced. Laws of the market were suspended, as were laws of the state. It therefore comes as no surprise that those who held political power saw coffee houses as breeding places of unrest. “Men have assumed to themselves a liberty, not onely [*sic*] in coffeehouses, but in other places and meetings, both public and private, to censure and defame the proceedings of State, by speaking evil of things they understand not, and endeavouring to create and nourish an universal jealousy and dissatisfaction in the minds of all His Majesties good subjects.”⁶ Charles II issued in 1675 a proclamation ordering the closure of all coffee houses because “divers false, malitious and scandalous reports are devised and spread abroad to the Defamation of his Majestie’s Government, and to the Disturbance of the Peace and Quiet of the Realm”. The resulting public outcry forced the King to rescind his proclamation within less than two weeks. In 1688, King James II decreed that all coffee houses and other public houses that displayed newsletters or any newspapers, domestic or foreign, should be suppressed. The order remained in effect, but seems not to have been enforced, as coffee house life continued unabated.⁷ Yet the press fought against some serious restrictions. In 1695 the Licensing Act abolished pre-censorship, but the Queen repeatedly demanded that censorship be reintroduced – in vain. However, the press continued to be subject to the strict Law of Libel and to restrictions as a result of numerous privileges of the crown and parliament.

The leading press of those days was never in the hands of the opposition. Only with George I and the long-lasting rule of Whigs did the Tories under Bolingbroke create an independent journalism. This succeeded in standing its ground against the Government and made critical comments on the Government and public opposition against it the norm. This was the beginning of the press as the fourth estate. From then on, the degree of the development of public opinion was measured by the degree of confrontation between the state and the press. The “Letters of Junius”, which appeared between 1768 and 1772 in the *London Public Advertiser*, a kind of forerunner of the political editorial comment, marked this degree of confrontation very clearly and perceptibly.

In Vienna, the coffee house had its heyday approximately 200 years after its counterpart in London.⁸ The reasons must be seen in the continuous control of public life through the police. The first third of the nineteenth century in Vienna was a time of intellectual oppression. Chancellor Clemens von Metternich tried to suffocate every kind of civil disobedience or resistance by means of a police state. The secret police used to post “confidants” in coffee houses to spy on potential rebels. However, they were soon known to the coffee house regulars and were often publicly denounced. This uncovering was illegal and punishable, but the penalties were not always enforced.

In 1844, Heinrich Griensteidl, a pharmacist by training, opened a small café which relocated in 1847 to the Herbersteinsches Palais at the beginning of Herrengasse near the Hofburg. Its regular customers were literary figures and stubborn political idealists. If you believe a classic Vienna *on dit*, the 1848 revolution was started because of freedom of speech in Vienna coffee houses. It had not been granted; therefore it was simply seized, and that immediately sparked off the revolution. One of its centres was known to be the Café Griensteidl in the Herrengasse. When it had to be renovated, everybody moved to

the Café Central a few metres down the street. It attracted not only literary figures, but also politicians: Russian socialists, Polish parliamentarians, Ukrainian Irredentists, Czech autonomists, Slovenian students; in the words of an observer, “the k.u.k. [imperial and royal] high treason”. This finally erupted – first into the shootings in Sarajevo, then into the First World War. Karl Kraus, the first writer to make the Café Central his second home, documented this in his scenes of *Die letzten Tage der Menschheit* (*The Last Days of Mankind*), which to a large part take place in a coffee house, or in front of one.

Another Vienna legend says that towards the end of that war, a high official came rushing into the office of the Austrian Foreign Minister, shouting: “Your Excellency, I am sorry. There is a revolution in Russia.” The Minister responded: “Go away! Who would make a revolution in Russia? Maybe Mr. Trotzki of the Café Central?”, and he laughed.⁹

If many feared the coffee houses as cells of revolutionary activity spurred by freedom of speech, an insider maintains the contrary. Milan Dubrovic, a coffee house regular himself, says that at least for the period between the two world wars, journalists and intellectuals spent time in the coffee houses to practice and train their intellectual capacities for their own sake, but never tested them in real life. What these people had in common was their cosmopolitan mind. He sees their critical distance from day-to-day politics as presumptuous. It collapsed and led to a state of speechless destitution which ended up in resigned powerlessness when the catastrophe actually happened. Karl Kraus is supposed to have said: “With regard to Hitler my mind is blank.”

Dubrovic reports the same complaints about futility, disintegration of values, and cultural pessimism all over Europe: in the Roman Café or the Café Größenwahn in Berlin, in the Dôme or Café Flore in Paris, in the Continental or the Arco in Prague, in the Abbazia in Budapest or in the Odeon in Zurich.

Dubrovic is very critical of the term “the Golden Twenties” which have been attributed a romantic aureole. The creative impetus, the new ideas that came sparkling forth in all areas of thought, arts and sciences, while admirable, have to be seen against the dark background of the decay of the young civil rights era. The rise of Adolf Hitler sadly shows that the idealized interwar era was at the same time the incubation period for the second act of the European tragedy, the rule of a totalitarian regime.¹⁰ The tragic fate of the unforgettable Egon Friedell, famous Vienna writer, historian, cabarettist, actor, and of course coffee house regular, exemplifies the consequences of that regime for freedom of speech that had found its home in Vienna coffee houses. On 16 March 1938, he jumped to his death out of the window of his 3rd floor home in Gentzgasse to escape arrest by the Gestapo. “Watch out”, he shouted, as he fell, to a passer-by.

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- 1 I owe the information for this part to a programme by the German public broadcaster ARD (Bayerischer Rundfunk) *Skizzen aus dem Orient: Die Pforte der Glückseligkeit - das alte Istanbul*.
 - 2 cf. Sonja Fehrer, “Altenberg – Polgar – Friedell: Die Wiener Kaffeehausliteratur der Jahrhundertwende”, Diplomarbeit zur Erlangung des Magistergrades (Vienna, 1992), 11.
 - 3 Rolf Schneider, “Geselligkeit”, *Leben in Wien* (Munich and Vienna: Carl Hanser Verlag, 1994), 39.
 - 4 As Stefan Zweig very impressively describes it in his autobiography *Die Welt von Gestern: Erinnerungen eines Europäers*, first published by Bermann-Fischer, Stockholm, 1944.
 - 5 Astrid Pintar, “The English Coffee House as a Cultural Institution and Its Reflection in Literature”, Diplomarbeit zur Erlangung des Magistergrades (Vienna, 1993), 2.
 - 6 Quoted by Emden in *The People and the Constitution* (Oxford, 1956), 33.
 - 7 Pintar 34 and 76
 - 8 cf. Pintar 2.
 - 9 cf. Schneider 44 ff.
 - 10 Milan Dubrovic, *Veruntreute Geschichte: Die Wiener Salons und Literatencafés*, Berlin: Aufbau Taschenbuch Verlag, 2001

Alexander Ivanko

**Hate Speech:
To Prosecute or not to Prosecute,
that is the Question**

Have you ever thought, dear reader, what freedom of expression really means? Yes, you, who else could I be talking to? And this is not about shouting matches in smoky bars and gossiping around the cooler or over a cigarette. Hey, we all exercise our basic freedom when the boss is concerned and not listening in. The names we call him (it is usually “him”, we tend to be more forgiving if it is a “her”), the evil powers we bestow on him.

But, really, for the record here, when else do you exercise your right to freedom of expression? Few of us write letters to the editor and even fewer contribute more substantial articles to the media. If we are in London we don’t hang around Hyde Park to join the speakers queue or get invited to pontificate on television (unless, of course, we carry a few generals’ stars on our shoulders).

It seems that freedom of expression is like a beautiful woman: with many around you tend to notice them less and less as their beauty seems not so striking. Try coming to Split or Dubrovnik in Croatia, you will instantly understand what I mean. But end up in a godforsaken place (I have been to a few myself) where female beauty is rare and you start aching for a pair of smouldering eyes and shapely legs. Unless you live in an area that has been through a devastating war, ethnic hatred, concentration camps and all the other “niceties” associated with bloodshed based on bloodline. Then your understanding of freedom of expression is “mildly” altered.

I have known Dardan for years. We worked together in Bosnia; he was with the OSCE, yours truly with the UN. Nice guy, top professional, gorgeous wife. In 2000, he came over from Kosovo, his home, back to Vienna, his new home thanks (or “thanks” depending on your perspective) to life’s circumstances. He invited me for a drink and we ventured off to one of the many pubs in Vienna. He had just got back from Pristina, and I assumed it was for a short break. How wrong I was. The not so jubilant welcoming party for Dardan, the lost son back in Pristina, turned some months later into a hate campaign in the Albanian-language media. Dardan, who spent time in a Serbian jail, fighting for many years for the rights of Kosovo Albanians, was accused of being a Serbian agent, a traitor to his own people.

“These people, they don’t understand what democracy is. They are all communists from Hoxha’s times. If you don’t agree with them they immediately accuse you of being a traitor. It is not that easy standing up for your beliefs in that place,” Dardan blurted out furiously.

“You know, there comes a time when you just say – enough is enough. Do I really want the aggravation, do I really want to deal with the risks?”

After the local press started attacking him, accusing him of every possible crime against the Kosovo Albanians, including paying 250,000 dollars to a Western journalist to publish articles slamming the Kosovo Liberation Army (even if he could come up with this somewhat grotesque idea, he never had anything close to a quarter of a million dollars), Dardan started noticing sinister things happening around him.

“Look, I’m sitting having a coffee in a street café in Pec when a black car with tinted windows stops in front of the café, the windows slowly roll down and I end up staring at a shaved head in dark glasses. By the time the security officer assigned to me made it to the table, they were gone.”

“Any ideas?”

“Sure, the usual KLA thugs. This time probably only sending me a signal – big brother is watching you, but how should I know?” He tapped a new cigarette pack on the table, tore off the wrapper, took out a smoke and started looking for a lighter. The waiter, a lovely Swedish girl, brought him some matches. He takes a few drags and the conversation continues.

“You know, I think Woodrow Wilson used to say that democracy is not about a system, it’s about character. He’s right. These people from the hills, the boys in the dark glasses and the leather jackets, all hip, they have no clue. But they wanna run the place.”

Yeah, run the place. For the time being many are content with running the media. And what do you do in a situation like this? The media ran out of town a friend of mine, with no apparent consequences for their actions forthcoming. And this is in Kosovo, an internationally administered province.

Hate speech. The ultimate dilemma: to prosecute or not to prosecute? A never-ending discussion across the Atlantic. Its proliferation in the media has contributed substantially to the level of viciousness exercised by warring factions during the Yugoslav wars. It encroached on everybody, turning yesterday’s warm-hearted people into overnight butchers.

Alexander Kasatkin, Colonel of the Russian General Staff (ret.). In 1992 UN Operations Officer in Sarajevo. He told me about the following episode in 1996 when we were both working in Sarajevo.

“This happened at the end of April 1992. The war hadn’t really gained full steam. Shells were already flying in Sarajevo, but mostly at night and during the early morning hours. I remember that day very well; it was a beautiful Sunday, sunny and warm. We were sitting in the office – myself, a Brit and another officer, a quiet guy from France – when we heard

some racket outside, noise, shouting. Then a girl was brought in; she must have been barely twelve. Badly wounded in the arm with a piece of shrapnel sticking out. We didn't have a full-fledged doctor at HQ so we had to take her to the hospital. The front lines weren't set in stone and the nearest facility where she could be operated on was in a Serb-dominated area. The three of us grabbed a bunch of bullet-proof vests to cover the girl in the car and sped off to the hospital. The doctors, when they found out I was a Russian, started running around, gave the girl local anaesthesia and were planning to take her to the operating room. One of the doctors, smiling, asked the girl what her name was. She answered. Suddenly I heard cursing, shouts, the doctor going red in the face. 'You f—king Muslim, you little bitch! I'm gonna butcher you here, not operate!' The girl went white. She was a child, I didn't care what nationality, ethnicity she was. She needed medical help and we took her to a hospital fully expecting that it would be provided. Thankfully, since I could speak some Serbian, I understood that we were in trouble. The doctor continued: 'I'm gonna cut your throat, you Muslim!' I had to intervene. The little girl was absolutely terrified. I explained to the doctor that I was a senior Russian officer, this girl was my responsibility, and if he did not perform the operation I was gonna set a bunch of dogs on his ass. I think that impressed him. It took them over two hours but they got the shrapnel out. However, I stood the whole operation next to the doctor. Just to be sure that, by accident of course, instead of cutting open her arm he didn't cut open her throat."

"If you weren't around, what would have happened?" Kasatkin sighed. "She probably would be dead. Thank God I understood Serbian and they had some respect for a Russian officer... I hope she survived the war."

That doctor must have been watching a lot of Serbian television, because, I can tell you, if I had been living in Sarajevo

and was being force-fed the crap I saw on Bosnian Serb Television, back then known as SRT, without any other alternative sources of information, I would have become pretty intolerant myself. Hey, we're all human. Who's a superman around here?

The 64,000 dollar question: do you ban this type of "news", scientifically referred to as "hate speech"? Or let it linger on the margins of mainstream media, debating its proponents rather than banning them altogether? Hate speech has been known to turn reasonable human beings into despicable animals. Maybe that is a good enough reason to ban it? Or maybe not?

This is the old US-Europe debate (well at least there was one prior to 9-11) on how absolute freedom of expression is and whether all speech should be constitutionally protected. My friend Dardan takes the European view on this one. Coming from Kosovo, it is difficult to accuse him of not being libertarian enough.

As a Russian who lived through some tough censorship times in the Soviet Union, I tend to lean towards the American First Amendment approach. Nevertheless, my convictions were "slightly" shaken by the experiences of the many conflicts in the Balkans where I had a front row seat at some of the more grotesque and brutal shows playing to the accompaniment of the local media.

I arrived in September 1994 in Serb-controlled Grbavica on the outskirts of Sarajevo with a UNTV team to produce a short documentary on the Russian battalion that was deployed as part of the UN Protection Force. This was my third trip to the besieged capital and I already felt like a veteran. We were picked up by a Russian jeep and taken to HQ. A couple of classy scruffy "gentlemen", wearing all the paraphernalia one is used to seeing on paramilitary "cleansers", were talking to

some Russian soldiers. My Russian instinct immediately signalled – there is a deal going on – something very soon will exchange hands with the help of a few Deutschmarks. I was hoping it wasn't going to be weapons, just some innocent booze or tobacco.

The commander, a mountain of a man as one expects a paratrooper to look, welcomed us. The dealers quietly withdrew. We went upstairs to the commander's office to discuss the filming. His secretary, speaking Russian with a heavy Balkan accent, brought coffee. A Bosnian Serb officer walked in – his name was Marco – introductions were made all around. His name rang a bell and his rank of colonel impressed. Once the technical details were out of the way we were invited to a dinner party at Sasha's place. Sasha, we were told, was the local Serbian commander. A week later I would be hearing his snipers shooting women and children on the other side. But that was a week later – often an eternity in the Balkans. Now I was supposed to be a guest at a party a few hundred feet from the front line.

“Yes, Elena is in town, she wants to meet all the boys, so I thought, you guys will also enjoy the company” – we were in no position to decline such a generous offer. I had met Elena a few months ago. She was introduced by a Russian diplomat as my country's top expert on Yugoslavia, has written this and that, knows everybody and was a good friend of General Mladic, the Bosnian Serb commander. No wonder “the boys” wanted to meet her.

Sasha's house was a large two-storey villa, like any other in that region. Made of stone, roomy, yet dark. Candles on the table, enormous amounts of food: fresh vegetables, local cheeses, smoked ham. Bottles of slivovic and whisky complemented this extraordinary table-feast in the middle of the war. One hell of a party during a medieval-like ruckus.

Sasha starts telling me about his family, how he worked in Sarajevo as an engineer and had to leave when the war started.

“You were forced out?”

“I didn’t want to take chances. Also my people are here – not there. You know, every evening the Muslims slaughter innocent Serb children and float their bodies down the Miljacka River. Our television shows the pictures every night. At least when we have electricity.”

“I was there a couple of times and have never seen or heard anything like that.”

“They knew you were coming and took a break,” Marko joins the conversation. Not a glimpse of irony on his face made even more sinister by the candlelight. Zilch. Dead seriousness. I decided not to push my luck and focus on the food.

Enter Elena.

“These Muslims, they are terrible. Even worse than the Croats. I talked to Mladic recently and he told me what atrocities his troops come across when they liberate a village – people slaughtered, bodies everywhere.”

When the name of the “great one” is mentioned everybody is all ears. Her words are met with approving nods. It seems there is a reason for this dinner – Elena is being presented with a special award from the Sarajevo-Romanja Corps – the one that shelled the city for over three years. The award – a huge knife – is gallantly offered to Elena by Marko, who happens to be the Corps deputy commander for intelligence. Elena happily accepts the award and blabbers: “This is great for slitting Muslim throats.” Everybody starts drinking joyously.

The UNTV team continues focusing on the food. Sasha, however, does not want to leave me alone. He is fixated on Sarajevo, asks about this street and that, mentions a couple of friends but does not give me their names. In the end he sums up the conversation: “These Muslims, we gotta kill them, kill them all, and take our city back!” Elena, tipsy on slivovic, agrees. We call it a day after midnight. Although “enjoying” the longest ceasefire since the war began in 1992, Sarajevo once in a while

is lit by gunfire. We are now on the hills overlooking the city – Sasha’s snipers are earning their money. The sporadic bursts from a nearby house remind me that in a few days I will be on the receiving end of Sasha’s men.

That week in Grbavica was the first and last time that I spent more than a few hours on Bosnian Serb controlled territory. The place gives you the creeps: hostile glances at every corner, checking you out, measuring you, trying to understand – whose side are you on? And you have to be on somebody’s side, no options here. “God forbid, if you are not one of us,” they seem to be telling you. I ran across a paramilitary, at least he was wearing the gear, who looked like he just dropped down from the Far East. Later I found out that he was a volunteer from Japan. Other volunteers crossed my path later. He was the strangest one. They all hung out together and when they had electricity were all glued to SRT, the local Bosnian Serb TV station – the only one, actually. It was like having a drink before going into battle: intoxicating, invigorating hate pushed you to kill.

December 1994, Sarajevo. General Sir Michael Rose, the British commander of UN troops in Bosnia, and his civilian adviser Victor Andreev, an old Russian UN hand and a top negotiator with the warring parties, summoned me (at that point I was the senior UN Spokesman in Bosnia) to the General’s office to discuss a proposal that they were floating around. They wanted to pass it by former US President Jimmy Carter who was planning to come to Sarajevo around Christmas to try to arrange for a more permanent ceasefire, something we referred to as a “cessation of hostilities”.

“Alex, what do you think, will UN Headquarters in Zagreb agree to a proposal that we would table at the ceasefire talks that would identify words and phrases that should not be used by the Serb and Muslim media?”

Victor started giving examples: “chetnik”, “balija”, “ustashe”, etc. All traditional derogatory terms referring to the three main ethnic groups that populate Bosnia. The horrified look on my face gave away my First Amendment credentials. I started blabbering about the need to uphold freedom of expression, that as the UN we could not afford to start giving advice to the media on how to report, even if the reporting is being done in a very biased manner. Victor and the General did not look amused. They suggested that I forward their proposal to Zagreb. I called the Chief UN Spokesman in former Yugoslavia Michael Williams, another Brit (he later worked as a senior foreign affairs adviser in Blair’s Government), and told him about Rose’s and Victor’s idea. Michael, not a big fan of the abrasive former SAS officer who he saw as overly pro-Serb, hit the roof.

“Are they crazy? This is censorship. We can’t do that!” In the end, a former Soviet journalist turned conservative libertarian and a former British BBC reporter, who in his youth was sympathetic to the communists, torpedoed this proposal and it was never mentioned to Carter. Did we do the right thing? Back then, I thought that we were definitely in the right. Did the ceasefire brokered by President Carter last? It was barely three months before the factions were again tearing each other apart. Would a code of conduct for journalists have helped at that point? Who knows, although I doubt it. But the world again learned (for the umpteenth time) how media can infuriate an already violent citizenry.

In autumn 1997, I organized in Sarajevo a press conference by the Canadian judge Louise Arbour, back then Chief Prosecutor with the UN International Criminal Tribunal for former Yugoslavia (ICTY). For the first time we insisted that SRT, local Serb television, show the press conference in its entirety with no editorial comments attached. We, as international officials in Bosnia and Herzegovina, were being intrusive,

even imperialistic but our position was based on the belief that unless we get SRT in line we would never be able to break the pattern of ethnic hatred that had completely engulfed the Bosnian Serbs. SRT was the main cheerleader for ethnic purity and intolerance.

Judge Arbour, a short and shy looking woman who had a backbone made of titanium (she indicted Slobodan Milosevic), did a brilliant job in explaining the role of the ICTY, its colour-blindness, its focus on the organizers of crimes rather than the rank-and-file perpetrators. The press conference was recorded and a tape then provided to SRT for broadcasting. What I saw that evening on SRT was “slightly” different from what they had been provided with. I was absolutely flabbergasted: SRT had crudely edited the tape adding editorial comment left and right, some of it very hateful of both the Bosnian Muslims and the Croats.

The next morning at the regular press conference I went through the roof, accusing SRT of every possible crime in the book and demanding that the TV channel rebroadcast the press conference in full as was agreed beforehand. My statement was quoted by almost every media outlet in the US and in Europe. You will never guess what happened next.

Five SRT transmitters were taken over by NATO troops and the TV channel was switched off the air. One of the international Deputy High Representatives, who ran Bosnia, also happened to be a senior Russian diplomat. He called me the next day:

“Alexander, are you crazy? Krajisnik (back then Serbian member of the BH Presidency, currently a detainee at The Hague Tribunal-A.I.) is gonna string you up by the b—ls. You just closed down their main television channel!”

General Wesley Clark, at that point NATO Commander (referred to as SACEUR), decided to use my statement as a pretext to once and for all clamp down on Bosnian Serb anti-

NATO, often hateful and intolerant speech. SRT was off, gone, goodbye. I was warned to stay away from Bosnian Serb controlled territory for the foreseeable future.

This was the first time in recent memory when a major media outlet was closed down by international forces for promoting ethnic intolerance and undermining the security of these forces. Hate speech in the region was dealt a major blow, and few now dared to venture into this dangerous territory mindful of the fate of SRT. In the end, the media scene in Bosnia and Herzegovina started resembling something close to a reasonable one, with heated debates in the media, tough questions being asked, but little if any hate speech present in these discussions across ethnic lines.

The moral of this story: close down the bastards as soon as you get a chance. I guess, one can call this phenomenon media imperialism at its finest. Maybe, back in 1994, I should have agreed to Victor Andreev's and General Rose's proposal on a code of conduct?

In a situation of war it is not always easy to balance your own libertarian convictions with the harsh and grotesque reality of blood and guts spilling around you. It is even more difficult in a post-conflict situation, where death is no longer a variable and you often ponder: is there really a need to restrict speech? I don't know. I have not come up with an answer myself.

But I do know that as a result of hate speech a friend of mine had to flee his home town and another one levelled a gun on a doctor to make sure he operated properly on a little girl. Not to mention Elena and her Bosnian Serb friends whose brains were fried to the point where they only saw the "Muslims" as killers who had to be killed themselves first.

Christiane Hardy

Investigative, Undercover & Embedded Journalism *Sense, Sensibility and Non-Sense*

Embedded. At the beginning of the “War on Iraq” a new journalistic concept was introduced: embedded journalism. Journalists were to be invited to be part of the invading military forces. They would be given the opportunity to be there in the thick of the action! Nothing would escape the eye, nothing was to be hidden, the account would be first-hand.

Thus, with the introduction of the term embedded journalism, the suggestion of objectivity and the notion that something new had happened was conveyed.

How enchantingly delusional; being so close to the subject, the chances are that one only “sees” the few square metres of sand in front. One sees the bullet being shot or the mortar fired, but not where it lands or what it causes; one only sees a wisp of smoke in the desert. What one sees is not necessarily what is taking place. The first time when journalists got so close to the combat zone in the first Iraq War and Desert Storm, the public described the event as “watching a video game”.

What does such an image convey? Are we better informed about the war after seeing these images? What is happening at the same moment in the countries surrounding the battlefield? What are the implications, reactions, repercussions?

War correspondence requires a broad outlook, which means being well informed of the actions and intentions on both sides and not voluntarily choosing a narrowed perspective. I think that “embedded” in your room at home, given there is a computer and an Internet connection, you can get a better and a more complete view of the war in Iraq than when you are embedded in the invading troops.

Concepts as Marketing Tools. Looking at this from a linguistic angle, it seems interesting that a concept like embedded journalism is introduced with so much aplomb. A new concept that comes into our lives charged with meaning and is suddenly used so frequently should raise doubts about the intentions behind it. Concepts are introduced to us as new brands, marketed into our languages. We are bombarded with new words which are loaded with this new vocabulary of war, yet at the same time obscure its meaning: Soft Target, Friendly Fire, Unreasonable Violence, The War on Terror.

Rules and Regulations. Being embedded brings rules with it that have to be followed. They seem fairly logical in the given situation, but could be contrary to the basics of free journalism. Do not give coordinates, some actions of the soldiers cannot be reported, the commander can request a blackout anytime (i.e. no communication via satellite because positions can be given away), sign a contract, no news on classified weapons or future operations and censorship might be imposed. It can be argued that a situation in which reporting is subject to conditions does not exactly serve truth and freedom of press.

Being an embedded journalist in the middle of combat, it must be seductive to start thinking in terms of “we” or “our” instead of “they”. Extreme fear is an experience which shapes and moulds the ability to discern, and this could result in extreme bonding with the troops. Situations could occur in which you could speak of an embedded syndrome, loosely based on the Stockholm syndrome: being too close to the subject or ideology to maintain an unbiased judgement.

Old Wine in New Bags. “Embedded journalism” is not a new phenomenon. During World War II many journalists were in the service of the army, or embedded in it. There were numerous journalists who invaded Normandy alongside the soldiers

and died with them on the shores of northern France. Writers accredited by the US War Department were stationed in Paris, staying at Hotel St. Germain des Prés on the Left Bank (36, rue Bonaparte – it is still there), who were much more “embedded” in the daily and cultural life. Offering astonishingly rich insights into life before and during the war, Janet Flanner was one of those journalists, and was writing for the *New Yorker*. At least one photo exists where we see her in a US army uniform. She started writing articles for the *New Yorker* in 1925 which resulted in her famous *Letters from Paris* which she wrote till 1974.

Her voice is at its clearest when foreseeing much of the horror that the Nazi’s would bring and observing the European political situation that proved to be a breeding ground for much that was to come. Controversial and as much hailed as criticized is Flanner’s portrait of Hitler written in 1936.

He read gluttonously at this period, though exactly what only he knows. From later remarks, he apparently read more Goethe to dislike him for criticizing the Germans; adored Schiller, that patriot’s poet; and devoured all he could find about Bismarck, still the Führer’s sentimental hero.

What’s more important, Hitler clearly read up on the Habsburg Empire’s lamentable history, thus founding his angry, racial Nazi Weltanschauung of today; he certainly also read the French Count de Gobineau, from whom he got his notions of Nordic race superiority...

(7 March 1936, 27)

She also opened people’s eyes to Parisian life after the Liberation.

Existence in Paris is still abnormal with relief, with belief. The two together make for confusion. The population of Paris is still a mass of uncoordinated

individuals, each walking through the ceaseless winter rains with his memories. Government, because it is a novelty after four years of occupation, seems so intimate that each citizen feels he can keep his eye on it in vigilant curiosity. News too, is intimate as if the globe had shrunk to suit the size of the one-sheet French newspapers... (15 December 1944)

Vietnam & Desert Storm. Media coverage of Vietnam was a rare exception in the history of combat coverage by the American media. Never before had the press been granted such access to a war zone. And never again. That war served as a lesson to the Government and provided the maximum of freedom for the media.

In every war since then, the media have battled with the Government for the right to report the war as they see it. During the Gulf War a system was established restricting press by forcing reporters to travel in small groups consisting of reporters, photographers and a small television crew – contents were censored. As a result, at least one enterprising journalist went undercover. Jonathan Franklin, after studying the *Mortuary Management Magazine*, courageously applied for a job at the Desert Storm morgue.

“Got your embalming license, Franklin? You can start this afternoon,” the stocky mortician yelled to me while stitching an army private’s crumbling skull. I was next door, watching a crack mortician team stuff a second mutilated body into a starched uniform.

Posing as a moonlighting mortician, I had entered the mortuary at Dover Air Force Base, the sole Desert Storm casualty-processing center, during the bloodiest part of the brief ground war. That, I believe, made me the only journalist to see the dead being returned from the Gulf.

As a professional journalist, deception is not a step I take lightly. But when the Pentagon cancelled all press access to Dover to prevent the American public from being demoralized by the sight of body bags and coffins, I found the ordinary rules of reporting unacceptable.

What had I learned? Morticians, hearse drivers and data clerks inside the mortuary all freely told me the truth about the war dead. While the Pentagon was setting the number of casualties at 55, one of my temporary colleagues told me she was computerizing data on about 200 dead soldiers. [Final U.S. toll: 399 dead]

“And whenever possible,” a secretary had whispered to me, “combat deaths are classified as ‘training accidents’.”

Undercover. Funnily enough in journalism you sometimes cannot get close enough to reveal, explore, unmask and expose. In contrast with the embedded journalists, who consisted of a group of 500, this kind of journalism is mostly a solitary pursuit, without even the nearest of kin being informed, and is known as undercover journalism. This journalistic concept became well known to a broader audience in the 1970s when Günter Wallraff wrote *Der Aufmacher* about his experiences working as a journalist at the *Bild Zeitung* in Berlin (later to be followed by his book *Ganz Unten* describing his fate as a foreign worker in German factories). Few people, however, know that the practice of undercover journalism was already performed around 1880 by a woman named Nellie Bly.

Elizabeth Jane Cochran chose her pen-name from a character in a popular song and undercover journalism was to become her trademark. A sexist column in the *Pittsburgh Dispatch* prompted her to write a letter to the editor. The editor

was so impressed by the letter that he asked her to join the paper as a reporter. In 1887 she moved to Joseph Pulitzer's *New York World*, for which she exposed the conditions to which the mentally ill were subjected by pretending to be mad and getting herself committed to the asylum on Blackwell's Island. Not only did this article appear in the paper, but it was also published as a book carrying both illustrations and advertisements for corsets, a shrewd way to finance a book publication...

Price twenty-five cents

TEN DAYS IN A MAD-HOUSE

BY NELLIE BLY

New York, Ian L. Munro, publisher,
24 and 26 Vandewater Street

WHY are

Madame Mora's corsets

a marvel of comfort and elegance!

Try them and you will find

WHY they need no breaking in, but feel easy at once.

WHY they are liked by Ladies of full figure.

WHY they do not break down over the hips.

Their popularity has induced many imitations, which are frauds, high at any price. Buy only the genuine, stamped Madame Mora's. Sold by all leading dealers with this GUARANTEE: that if not perfectly satisfactory upon trial the money will be refunded.

L. KRAUS & CO., Manufacturers, Birmingham, Conn.

On the 22nd of September I was asked by the *World* if I could have myself committed to one of the asylums for the insane in New York, with a view to writing a plain and unvarnished narrative of the treatment of the patients therein and the methods of management, etc.

"You are in a public institution now, and you can't expect to get anything. This is charity, and you should be thankful for what you get."

“But the city pays to keep these places up,” I urged, “and pays people to be kind to the unfortunates brought here.”

“Well, you don’t need to expect any kindness here, for you won’t get it,” she said, and she went out and closed the door.

“What are you doctors here for?” I asked one, whose name I cannot recall.

“To take care of the patients and test their sanity,” he replied.

“Very well,” I said. “There are sixteen doctors on this island, and excepting two, I have never seen them pay any attention to the patients. How can a doctor judge a woman’s sanity by merely bidding her good morning and refusing to hear her pleas for release? Even the sick ones know it is useless to say anything, for the answer will be that it is their imagination.” “Try every test on me,” I have urged others, “and tell me am I sane or insane? Try my pulse, my heart, my eyes; ask me to stretch out my arm, to work my fingers, as Dr. Field did at Bellevue, and then tell me if I am sane.” They would not heed me, for they thought I raved.

Again I said to one, “You have no right to keep sane people here. I am sane, have always been so and I must insist on a thorough examination or be released. Several of the women here are also sane. Why can’t they be free?”

I am happy to be able to state as a result of my visit to the asylum and the exposures consequent thereon, that the City of New York has appropriated \$1,000,000 more

per annum than ever before for the care of the insane. So I have at least the satisfaction of knowing that the poor unfortunates will be the better cared for because of my work.

And so Nelly Bly's first assignment for her employer Joseph Pulitzer turned out to be a great success. This form of journalism would become her trademark. Public acclaim was bestowed on her when she took her trip around the world after Jules Verne's then famous book *Around the World in Eighty Days*. She left New York on 14 November 1889 and returned 72 days, 6 hours and 11 minutes and 14 seconds later, making her a celebrity.

Investigative Journalism. Although journalistic investigations already had a long history in America, Watergate became an icon. Bob Woodward and Carl Bernstein, reporters for the *Washington Post*, investigated the Watergate break-in and first cracked the Watergate scandal in August 1972, which led to the resignation of President Richard M. Nixon in 1974. In the minds of many Bob Woodward and Carl Bernstein stand for investigative journalism, which seems to fit into an American tradition much more than the embedded journalist. The Lonesome Cowboy – a solitary wanderer on a quest for justice.

An early example: Ida B. Wells.

Ida Bell Wells, a brilliant investigative journalist and human rights activist, is a familiar figure to African Americans and others concerned with justice in the US. During the first part of the twentieth century, Wells used her newspaper columns and speeches to sound the alarm on the lynching of black people in the South. She wrote for several black newspapers, utilizing her news sources and her first-hand investigative information

to show that lynching was more often used as a way to instill fear in and exert power over all blacks. Wells interviewed witnesses at lynchings and looked at events immediately preceding the act, to gain an understanding of the act of lynching in individual cases. What she uncovered was that lynchings were not a punishment for acts of sexual violence (this rooting from the myth that black men were super virile, uncontrollably promiscuous and assaulting white women), but for attempting to register to vote, for being too successful, for failing to be sufficiently demure to whites, or for being in the wrong place at the wrong time. In addition, she showed that lynchings were not an act of out-of-control whites horrified over a grievous crime. Rather, lynchings were often planned several days in advance and had police support. Not only men were lynched, but women and children were, too. Wells's work uncovered the thin veneer which was used to justify lynching.

They were not men of bad character, but quite the reverse. They were intelligent, hard-working men, and all declared they could easily prove their innocence. They were taken to a Warehouse to be kept until their trial next day. That night, about 12 o'clock, an armed mob marched to the place and fired three volleys into the line of chained prisoners. They then went away thinking all were dead. All the prisoners were shot. Of these five died. Nothing was done about the killing of these men, but their families were afterward ordered to leave the place, and all have left. Five widows and seventeen fatherless children, all driven from home, constitute one result of the lynching. I saw no one who thought much about the matter. The Negroes were dead, and while they did not know whether they were guilty or not, it was plain that nothing could be done about it. And so the matter ended. With these facts I made my way

home, thoroughly convinced that a Negro's life is a very cheap thing in Georgia ...

Ida Wells published the book *A Red Record*, that explored the ideological, economic, and political sources of lynching in the South. Her work would eventually galvanize an international movement calling for federal intervention to end the violence.

Afflict the Comfortable. Investigative journalists are likely not to be loved by those in power, because their work focuses mostly on matters that should be hushed up. Unveiling corruption and malpractice, its goal is to support democracy and to draw attention to the flaws of the system. Investigative journalism feeds itself on verifiable facts and opposing viewpoints. The investigative journalist as a watchdog is clearly not cherished by everybody, as a former press secretary of Mrs. Thatcher states: "The conviction that the government is inevitably, irrevocably and chronically up to no good, not to be trusted and conspiratorial. This sours and contaminates the judgement of otherwise competent journalists as to render them pathetically negative, inaccurate and unreliable. In this context Watergate has a lot to answer for here – and across the world ..." This reaction is not surprising taking into account that some investigative journalists claim their goal is to comfort the afflicted and to afflict the comfortable.

New Media, Better Access. New media and especially the World Wide Web make it easier for investigative journalists and the public alike to gather information that used to be inaccessible. This in turn empowers many people to control opinions which have been stated as facts, and is an opportunity to increase impartiality and objectivity by informing oneself. The Internet offers autonomy, and people are able to discuss and compare with no restrictions – a commodity sadly still restricted to the Western hemisphere. The absolutism of the

printed word is questioned. Counterchecking your sources and verifying information has become much easier through e-mail and Internet and certainly less time-consuming.

And finally ... Making distinctions between different types of journalism is of course to a certain extent artificial. Investigative journalists can go undercover, and some undercover journalists might prove more investigative than expected.

In comparison to these two forms of journalism, embedded journalism seems quite toothless. Investigative journalism still has potential in “the battle between the powers” of media and authority. The use of new media and the opportunities provided by the Internet seem to enlarge the possibilities for this kind of journalism, where access is of utmost importance and areas can be opened that were previously restricted.

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Hanna Vuokko

The Transformation *or* Homage to Kafka

I.

When Gregor Samsa woke one morning he found himself transformed into a journalist. His dreams had been uneasy: hurried deadlines, prying questions put to unwilling politicians, and camera flashes going off, all to a backdrop of the nauseating sound of the tapping of a keyboard. He woke up with cold sweat on his forehead and his pyjamas damp and rumpled from tossing around in his bed all night.

“What has happened to me?” he thought. It was not a dream. He was lying on his back, looking around the small peaceful room between the familiar walls. It all looked normal and safe. However, on the table next to the window stood a laptop which had been left on, judging by the slightly greenish flicker from the screen, and he had a vague recollection of having wanted to take a short break from a particularly challenging paragraph. “Suppose I went back to sleep for a while and forgot all this nonsense,” he thought. But that was quite impossible. Curiosity drove Gregor up and towards the laptop. But before he managed to get there, he had a glance at the alarm clock standing next to the bed. “God almighty!” he thought. Might the alarm not have rung? He must have slept very deeply. Or maybe the sound effects from his dream had drowned out the alarm? He realized that he would not make it to the office on time anyway, so there was no point in rushing. Instead, he decided to get dressed and have breakfast, before contemplating his next move.

In the kitchen, his parents looked up in shock when seeing Gregor enter the room with the laptop under his arm. His mother even gave out a small gasp, and flung up her hands to

her mouth. Gregor made an immediate decision not to stay in the house, but to eat elsewhere. It was all too confusing for him, he didn't need the added burden of having to try to make sense of it to his parents. He rushed past his parents, with just the slightest wave – trying in one gesture to allay their worries – and opened the door.

And there it was. On the top of the stairs, third step from the garden to the front door, right in the middle. Some blood was pooling around it and slowly dripping down on the sunflowers that cheerily reached towards the windowsill next to the stairs. The body of a dog, the head noticeably missing.

II.

The ensuing commotion was unbelievable. Gregor's surprised cry attracted his parents and his sister Grete, the maid, some neighbours and a few passers-by who approached in curiosity but soon joined the circle around the carcass with the others, shuffling and mumbling, and casting an eye now and then on Gregor. Grete had to run back into the kitchen to fetch some smelling salts to revive her unconscious mother. The maid had a screaming fit until somebody slapped her. The next-door neighbours immediately started poking around the bushes in the garden for clues, one of them running back and forth on the street peeking into the side streets to see whether he could see any suspicious activity. But the worst was Gregor's father. He stood at the door, stony-faced, just looking at Gregor with an expression switching between sadness, worry, rage and blame faster than Gregor could interpret it. And he didn't say a word. The air around him felt heavy, just like in homes where a great calamity has occurred.

Gregor couldn't take it for long. He grabbed the laptop and with a few strides crossed the garden, turned left on the street and then immediately into a side street, hoping that nobody would pursue him. His feet knew where to take him;

he just followed them towards the office. His mind kept bouncing back and forth between the dog, the dream and the laptop – what was going on? He knew there had to be a connection, the morning had been too unusual for there not to be. He did not forget to remind himself at intervals that the coolest of cool reflection was better by far than desperate decisions. But he did not feel too cool when finally turning towards the building where his office obviously was located.

He found a desk buried under piles of paper which seemed to belong to him – it had a picture of his family on the bulletin board. He had walked to it without talking to anybody, just nodding to those who looked up from their work while he passed by. Brushing aside some newspapers, he put down the laptop and opened it. The last opened file was called “pipe line.doc”. Glancing through the text Gregor felt the cold sweat that he recognized from the morning return. His eyes were drawn to some key words: corruption, bribe, kickbacks. There were references to the president and his family. The media was blamed for a broad cover up – which seemed to be easy since it was claimed that most of it was owned by the president’s immediate family.

Right then a door opened at the end of the hallway and a voice called out Gregor’s name. Walking slowly to the room of the editor-in-chief – that’s what the nameplate on the door said – a jumble of thoughts were swirling in Gregor’s head: questions, strategies, explanations, more questions.

“Mr. Samsa,” the editor-in-chief now called out in a loud voice, “what is wrong? You barricade yourself in your room, answer nothing but yes and no, cause us all a great deal of unnecessary anxiety, and neglect your professional duties in a frankly quite outrageous manner. Or have you been working on something? I must ask you most earnestly for an immediate and unambiguous explanation.” It was obvious to Gregor that his questions would not be answered here. Having made

a quick calculation in his head, he decided that it would nevertheless make most sense to reveal the content of the file and proceeded in summarizing it.

A complete silence had fallen in the room. "God forbid," the editor-in-chief then suddenly cried out, already in tears. "What have you done? This now explains it all: the fire inspection yesterday, the call today about the upcoming tax inspection, the visit from the landlord about the raise in rent for our premises. Even the mayor cancelled the interview that was planned for this week. You know you can't do such a thing. I find myself losing absolutely all inclination to defend you in any way whatsoever."

Gregor found himself slowly walking back home thinking of visa requirements and pseudonyms.

III.

The next morning Gregor woke up with his head pounding, feeling a strange strain around his wrists and hearing noises that sounded like furniture being dragged across the room. He could remember having taken refuge in the sauna after the long strenuous day, but he couldn't remember drinking so there shouldn't be a hangover. Slowly he turned his head to see feverish activity: several uniformed policemen meticulously combing over every inch of the room. Trying to sit up, Gregor immediately realized what the strain was: he was handcuffed. Next to him, a burly policeman, having noticed that Gregor was awake, immediately proceeded to push him up and out the door to a waiting police car.

The day continued in a haze. Gregor couldn't fathom whether this was a continuance to the dream from the day before, or an entirely new nightmare. The interrogations went on for hours on end. What had Gregor done the night before? Who was there? Could he prove it? When Gregor's lawyer arrived and was finally allowed in, the situation became clear:

Gregor was under investigation for raping a minor, a young girl visiting the neighbours. The horror of the allegation washed over Gregor. This had to be more than a nightmare, perhaps some kind of an absurd reality warp.

A few endless investigation-filled days later, escorted by two policemen, Gregor arrived at the court building with a swollen black eye and with his glasses broken. It was courteously explained to the judge by one of the policemen that a minor traffic accident had occurred on the way to court, Gregor being the sole unfortunate casualty. Gregor tried to raise his eyebrows to this, but couldn't, due to the pain that was hammering away at his temple.

Gregor's lawyer tried persistently to raise contradictions, inconsistencies, and irregularities in the investigation, the evidence, the witness testimonies and expert statements, just to be turned down by the judge on every issue. He argued bias and prejudice by the police, as well as suspicious links between the law enforcement agencies and other power structures. He explained that even the president had gone on record publicly declaring Gregor guilty in a press conference before the trial had even begun – just one part of a massive campaign to discredit Gregor in the public's eye. Before Gregor had been arrested, a fax from the presidential administration had given instructions to the police on how to answer the questions put by the media. The course of the trial unearthed new procedural problems and violations which were all brought up. But to no avail. All the claims were refused and in the end Gregor was sent back to jail for a very long time.

IV.

Gregor's days in his cell were very long. He was not allowed to receive parcels or letters – the explanations to this were quite obscure. All visitors had been refused, until finally one day his father was allowed to see him.

It was not a cheerful visit. Gregor had not heard any news from the outside for ages. None of what he heard today was good. Gregor's father explained fully the family's financial situation and prospects. The family had been living off Gregor's income; now they were not only deprived of this but had to try to cover his legal expenses. They really should be thinking of new coping strategies. The main reason that prevented the family from moving was rather a feeling of utter hopelessness and the thought that they had been afflicted by a misfortune that none of their friends and relatives had ever suffered. There was nobody to turn to. The friends of the family had all suddenly become inaccessible. Gregor would have been glad that they had disappeared, had he not heard that this included his former colleagues – the media had not been kind to him. Even though he realized that fear and self-preservation were factors in this, he wished he could have a chance to clear his name. He realized how easy it is for somebody to fall prey to gossip, coincidences and unfounded complaints, against which he is completely unable to defend himself.

That evening Gregor was lying in his bed, as every evening, not sleeping a wink but merely tossing and turning for hours on end. He recalled his family with tenderness and love. He realized that the sight of him was quite unbearable to them, even though they had tried to ease the embarrassment of the whole situation as much as they could. His conviction that he would have to disappear was, if possible, even firmer than before.

He tried to fall asleep, hoping to wake up without the nightmare recapturing him from the first moment of the morning. He was still conscious as everything grew brighter outside the window.

This work is a product of fiction: all similarities to any recent cases occurring in the OSCE region are purely coincidental. All similarities, references and quotes related to Franz Kafka's Metamorphosis are intentional and used with utmost respect.

Ana Karlsreiter

The Value of \$20,000

Professional Journalism:

A Training Initiative for Kosovo

I met Christiane Amanpour in person in September 2002. She was reporting live from the IAEA Headquarter in Vienna on the Iraq crisis. Of course, I had known her from TV, covering some of the world's most dangerous corners, but this time it was obviously different, it was real. I have to admit that I was always keeping a critical eye on her work, but it took me five minutes to change my mind – I was now standing next to her watching her working and I was immediately taken by her. As my mother, who is a journalist, always says, reporting live is the ultimate test for a journalist and there are not that many reporters who are really good at it. Now I am convinced – Christiane Amanpour is definitely one of the best live reporters.

The next positive surprise about Christiane Amanpour was her openness – no superstar attitude at all. Quite the contrary! I introduced myself and we started a very relaxed and easygoing conversation. But I have to be honest and admit that she was more interested in my story than in my person – she wanted to know what had happened to the \$20,000 she donated for media projects in Kosovo.

It all began in 1996 when Mr. Freimut Duve, then the chairman of the OSCE PA General Committee on Democracy, Human Rights and Humanitarian questions, initiated the OSCE Prize for Journalism and Democracy. His idea was that the prize should be presented to journalists or groups of journalists who through their work promote the principles of free journalism as laid down by the OSCE Budapest Declaration in 1994. Since then the prize has received international recognition.

The first winner of the \$20,000 award was Adam Michnik, the prominent former dissident against communist rule and one of Poland's leading journalists today. In 1997 the award went to the non-governmental organization Reporters sans frontières and in 1998 to the historian Timothy Garton Ash. Andrei Babitsky, the *Radio Free Europe* reporter, who was covering the war in Chechnya, won the prize in 2000 and in 2001 it was awarded posthumously for the first time. It was divided between the widows of two courageous journalists who were murdered for their professional dedication: Georgiy Gongadze from Ukraine and Jose Luis Lopez de Lacalle from Spain. In 2002 the prize was again shared by the Austrian TV journalist, Friedrich Orter and the Belarusian TV journalist Pavel Sheremet, the editor-in-chief of the newspaper *Belarusskaya Delovaya Gazeta*, for their independent and reliable reporting. The Russian journalist Anna Politkovskaya, called by many "Russia's lost moral conscience" received the 2003 prize in recognition of her courageous professional work. Her dispatches for the Russian biweekly *Novaya Gazeta*, published in English under the title *A Dirty War: A Russian Reporter in Chechnya* have won her acclaim internationally and death threats at home.

The winner in 1999 was Christiane Amanpour. As already mentioned she opted to donate the \$20,000 for media projects in Kosovo. Mr. Duve decided to initiate a training programme for young journalists from Kosovo. I was appointed project manager and arrived in Pristina in September 2001 with the heavy burden of Christiane Amanpour's money and Mr. Duve's visions. I had promised him that I would find the best candidates for our new project to help young journalists from Kosovo. I knew from the beginning that this was not going to be an easy task. We really wanted to give a chance to young people, who otherwise would never have the opportunity to complete an internship at a Western media outlet. I decided to start looking for candidates in the so-called Media

Building in Pristina where some of the biggest media outlets in Kosovo are located. I had wonderful conversations with young journalists working there and was impressed by their dedication. In the editorial room of *Radio Kontakt*, the only multilingual radio station in Kosovo, I met Blerta Belegu, a young Albanian journalist, who became the first candidate for our internship programme. She was exactly the person I was looking for – young and motivated.

The next day I visited the beautiful small town of Prizren. In one of the numerous cafés along the river, I was introduced to the two editors of the local youth magazine, who became our next two candidates. Albina Mislini and Besa Osmani were quite remarkable in their own way – both in their early twenties and enthusiastic about their work. They were working on a story about the pressing problem of lotteries and gambling and how this has obsessed many people in Kosovo and why. What struck me most about the two girls was that they believed in the power and necessity of writing their stories. “The story has to be written, no matter what would happen to me later.” I felt replenished after talking to Albina and Besa.

I spent the evening with Besa’s family. A friendly crowd of women and children of different ages welcomed me warmly at the door. Very soon I felt at home and found myself sitting on the floor and playing domino games with the kids. The communication was difficult because nobody, except for Besa, spoke any English, but there were no words required to realize why most of the women in this house were dressed in black and the men were only present on the photos in the dining room – the house was full of those signs of death. In fact, as Besa told me later, almost all her male relatives were killed or disappeared during the Kosovo war. And she said that the worst is that nobody talks about it. Horrible things have happened in this house but silence was the only way her family deals with this tragedy – silence, diversion and denial! This

evening though was supposed to be different ... for all of us. Suddenly, Besa's mother, who seemed not even to notice me at the beginning and was all the time busy bringing flowers from the garden and sorting them into vases, sat next to me and started to talk in Albanian, which I don't speak. But there was no translation needed: I could see the deep grief in her eyes and I knew what she was talking about. And I knew that she needed me just to be there and listen to her. For the first time in my life I was directly confronted with war and its consequences. It was hard to believe that the walls of this friendly house were witnesses of such a horrible crime and this family has to live and survive with the memories of this unthinkable tragedy.

On the next day I travelled to Kosovska Mitrovica. Knowing that Kosovska Mitrovica was a divided city, I always thought that the bridge would be much bigger and the river would be much wider. Now, crossing the tiny bridge, I realized what the borders in people's minds really mean.

In the local editorial room of *Radio Kontakt* I met Jelena Aleksic. She shared with me the difficulties she experienced in her everyday work as a Serbian reporter in the multilingual radio station. Even her relatives can't understand her and blame her for being very friendly to the "others" i.e. Albanians. Very often she felt like a traitor among her own friends, she said. Her courage took my breath away. Jelena's sense of journalism was so ethical, and to remain a journalist who was independent was her professional credo. I was convinced that Jelena was the best candidate for our training initiative.

That evening I was invited to Jelena's place. I was again warmly welcomed by the family, although none of them had ever met me before. Since the apartment was located directly on the river, facing the bridge and the Albanian part of the city, the subject of war was unavoidable. Jelena's mother was crying when she told me how her neighbours, with whom she had shared her entire life, had become enemies and monsters overnight.

The next day, after my second sleepless night, when a ray of soft light was entering my room, I realized that coping with this black and white controversial world also belongs to the reality of the post-war situation. I realized that the struggle for peace is a far greater battle than war.

Back in Vienna, I informed Mr. Duve about the wonderful young journalists I had met and the training programme was launched immediately. We invited Jelena and Blerta to the Tenth Annual Session of the OSCE Parliamentary Assembly in Paris, where they were involved in the work of the press office there. Afterwards they spent a month in Vienna as interns with *Der Standard*, where they became acquainted with the work of their Austrian colleagues and learned a lot about the principles of Western journalism.

As a follow-up to this visit, we decided to support Jelena Alexic on her further professional path and arranged a year's internship at *Radio B92* for her. This had always been her professional dream, which until then had seemed unobtainable. Blerta Belegu went back to Pristina and started her journalism studies.

The other two candidates, the young journalists from Prizren, Albina Mislimi and Besa Osmani, were involved for one month in the work of the mobile.culture.container in Gorazde, Bosnia and Herzegovina, where they learned a lot about the press work and public relations of this project.

Through my colleague Christiane Hardy, who was a long-term election supervisor in Kosovo, I heard about Sara Kelmendi, Arlinda Desku and Artan Muhaxhiri. They are three young journalists, working at the recently founded weekly newspaper *Java*, the only Albanian-language media outlet in Kosovo publishing in the main spoken Gheg idiom. We started to exchange e-mails and I learned more about them and their work.

Sara is 21 and has studied English language and literature at the University in Pristina. After a short internship at *Koha Ditore* she decided to join *Java*. She was one of the founding staff members of the newspaper. She wrote to me that she wanted to work for *Java* because she believes in the editorial policy of the newspaper to promote tolerance and understanding through alleviation of language barriers. This is how she describes the challenge and the beauty of her work: “Throughout your journalistic work you have the opportunity to do something good and visible for society!”

The dedicated work of Sara and her colleagues Arlinda Desku and Rina Meta made the growing success of the newspaper possible. The readership is increasing and *Java*'s transformation from a biweekly to a weekly newspaper has been completed. Once Arlinda wrote to me that *Java* and its concept make her believe that there is a chance for changes in Kosovo: “All that you need is that you are aware of your own power and the power of your civil courage ...to ask, to knock and knock again on closed doors ... being nothing else but a citizen of your country.” Rina also started her work at *Java* driven by the hidden ambitions that through her journalistic work she could create a public opinion which would be in favour of reforms in Kosovo. Once she wrote to me that she and her colleagues from *Java* believe that the world around them belongs to them and it's also up to them to change it. Sara, Arlinda and Rina, and their articles about truth and courage, about how to fight preconceived ideas and how to learn from and respect other cultures, convinced me that they also deserve a chance and they became participants in our training initiative.

We sent the last sum of 500 euros to Kosovska Mitrovica to support the establishment of a school newspaper network there.

I am confident that all participants in our internship programme will become good journalists. Especially the reports by Jelena Alexic, who was not only offered a job by B92 but

also became one of their star reporters, are proving me right: “Although at first sight Kosovo and Belgrade, from the point of view of a journalist’s work, seem to be two worlds apart, similarities are inevitable. The basic links between these ‘two worlds’ are the principles on which a journalist bases her/his work. Apart from accuracy of the information that the journalist passes on to the audience, another principle I have based my work on is objectivity. Objectivity, in my opinion, means that all of the interested parties are allowed to express their views on the issue that is dealt with. At the same time, objective information does not leave any room for a journalist’s personal opinion or attitude. The journalist has to produce the information and to share it with the audience but leave them to decide whom to believe.” I really admire the way in which Jelena began to grow in her reporting.

In the end, with the relatively small sum of \$20,000 at least seven young people were offered a professional and personal future in their country.

The participants in our initiative restored my belief in the power of journalism. And I am certain that there are many capable young journalists in Kosovo and elsewhere who deserve a chance – there are many more interviews to conduct and so many more leads to pursue ...

Christiane Amanpour listened very thoughtfully and attentively to my story. At the end she only said: “All this with my \$20,000. It was probably the best investment in my life!”

Christian Möller

First Amendment Freedom Fighters?

Waitress: “You are reading about cyber-terrorists?”

Mitnick: “First Amendment Freedom Fighters!”

Waitress: “I think, this is like the Contras and the Sandinists, it’s all a perspective thing.”

Mitnick: “Well, anything anti Big Brother is probably good, don’t you think?”

Waitress: “Yeah, I have to agree with that.”

(*Takedown*, Joe Chapelle, USA 2000)

One rather neglected chapter in the history of the Internet is the history of hackers. Basically hackers are computer specialists, mostly young people, with the goal to find security holes in computer systems, intrude in remote networks and then either vanish without a trace or claim the fame for their efforts. And whereas facts are scarce, myths, gossip and netlore bloom on the Internet. But while historiography on this topic is just aborning, Hollywood has already discovered computers and networks as a source of various plots from love stories to action thrillers, and some films even explicitly pick out hacking as their major theme.

Hacking History. In 1972 Cap’n Crunch, whose real name is John T. Draper, got to be known as the first phreaker (the word is a combination of *phone* and *freak*) because he discovered that he could command the phone system of *Ma Bell* to connect a call by playing a tune on a toy whistle he found in a box of Cap’n Crunch cereals. Although Draper eventually was sentenced for fraud by wire, phreaking and blueboxing – basically the manipulation of telephone systems with a little box that generates tones just like the Cap’n Crunch toy whistle – remained popular worldwide until the late 1990s when phone

networks became digitized and more secure. While part of the blueboxing community just used their skills for late night chats with overseas friends or to call a random phone booth on the other side of the Atlantic, soon phreaking was interwoven to some extent with phone and credit card fraud, forming the criminal part of the transatlantic mailboxing scene.

The transition from the analogue to the digital world meant that now not only the phone networks themselves could be manipulated but, equipped with a computer and a modem, it also became possible to use the phone lines to access remote computers. One of the world's most famous hackers, Kevin D. Mitnick, for example started to (mis-)use his computing skills in the early 1980s, first of all for pranks with telecommunication companies. Yet soon he was reported for breaking into the Pentagon's NORAD computer through the ARPANet, the forerunner of the Internet, and was eventually arrested five times throughout the 1980s. When in 1992 he was wanted for violation of his probation terms he vanished as the FBI raided his place to arrest him and eluded an FBI manhunt for more than two years. During this time Mitnick again gained access to confidential data of companies and offices like the Department for Motor Vehicles (DMV) as well as to telephone and cellular networks, eavesdropping FBI phone calls to stay one step ahead of his persecutors. He also stole thousands of credit card numbers but never used a single one of them. With the help of another young computer expert, Tsutomu Shimomura, whose private computer Mitnick captured at Christmas in 1994 and who took up the personal feud, the FBI finally managed to arrest 31-year-old Mitnick after a cross-country pursuit in 1995. He was released from prison in January 2000, and his last probation ended in January 2003. The story of Mitnick was motivation for numerous websites, bumper stickers ("Free Kevin!") and even a movie, *Takedown* (Joe Chapelle, USA 2000), from which the quote at the beginning of this article was taken.

Another startling story is the one about the German hacker Karl Koch, alias Hagbard Celine, who vanished on 23 May 1989 and later was found dead in a forest near his home town of Hannover. Police investigation said it was suicide. In the 1980s Koch hacked into a computer in the US and sold the information to the Russian intelligence service, the KGB. Later on he was caught in a net woven by journalists scenting a scoop, state police accusing him of espionage and mental problems caused by the excessive use of drugs. This case, too, inspired a movie (23, Hans-Christian Schmid, D 1998) along with a number of conspiracy theories.

However, while part of the net community celebrates these hackers as heroes, modern Robin Hoods fooling the mighty and as fighters for freedom of expression, government officials tend to treat them as run-of-the-mill criminals. Or, as some critics say, courts even want to make an example of each hacker trial to get the message through to their comrades and scare them off, because they target the very economic core of the Internet: the normal user's trust in security and integrity of the WWW.

Hacking goes Hollywood. In spite (or just because) of the ongoing discussion between proponents and adversaries of the hacking scene, movies are made that romanticize actual events – like *Takedown* does with the Mitnick case – or make up whole new stories. Naturally a movie is adopting a stance to the topic it deals with, intentionally or not. So, what answers do these films give to the question, of whether hacking is an honourable job, done by advocates of the idea of freedom of expression, a harmless prank or simply a crime.

First of all, computers and decentralized networks generally are not a new topic in television and cinema. As early as 1973 the German filmmaker Rainer Werner Fassbinder directed *Die Welt am Draht* (*World on a Wire*, D 1973), a movie about a

(fictional) computer program, *Simulacron*, which is able to simulate a full featured reality. In 1983 the world was on the brink of nuclear war, caused by an underage hacker who broke into NORAD's main computer, mistaking real-time war room planning for a video game. At least this is the story told to us by the movie *Wargames* (USA 1983, John Badham). But although hacking is used as part of the plot for this story, it is rather a film against the madness of thermonuclear warfare. Hacking is just used to trigger the story and in the end to save the world by teaching the computer that "the only winning move is not to play". Not so much of a fight for freedom of expression but rather a plea against placing decisions in the hands of computers.

Depicting the Invisible. Another kind of war is described by Cosmo, played by Ben Kingsley, one of the main characters in *Sneakers* (Phil Alden Robinson, USA 1992):

There is a war out there, old friend, a world war. And it's not about who's got the most bullets. It's about who controls the information: what we see and hear, how we work, what we think. It's all about the information.

The film, produced by the same people who did *Wargames* nine years earlier, now focuses not only on computer networks as a new way of communication but on the ability to access and exploit information. Information means control. And you need technical skills and knowledge to access this information. The film does not criticize this knowledge as such, but the way it is used. While shifting money from the bank accounts of the Republican Party to the Black Panthers is regarded as a prank, the proprietary use of information technology is condemned, because it would lead to a dangerous imbalance of information "haves" and information "have-nots".

Anyway, movies by nature have a problem to depict the exchange of information as such. Whereas a laptop or a computer terminal can be added easily to the *mis en scène* it is difficult to illustrate the work of a computer virus or hacker attack. In *Sneakers* quite a number of McGuffin-like black boxes are used to translate cryptography and algorithms into Hollywood pictures. Just connecting one of the many black boxes – oblivious to problems with different interfaces of course – to either a CCTV camera or a bank’s mainframe enables you to gain control over the respective system. If there is a password required a large splash screen will pop up, asking you for the password and answering either with “access granted” or “access denied” in exactly the way the normal work station in your office won’t.

The 1995 movie *Hackers* (Iain Softley, USA 1995) chooses a new way of depicting the flow of data in computer networks and of visualizing computer networks. Needless to say that though these images are colourful and edited in quick succession they have nothing to do with reality. Another fact far removed from real life is that the ability to type fast seems to be the basic skill which makes for the perfect hacker, as can be seen also years later, for example in a very explicit scene in *Swordfish* (Dominic Sena, USA 2001).

Hacker Manifesto. In opposition to so-called crackers, script kiddies and other firebrands, hackers stress that they have their own ethical and moral standards, obligation and sense of duty. They claim that they are just seeking to satisfy their intellectual curiosity, are not trying to get personal benefit from fraud, that they harm no one but instead are working to find security holes and to make the Internet a safer place. While this is not easy to see in the cases of Kevin Mitnick or Karl Koch there are some hackers that became decisive interceders for the right of freedom of expression and privacy. The late Wau Holland, co-founder of the Chaos Computer Club, is one example.

From the very beginning, hackers surrounded themselves with the air of exclusiveness and secrecy, paired with a considerable amount of paranoia. In this way they built on their own myths like in the *Hacker Manifesto*, written by Mentor and issued in *Phrack* on 8 January 1986, that gives some impression of the hackers' self-image as "computer samurai" or "keyboard cowboys":

[...] This is our world now... the world of the electron and the switch, the beauty of the baud. We make use of a service already existing without paying for what could be dirt-cheap if it wasn't run by profiteering glut-tions, and you call us criminals. We explore ... and you call us criminals. We seek after knowledge ... and you call us criminals. We exist without skin color, without nationality, without religious bias ... and you call us criminals. You build atomic bombs, you wage wars, you murder, cheat, and lie to us and try to make us believe it's for our own good, yet we're the criminals.

Yes, I am a criminal. My crime is that of curiosity. My crime is that of judging people by what they say and think, not what they look like. My crime is that of outsmarting you, something that you will never forgive me for.

I am a hacker, and this is my manifesto. You may stop this individual, but you can't stop us all ... after all, we're all alike.

The film *Hackers* also establishes a new way of describing the hacking scene as a part of the youth culture with its own lifestyle and attitude. A clear segregation can be seen between the two semantic rooms of the classic understanding of crime and justice. This is represented by FBI agents and business people on the one hand, and on the other by the hacker gang, in which people have pseudonyms like Crash Override and Cereal Killer,

which stands for the emerging new world of computer networks and information technologies with their own laws and values. For example, a strong position against all kinds of hacking attempts for example is represented by the FBI agents, who refer to the *Hacker Manifesto* as “commi bullshit”:

Hackers penetrate and ravage delicate public and private computer systems, infecting them with viruses and stealing sensitive materials for their own interest. These people are terrorists.

The hackers of course have a different understanding of what they do and finally succeed in proving their innocence by disabling a dangerous computer virus in a concerted action by the global hacking community. Again the best hackers enjoy the highest status and court indictments even heighten their prestige. But while the hackers that are described in this movie are oblivious to laws and police they do have their own ethical standards: triggering the school’s sprinkler for fun is OK, sinking an oil tanker to blackmail a company isn’t. Soon the whole plot of the movie comes back to the fight of good against evil, which is transferred from the scenery of the Wild West to modern computer networks.

Takedown, the movie based on a book by Kevin Mitnick’s opponent Shimomura, at first glance presents an unbiased view of the hunt for Mitnick from the time when he violated the terms of probation until his arrest in 1995. The ambiguity of hacking is described in a conversation between Mitnick and a waitress he meets in a bar:

Mitnick: “I think the First Amendment is pretty significant. It has value.”

Waitress: “I’m not quite sure what hackers breaking into the DMV or whatever has to do with the First Amendment.”

Mitnick: “Well, I think the public has a right to know what’s going on. With everything. I mean, who you

gonna trust? You gotta trust Big Brother, you gotta trust corporations. Think they're looking out for you. Think of hacking as a public service."

Waitress: "If I knew all hackers were altruistic, I would."

Taking a closer look, however, the position taken by the film can soon be recognized. While Mitnick is described as a shy computer genius Shimomura is depicted as a keen show-off who enjoys being in the spotlight of congress hearings and media interest. But he also keeps back information for his own advantage instead of making this public as hackers should. Again, as seen before, the story soon boils down to the fight of two individuals. Rather than bargaining the pros and cons of hacking the film judges the personal integrity of its characters: hackers can be a watchdog regarding freedom of expression and data protection as long as they stick to their own high moral standards. But once they disobey these standards they will become corrupt and dangerous, as the example of Shimomura shows in this film. Although in the end Mitnick is arrested, the film depicts Shimomura, even though he worked together with police, as the moral loser – from a hacker point of view.

Caught in the Matrix. The film *Matrix* (Andy and Larry Wachowski, USA 1999) paints the picture of a world where access to networks is highly restricted and mankind is in fact an organic part of this network without knowing it. All surroundings, friends, jobs, basically the whole of life are just a computerized simulation. People lack the ability to see more than those in Plato's cave metaphor. To see the situation clearly from a meta level and to escape the matrix physically, hackers are once again needed, who can freely act in both the digital simulation of the Matrix and the tattered remains of the real world. Intellectual skills are translated into the ability to move within virtual realities, thus creating a new symbiosis between man

and machine. But while Neo and his hacker companions strive to enable people to emerge from their immaturity others try to get back into the comfortable simulation rather than living in the hostile environment of a world dominated by machines. One question that remains is whether we really want to know each and everything, even if it might scare us.

Sapere Aude. All in all in the films about the computerized world, and especially about hacking, “information” is regarded as one of the most important assets of today. In general the unhindered access to all kinds of information is preached, but often problems arise where there is an imbalance of those who are in possession of information and those who are not. What is more, people with access to restricted information tend to misuse their knowledge for their own advantage. Or in other words: the danger lies not so much in information as such, no matter how scary it might be, but in the deficiencies of individuals.

While at first sight this seems to plead for the unrestricted access to every bit and piece of information for everyone, conversely it could be interpreted that because of the dangers of the human factor there is a sound reason to keep some information well hidden. In a perfect world there won't be a need for hackers then, but as the world is far from perfect there must be at least a couple of upright heroes protecting us from the bad guys, who are misusing information.

In Hollywood hackers seem to be seen as “keyboard cowboys”. However, they are surely pranksters, sometimes criminals, but whether they are really “first amendment freedom fighters” is a question that has yet to be answered.

Andrey Kalikh

The Eye of the Storm

The place where I come from is very quiet. Indeed, you would not call Perm, which is situated in the Urals, not far from the geographical centre of Russia, a capital city, whereas Ekatherinburg, a neighbouring city on the opposite slope of the Ural Mountains is one. Separated only by 500 kilometres, which is not much in Russia, they are nevertheless in different parts of the world: Perm is still in Europe, while Ekatherinburg is in Asia.

However, this demarcation is a conventional one. Geography has no bearing on the political and social culture of these cities: Perm is quiet and provincial compared to Asian Ekatherinburg, which seems to be an agitated European megalopolis.

My city is full of wonders. Political hurricanes go past it. Having a bear on its coat of arms, it reminds me of one, though not of a dangerous wild beast, but of a lazy domestic animal, for whom sleep is the best solution for all problems.

Perm was asleep both before the Revolution and during Soviet times. When the whirlwinds of perestroika overwhelmed the country in the late 1980s, Perm lazily opened its left eye, muttered something about democracy and, agreeing in absentia with the change of master and division of the cage into several independent corners, turned over. The neighbouring Ekatherinburg was shattered by political turmoil, while all was calm and quiet in Perm. Close to the geographical centre of the country, it was in the eye of the storm, yet known for its deadly calm.

Amazingly, sleep did help it avoid sores and scabs.

It so happened that I never heard in Perm of, say, mass ethnic hate that has submerged Russia lately. On the contrary, it was in Perm that one of the two centres for refugees

from the former Soviet Union countries and elsewhere was opened. Hundreds of families from Chechnya, Tajikistan, Afghanistan and other hot spots have found refuge there. Perm has always been traditionally tolerant to newcomers, and it has remained so.

God saved Perm from racist officials publicly calling to boycott Chechens, Armenians, and Jews and from skinhead gangs. Instead, we have the unique Inter-confessional Advisory Council to the Governor's Office, strong national culture autonomies, joint interethnic activities and celebrations.

In addition, there are a number of active and influential NGOs, one of the strongest Human Rights Centres in the country, and authorities that find it a good idea to demonstrate to their electors that they have friendly relations with public organizations. As a result, the general social and political atmosphere is favourable.

Although still dormant, Perm, unwittingly, became one of the most liberal Russian regions. In 2002, the Moscow Sociological Carnegie Center assessed the level of democracy in Russian regions. The criteria were the openness of elections, the tolerance of authorities and so forth. The Perm region was ranked the first. And Muscovites have baptized Perm "the Civil Capital".*

Until recently, something of the kind could be said for the press in Perm. Drowsy and slack, as was all political, social and cultural life, it was seldom used for attacking political opponents. Tough newspaper battles and skirmishes between functionaries coming to grips with each other in a serious power partition were rare. I have also never read about open hate speech in the newspapers. Truth be told, one could hardly imagine the whole city talking about some sensational article, an outstanding reportage or a controversial TV programme.

* Research of the Moscow Carnegie Center, *Izvestia*, 14 October 2002.

The traditional calm of the Ural inhabitants and the seeds of liberalism, which originated from the generations of convicts exiled from the capital and thousands upon thousands of people repressed during the Stalin period who settled in that region, made Perm what it is now: a provincial spot of liberalism in the middle of the vast Ural taiga ...

... Then, all of a sudden, something prodded the sleeping bear painfully on the side, and it woke up.

Everything changed at once and acquired a new atmosphere. Even I, three thousand kilometres away, clearly felt the anxiety of its inhabitants.

In the autumn of 2002, *Zvezda*, the oldest regional newspaper, which was steady and quite loyal to the authorities published two large articles that were each a full page long. The authors of the articles, who had close connections to reliable sources in the Federal Secret Service (FSB) and Russian Home Office described the allegedly questionable methods, which these bodies had used to obtain information and fabricate cases.

The first article talked about a dangerous criminal, a drug trafficker, who had been sentenced by Perm Regional Court to 12 years imprisonment in 1999. Within six months of his sentencing, he appeared in Perm again, free and with a new bulk of heroine. By pure chance, he was recognized by one of the militiamen in the VIP hall of the railway station in Perm. As it turned out, the criminal was set free in exchange for a promise to pick up information about drug traffickers for the FSB. The criminal fulfilled his promise only partly, continuing his drug trafficking business.

The second article dealt with the way that FSB agents had fabricated a case and accused an innocent person, a student at one of Perm's universities Vitalii Nikolayev, of inciting interethnic dissension and battering African students. This case clearly illustrated the wish of the agents to appear zealous in the struggle against "state crimes" and to justify their existence.

The reaction of the FSB was very tough. Two weeks after the first article was published, the FSB investigators launched an investigation on “state secret disclosure”. What “state secret” was contained in the article about the drug trafficker remained unclear even to the journalists: the authors were interrogated as witnesses, and the case was marked as classified.

In November, a month and a half later, *Zvezda* published the second article titled “A Black Deal”. Sergei Trushnikov, editor-in-chief recounts:

“The night before the article was published the telephone rang in my office. The person who called introduced himself as lieutenant colonel, Vice Head of the FSB office. He asked for an immediate meeting. I said that I was terribly busy (we were preparing the next day’s issue) and suggested meeting the next morning. The official said that the next day it would no longer be urgent. I asked him what the talk was about. ‘About the relations between our organizations’, he replied.”

It was, indeed, too late the next day. In the morning, *Zvezda* came out with the second revealing article, and in the afternoon some men armed with tommy guns and bulletproof vests burst into the office. They occupied all the rooms and blocked the exits. The FSB investigators, who came with them, produced an adequate warrant and spent the next six hours searching the editorial office. Work was paralysed. The detectives ransacked the papers and even opened the criminal department safe with a special saw. Finally, the detectives arrested the authors of the articles and confiscated a stack of papers and the hard disks from several computers and left, telling nothing about the purpose of their impromptu visit to the shocked journalists.

What a commotion this started! The night after the search *Zvezda* journalists held an urgent press conference. All local mass media unanimously reported about it and the newspaper itself (a respectably quiet and provincial one before these

events) became a bright and open freedom of speech tribune with the greatest readers' rating in the region.

But it was just the start of the pursuit. Some time later, after numerous interrogations, Konstantin Bakharev, one of the authors, had to give a written undertaking not to leave the city. They accused him of divulging details of the investigation, and absolutely did not take into consideration that the journalists had not made up both stories but they had learned them from FSB sources.

This is the conclusion arrived at by experts from the Center for Journalism in Extreme Situations of the Russian Union of Journalists (Moscow) after their visit to the *Zvezda* editorial office: "After a meeting with the staff and the editor-in-chief one would never doubt that the position of the newspaper is an open one. It is evident that the staff were indignant about the actions of the special service against student Vitalii Nikolayev. The fact that FSB officials fabricated proof and gave the case a political slant brought about an understandable wish to tell the public about those fabrication mechanisms. This is why the article "A Black Deal" was published. As a result of it, the charges raised against the student of robbery and inciting interethnic dissension were dropped. The day after the article was published the court sentenced Vitalii Nikolayev to a small suspended term of imprisonment for "Ruffianism". Thus, *Zvezda* prevented FSB from profiting from its pseudo-struggle with extremism.

The journalist community was being torn apart by doubts. The notorious "corporate solidarity" did not exactly materialize. Some, without hesitation, rushed to help their colleagues in trouble. Some did not miss an opportunity to mock at *Zvezda*, saying "it serves you right". The majority, as often still happens in the former USSR, kept a frightened silence.

Later journalists found out that similar searches and arrests were carried out simultaneously in several other cities, in particular in the editorial offices of the Moscow newspaper

Versiya and *Guberniya* (Petrozavodsk). And then they tried to find a link with real events in the country.

At the beginning of November 2002, people were still in a state of shock after the hostage drama in Moscow's *Nord-Ost* musical. Disappointment and criticism replaced the triumph after the theatre had been successfully taken over by special teams. A number of questions are still pending and the authorities are reluctant to offer exhaustive answers. How was it possible for the terrorists to enter Moscow, which is flooded with militiamen and servicemen, and to take explosives and guns with them? Why did so many hostages die during the storm and what was the gas that the special units employed? It is all still swathed in an atmosphere of inexplicable secrecy.

But the journalists were doing their job. They were asking officials and generals unpleasant and uneasy questions, and, as it turns out, they were given untruthful or incomplete answers. In order to deflect criticism, the authorities resorted to their "old world" ways: they placed all the blame for the failures of the storm on the mass media. They used as a pretext the live interviews with the terrorists, and accused the media of showing the preparation for the storm on one of the central channels.

The authorities exerted tremendous pressure on journalists. The Press Minister M. Lesin announced that the terrorists used some of the mass media for propaganda purposes. The authorities found an excellent opportunity to take revenge for investigation, criticism and disclosure.

They assaulted mass media all over Russia. In the regions, where such events are a rare occurrence, the accusation of journalists met with enthusiasm. The experts from the Center for Journalism in Extreme Situations associate the *Zvezda* case with the general atmosphere after the terrorist attack: "The FSB was eager to use it as a means to intimidate local newspapers in connection with the events in the Dubrovka theatre centre, and for preparing the background for adopting new

repressive amendments to the Law on Mass Media. FSB took advantage of that.” If there was little logic and reason in FSB’s actions, one thing was obvious: their wish to make use of the post-crisis atmosphere in the country to remind everyone that they were still there, still powerful and that one still had good cause to be afraid.

In late 2002, both Chambers of Parliament passed amendments to the Law on Mass Media, which constrained journalists in covering emergency events. In fact, those amendments substantively constrained the rights of the press and made it more dependent on the authorities. The editors of major mass media managed to convince President Vladimir Putin to veto the amendments. He recommended that journalists work out their behaviour code in emergency situations themselves.

The *Zvezda* story had a sequel. After the storming of the editorial office in November the reporters were repeatedly summoned for interrogation, and the investigators kept checking their papers and documents. Eventually, they found a culprit – a certain junior militia officer – who, they alleged, leaked the information to the press. Both the journalists and the experts have one more reason to believe that the FSB made good use of the scandal: in this way they managed to divert the public’s attention from the fact that their specialists could not keep secrets.

In March of 2003, the investigation of that case was over. At the time of writing this article, the case papers had been submitted to the court and to the accused. The scandal started to subside by itself, and Perm gradually returned to its state of permanent dormancy.

One of my major responsibilities in the Office of the OSCE Representative on Freedom of the Media has been to help to prepare a small book, in Russian, about the so-called “Spiegel affair”. This case took place 40 years ago. In October 1962, the

German magazine *Der Spiegel*, which is published in Hamburg, printed an investigative article about the terrible state of the West German army. The article concluded that West Germany was absolutely unprepared for a surprise attack by the Warsaw Treaty forces, and that the *Bundeswehr* would not hold out for even a week. Furthermore, the article disclosed the secret plans of Germany's Minister of Defence to purchase nuclear weapons for the *Bundeswehr*, "just in case".

Several days after the article was published the editor's office was stormed by police. The editor-in-chief and the chief publisher Rudolf Augstein were arrested. The police searched both the editor's office and the journalists' apartments.

The Ministry of Defence charged the edition with disclosing military secrets and accused the journalists and the publisher Augstein of high treason. However, in fact, all this concerned the wounded personal ambitions of the Minister of Defence, who longed to take revenge on the magazine for continuous and objective criticism. There could not have been a better case.

The public took the side of the assaulted magazine. A lot of people came to the gates of the prison where Augstein had been placed to express their protest towards the restriction of freedom of the media.

It was ordinary people's participation in the Spiegel affair that turned the tables. After statements and discussions on the freedom of the press all over the country and tough debates in parliament, the publisher and the journalists were released from prison. They were cleared of the charge of high treason. It was the Minister of Defence Strauss who had to resign.

In that case, democracy won. The people managed to defend not only their favourite magazine, but also their freedom of speech. This case promoted the democratization of post-war Germany.

There is much in common between the two events described above. The same complicated period after dictatorship – Hitler in Germany and communism in Russia. Similar accusations and methods were used. The only difference is the subsequent events.

The famous edification of the first post-war German social democratic Chancellor Willy Brandt “Don’t be afraid of democracy!” refers to us as well. So our first task is to release ourselves from the fear of freedom, as the state of dormancy only postpones the onslaught of disease, but does not actually save us from it.

IV. Overview – What We Have Done

Mandate

of the OSCE Representative on Freedom of the Media

Reports and Statements

to the OSCE Permanent Council and Other OSCE Fora

Report on the Media Situation in Chechnya

Joint Declaration by OSCE, UN and OAS

London, 10 December 2002

Projects 2002/2003

- Freedom of the Media and Corruption
Fourth Central Asian Media Conference, Tashkent, 26-27 Sept. 2002
- Freedom of the Media and the Internet
Workshop, Vienna, 30 November 2002
- Public Service Broadcasting: New Challenges, New Solutions
Meeting, Ljubljana, 10-11 March 2003
- War: Images and Language – Coverage of Conflicts in the Media, 1991-2003
Round Table with UNIS, Vienna, 17-18 March 2003
- Media in Multilingual Societies
Conference, Bern, 28-29 March 2003
- Freedom of the Media and the Internet
Conference, Amsterdam, 13-14 June 2003
- Principles for Guaranteeing Editorial Independence
Round Table, Berlin, 16 July 2003
- Media in Multicultural and Multilingual Societies
Fifth Central Asian Media Conference, Bishkek, 17-18 Sept. 2003
- Libel and Insult Laws
Conference, Paris, 24-25 November 2003

Visits and Interventions in 2002/2003

Mandate of the OSCE Representative on Freedom of the Media

PC.DEC No. 193
Organization for Security and Co-operation in Europe
5 November 1997

137th Plenary Meeting
PC Journal No. 137, Agenda item 1

1. The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media.

2. Based on OSCE principles and commitments, the OSCE Representative on Freedom of the Media will observe relevant media developments in all participating States and will, on this basis, and in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect he or she will assume an early-warning function. He or she will address serious problems caused by, *inter alia*, obstruction of media activities and unfavourable working conditions for journalists. He or she will closely co-operate with the participating States, the Permanent Council, the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and, where appropriate, other OSCE bodies, as well as with national and international media associations.

3. The OSCE Representative on Freedom of the Media will concentrate, as outlined in this paragraph, on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media. In the case of an allegation of serious non-compliance therewith, the OSCE Representative on Freedom of the Media will seek direct contacts, in an appropriate manner, with the participating State and with other parties concerned, assess the facts, assist the participating State, and contribute to the resolution of the issue. He or she will keep the Chairman-in-Office informed about his or her activities and report to the Permanent Council on their results, and on his or her observations and recommendations.

4. The OSCE Representative on Freedom of the Media does not exercise a juridical function, nor can his or her involvement in any way prejudice national or international legal proceedings concerning alleged human rights violations. Equally, national or international proceedings concerning alleged human rights violations will not necessarily preclude the performance of his or her tasks as outlined in this mandate.

5. The OSCE Representative on Freedom of the Media may collect and receive information on the situation of the media from all bona fide sources. He or she will in particular draw on information and assessments provided by the ODIHR. The OSCE Representative on Freedom of the Media will support the ODIHR in assessing conditions for the functioning of free, independent and pluralistic media before, during and after elections.

6. The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council, recommending further action where appropriate.

7. The OSCE Representative on Freedom of the Media will also routinely consult with the Chairman-in-Office and report on a regular basis to the Permanent Council. He or she may be invited to the Permanent Council to present reports, within this mandate, on specific matters related to freedom of expression and free, independent and

pluralistic media. He or she will report annually to the Implementation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and free media in OSCE participating States.

8. The OSCE Representative on Freedom of the Media will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.

9. The OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected. In the performance of his or her duty the OSCE Representative on Freedom of the Media will be guided by his or her independent and objective assessment regarding the specific paragraphs composing this mandate.

10. The OSCE Representative on Freedom of the Media will consider serious cases arising in the context of this mandate and occurring in the participating State of which he or she is a national or resident if all the parties directly involved agree, including the participating State concerned. In the absence of such agreement, the matter will be referred to the Chairman-in-Office, who may appoint a Special Representative to address this particular case.

11. The OSCE Representative on Freedom of the Media will co-operate, on the basis of regular contacts, with relevant international organizations, including the United Nations and its specialized agencies and the Council of Europe, with a view to enhancing co-ordination and avoiding duplication.

12. The OSCE Representative on Freedom of the Media will be appointed in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the participating States. He or she will serve for a period of three years which may be extended under the same procedure for one further term of three years.

13. The OSCE Representative on Freedom of the Media will be established and staffed in accordance with this mandate and with OSCE Staff Regulations. The OSCE Representative on Freedom of the Media, and his or her Office, will be funded by the participating States through the OSCE budget according to OSCE financial regulations. Details will be worked out by the informal Financial Committee and approved by the Permanent Council.

14. The Office of the OSCE Representative on Freedom of the Media will be located in Vienna.

Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations

By the delegation of France:

“The following Member States of the Council of Europe reaffirm their commitment to the provisions relating to freedom of expression, including the freedom of the media, in the European Convention on Human Rights, to which they are all contracting parties.

In their view, the OSCE Representative on Freedom of the Media should also be guided by these provisions in the fulfilment of his/her mandate. Our countries invite all other parties to the European Convention on Human Rights to subscribe to this statement.

Albania	Latvia
Germany	Liechtenstein
Austria	Lithuania
Belgium	Luxembourg
Bulgaria	Malta
Cyprus	Moldova
Denmark	Norway
Spain	Netherlands
Estonia	Poland
Finland	Portugal
France	Romania
United Kingdom	Slovak Republic
Greece	Slovenia
Hungary	Sweden
Ireland	Czech Republic
Italy	Turkey

Reports and Statements to the OSCE Permanent Council and Other OSCE Fora

Statement at the Permanent Council of 23 May 2002

Today my Office is presenting its sixth country report, this one on the media situation in Turkmenistan. My Office has previously published reports on the Federal Republic of Yugoslavia, Croatia, Kyrgyzstan, Ukraine and Georgia. All were written by outside experts.

Turkmenistan, as far as I can see, is the only member of the OSCE where currently media freedom, in the basic understanding of the wording of my mandate, is non-existent. To quote from the report itself: "Turkmenistan is a country where the notion of freedom of the media has not undergone any real changes since the days of the Soviet regime. Furthermore, in the course of the entire decade since the disintegration of the Soviet Union, the Turkmen government has carried out a deliberate policy of subjecting all of the nation's media to the interests of building their totalitarian state."

It is ominous that for the first time since I took up the position of the OSCE Representative on Freedom of the Media, I am not at liberty, and I would like to stress – for security reasons – to provide to the public the names of the experts that helped prepare this report.

These are the conditions that journalists, who tried or are still trying to make a difference, have to work under. For an organization that claims to be a family of democracies such a situation can only be described as completely unacceptable.

I would also like to point out that the Government of Turkmenistan is the only one among the Central Asian States that has basically ignored the Central Asian Media Conferences that we have held in the region for the past three years. The Government has never given my Office an explanation on this matter.

The report clearly states that any recommendations to the Government of Turkmenistan regarding changes in the media field may only be made within the larger context of a global and fundamental change in the State's attitude towards freedom of speech, in the context of adhering to the entire spectrum of international human rights.

As you know, my Office is currently in the process of developing several media projects in some Central Asian States. However, I do not see any possibility to get involved in similar work in Turkmenistan before there is a substantial change in the attitude of the leadership of Turkmenistan to freedom of expression.

To continue on Central Asia: I would like to stress that with great interest I learned of the decision by the Government of Uzbekistan to close down the official censor's office, especially in light of the statement that President Islam Karimov made recently admitting that the reality in his country where all media were heavily state-controlled left a lot to be desired. I will continue monitoring developments in this OSCE participating State and hope that the latest change will influence the state of the media in Uzbekistan for the better.

Overall, I plan to pay more attention to media freedom in the Central Asian countries. In addition to Turkmenistan, this year my Office will issue reports on the media in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. All five reports will be published for public distribution as I have done with several previous ones. Just to underline the seriousness of the media situation in some of these countries: yesterday, in just one day, in Kazakhstan two media outlets were objects of violence. The office of an independent newspaper *Respublika Delovoye Obozreniye* was burned down. The offices of the *SolDat* newspaper in Almaty were raided by unknown assailants with two journalists being badly beaten and equipment stolen. I have already intervened on previous cases of harassment of both newspapers and I do expect the authorities in Kazakhstan to thoroughly investigate these incidents and to ensure a safe environment for the media.

I would also like to use this opportunity to thank the Bosnian authorities for finally agreeing to my proposal of exactly two years ago to rename a street in Sarajevo after Kurt Schork, an American journalist who worked throughout the war in Bosnia and Herzegovina and was killed in 2000 in Sierra Leone.

Two more items I would like to raise with you. First the good news, which many of you will appreciate: I do not plan to end my term in office until 31 December 2003. Now the bad news for some: I do not plan to end my term in office until 31 December 2003.

Statement at the Permanent Council of 6 June 2002 *(Under Current Issues)*

This week, amid growing tensions in Asia, a regional security summit has taken place in Almaty. We all appreciate the leading role Kazakhstan is playing in these very tense moments regarding peace in Asia. In this regard, the more important the international role of our participating States becomes, the more necessary it is that basic human rights, in particular freedom of expression, should continue being in the centre of democratic development and must not be pushed aside by any government. Here the OSCE institutions have very clear concepts in line with their mandates.

Two weeks ago, when I presented the report on the media situation in Turkmenistan, I announced my intention of issuing media reports about all the five Central Asian States in the near future. On Kyrgyzstan, I have taken note of the recent Presidential Decree repealing Decree 20 of January 2002. This could be a positive step towards improving the freedom of the media situation in Kyrgyzstan and we will be following the developments closely. Today I am presenting to you the seventh country report by my Office, focusing on media in Kazakhstan.

The report before you highlights the main concerns of my Office with regard to media in Kazakhstan. The situation has consistently deteriorated in the near past. The last months have seen a series of attacks on media, including closures of a number of media outlets. The latest incidents include the raiding of the offices and the assault of two journalists of the *SolDat* newspaper and the fire-bombing of the office of *Delovoye Obozreniye Respublika*.

Since then, the latter newspaper has been closed down by court ruling for failing to correctly provide publication data such as the print house address and circulation. *Tan TV* is still off the air after its technical equipment was damaged several times in the last months. The authorities in Kazakhstan must thoroughly investigate these and other incidents presented in the report and do more to ensure a safe environment for the media.

I would urge the Government of Kazakhstan to look into the recommendations of the report and request the assistance of the OSCE and other international actors in addressing the problems. A range of

media projects can be developed and implemented from these recommendations by my Office as well as the OSCE Centre in Almaty.

Last year in December my Office organized the *Third Central Asian Media Conference* in Almaty. We are grateful for the co-operation of the Kazakh authorities in this endeavour.

We also hope for active participation by the Kazakh journalists, as well as other journalists in the region, in the *Fourth Conference* which will be organized in Tashkent in September 2002.

My Office is also currently looking for funding by the participating States for this important project.

Report to the Permanent Council of 20 June 2002

This is my second regular report to the Permanent Council this year. Unfortunately, it is becoming a recurring feature that I feel obliged to begin with condolences on the occasion of yet another murder of a journalist in the OSCE region. This time I would like to extend my condolences to the families and friends of two murdered journalists in Russia: Valeriy Ivanov from Togliatti and Alexander Plotnikov from Tyumen. Valeriy Ivanov was a leading journalist and chief editor of the local newspaper *Tolyatinskoye Obozreniye* that was well known for its coverage of local organized crime, drug trafficking and corruption. Alexander Plotnikov was one of the founders of the major advertising newspaper in Tyumen, Siberia. I understand that investigations have been launched in both cases and I hope to receive more information at a later stage from the Russian authorities.

I would like to bring to your attention an attack on freedom of expression in Belarus: the startling fact that in this one participating State there is an openly-discussed list of literary writers who, in a very brutal way, are identified as authors who should not be published and read. Something unheard of in Europe in years.

In a mid-May meeting with reporters in Minsk, Eduard Skobelev, editor-in-chief of the Presidential Administration's news bulletin, urged state-controlled literary magazines not to publish writers critical of the Government, listing among those he termed "politically retarded", the well-known Belarusian writers Vasil Bykov, Ryhor Baradulin, Nil Gilevich and Sergei Zakonnikov.

Several independent Belarusian websites have published in recent days some striking statements on this matter by the editor-in-chief of the journal *Neman*, Nina Chaika, who was recently named editor by President Lukashenko. In an interview in *Belorusskaya Gazeta*, Chaika declared that she will not allow Vasil Bykov to be published in *Neman* until he writes something about the present situation in the country which would be acceptable to the authorities. She gave a specific reference of an acceptable author and work in the interview and said: "...the fact that the brilliant writer (Bykov) went into politics is his personal tragedy. And the tragedy of the Belarusian nation is that with his involvement in politics he deprived us of his works... I hope that Vasil Vladimirovich (Bykov) has enough talent to stick to today, see tomorrow and forget whatever happened yesterday."

This formation of a list poses a dramatic challenge, unacceptable in an OSCE participating State. In my opinion, intellectuals and writers express their views on the profound occurrences taking place in a country. And in Belarus, which is undergoing so many historical changes, writers of all types can contribute significantly to a better civil understanding within their nation.

Now on our activities: I would like to inform you here orally on my strategy regarding the Internet and on how I plan to develop a project dealing with the global information space. The written part of the report, which I will not read out, provides you with an overview of some of the cases my Office has monitored in our participating States as well as of our other projects.

On the two Belgian journalists mentioned in that part who were fined for refusing to reveal their sources, I am glad to report that the court has repealed its sentence, and confidentiality of journalistic sources is being respected.

I would like to turn to a topic on which we will focus in the second half of this year: the Internet. It is an infrastructure which is becoming increasingly important throughout the world for all kinds of communication, information and its distribution. Major newspapers and broadcasting services are not the only media to publish their contents online. The number of genuine electronic newspapers and webcast radio stations is rising. Many journalists rely on the Internet as a source for research and gathering information.

Independent Internet newspapers provide people with non-biased information in times of conflict. There are many libraries, archives and encyclopaedias online. News, pictures, films, essays and virtually everything else can be exchanged via the Internet. In short, information from many different sources could be available for everybody.

But it seems one cannot take the good without the bad. Unfortunately, hate speech and propaganda can be found on the Internet as well. Regrettably, there are handbooks for guerrillas or even manuals about how to build bombs on the Internet. Even child pornography, the most abhorrent crime, is accessible. Not that easily, but it can be found.

On the one hand, it cannot be denied that the Internet made such access easier and above all more anonymous. On the other hand, propaganda and illegal content form only a very small fraction of what is available on the Internet. One must remember that terrorism existed long before relevant subversive information became available online.

Although there is a small amount of illegal and intolerable content on the Internet, the benefits outweigh the risks by far, and not only statistically. The Internet itself is a unique infrastructure for the free flow of information, which is essential for democratic societies.

Thus, denying access to the Internet or over-regulating its contents is something that cannot be accepted.

Combating terrorism must also not be used as a justification for censorship of any media including the Internet. Once more I would like to stress that there is no excuse or exculpation for acts of terror, hatred or child abuse. But the fight against crime and terror cannot be won by the bowdlerization or suppression of the Internet or, for that matter, any other media. The free flow of information, ideas and knowledge is one of the most important ways to strengthen tolerance and peace.

Of course there are some obstacles restraining this platform of free expression. First of all the technical infrastructure must be sufficient to fulfil this role. In the OSCE region there are still large areas in South-Eastern and Eastern Europe and in Central Asia with few Internet connections. To change this situation the existence of a telephone or even broadband Net is not the only requirement. Besides computers and modems, independent Internet Service Providers (ISPs) are needed to enable connection to networks.

Once the technical problems are solved, youths and adults everywhere need to develop the competence to participate in the digital world. Training programmes should be offered tailored to individual skills. Internet cafés and libraries could provide more help. Talking about the “digital divide” does not only mean the gap between different countries and regions but also between people within one region.

In conclusion, there are a number of important fields for future activity. First of all the free flow of information on the Internet has to be guaranteed. In the same way as with the “old media”, on the World Wide Web censorship and discrimination but also hate speech and propaganda have to be fought. The Internet provides a unique platform for free expression and individual contribution and every effort must be made to preserve this freedom and to foster cultural diversity at the same time.

Secondly the “global village” must be taken to the villages. And it is not only the technology and the infrastructure that has to be brought there. Both technical and textual competence have to be developed, too. Many different institutions are needed for this development: schools, universities, media, families, workshops, seminars,

Internet cafés and libraries, etc. Close co-operation between international organizations, NGOs and the respective countries is necessary. The first two could mainly provide hardware and training programmes to achieve technical competence. On the other hand, education, as an integrative and cohesive social factor, largely remains a task of states and governments. But a concerted effort is needed in order to work against the digital divide and for freedom of expression and media.

In a Joint Declaration on Challenges to Freedom of Expression in the New Century issued in London on 20 November 2001 by the UN Special Rapporteur on Freedom of Opinion and Expression, the OAS Special Rapporteur on Freedom of Expression and by myself we stated that:

- The right to freedom of expression applies to the Internet, just as it does to other communication media;
- The international community, as well as national governments, should actively promote universal access to the Internet, including through supporting the establishment of information communication technology (ICT) centres;
- States should not adopt separate rules limiting Internet content.

My Office will organize a workshop on the Internet in Vienna this autumn and a larger conference in 2003, and will formulate some practical guidelines. An OSCE handbook for the Internet will be published and an Internet Café Project will be planned for some countries.

First, one general concern: many of the cases of media harassment that I report to you happen in the capitals of our participating States, except for a few cases that my Office has dealt with, such as the fate of Olga Kitova in Belgorod, Russia, and that of Irina Khrol, an editor in Crimea, Ukraine. That is why I plan to try to take a closer look at the situation in the provinces in Eastern Europe and the former Soviet Union, focusing on media and corruption, political and financial pressure on the media, and also on a tendency of fostering ethnic intolerance in some of the regions. Here I can mention, for example, Zadar in Croatia, where cases of intolerance against minorities are reported in the local media, especially against returning refugees.

Again on Belarus: the criminal trial of two journalists from the independent newspaper *Pagonya* resumed on 4 June in Grodno in western Belarus after several postponements. I have mentioned this pivotal case previously in several Reports to the Permanent Council.

The independent journalists concerned, Nikolai Markevich and Pavel Mozheiko, could face up to five years in prison under Belarus's Criminal Code which contains severe provisions regarding defamation and insult. I repeat my firm convictions that:

- Journalists should not be prosecuted or face prison for what they write;
- Any conflicts should be resolved in a civil, not a criminal court;
- Libel should not be used to clamp down on those who consider themselves in opposition to the current government;
- Heads of State should not receive undue protection from media reporting on their activities.

My Office has consistently spoken out about the distressing state of freedom of expression in the Republic of Belarus, unacceptable in an OSCE participating State. For additional details about the extent to which Belarus limits press freedom, I commend to your attention several recent, professional analyses by international media NGOs on the situation in Belarus, including Reporters sans frontières: *A Status Report on Attacks against Freedom of the Press in Belarus* and Article 19's *Belarus: Instrument of Control: A Collection of Legal Analyses of Freedom of Expression Legislation*. Both studies were published in April 2002.

One issue that my Office has not really addressed but that does come up in many of our participating States is that of the confidentiality of a journalist's source of information. Some reporters end up in jail and others are fined for refusing to reveal to a court of law their sources. Just recently, in Belgium two journalists from the daily *De Morgen* were ordered on 29 May by a Brussels court to pay 25 euro for every hour they continued refusing to reveal their sources for an article on the Belgian State Railways (and that it had overshot its budget to build a new high-speed train station in Liège by 250 million euro.) Confidentiality of journalists' sources is a key principle of freedom of the media and should be respected. I plan to start taking a closer look at these cases in our region.

As you already know, my Office is focusing on Central Asia in the near future. Two media reports on Turkmenistan and Kazakhstan have already been issued, and reports on the other three countries will follow suit in the next few months. I am still looking forward to receiving the relevant legislation for review from Turkmenistan as has been proposed by the delegation here several weeks ago. The preparations for the *Fourth Central Asian Media Conference* in September are also going ahead as planned. I would like to use this opportunity to again ask for financial contributions to fund this very important event.

For the first time an adviser from my Office visited Armenia, where he met with government officials (from the Ministries of Foreign Affairs and Justice), parliamentarians, journalists and representatives from the NGO community. My adviser focused on the general media situation in Armenia as well as on two specific cases: the TV companies *Noyan Tapan* that was taken off the air last year, and A1+ that lost its licence this April. Although, in general, freedom of the media does exist in Armenia, several worrying developments have raised some questions regarding the Government's commitment to the fundamental right of freedom of expression.

A1+ was the only broadcaster that basically provided air-time to all parties and movements in the highly politicized climate that exists in Armenia: opposition leaders, intellectuals, journalists were able to speak and debate on A1+. Now this television station, one of the most popular in the country, is off the air and has been replaced by nothing. According to several experts, including Shavarsh Kocharyan, the Chairman of the Standing Committee on Science, Education, Culture and Youth Affairs of the National Assembly, that also dealt with media matters, A1+ lost its licence (although an existing broadcaster, it had to bid for its own frequency after its licence expired) in violation of several provisions of the Law on Television and Radio Broadcasting. The company that won the licence, *Charm*, has not yet started broadcasting and under current legislation, can wait for six months after receiving its licence to start doing so. As a result, a popular TV station is no longer on air. The public reacted with anger to this closure and one of the largest demonstrations in recent years was held in Yerevan in defence of A1+. The TV station has already unsuccessfully challenged its case in courts and may well go to the European Court of Human Rights in Strasbourg.

What can be done to rectify this situation?

First, I believe that the Armenian Government should conduct a new tender for existing and non-used frequencies, that could be held as soon as possible, preferably this summer, and A1+ and *Noyan Tapan* should be encouraged to participate. For the time being, the authorities can easily introduce an amendment to the current Law allowing a TV company that has lost its licence to continue broadcasting until the new licensee is ready to replace it.

Second, the Law on Radio and Television should be amended. Here the Council of Europe is actively involved in providing counselling and my Office will also look at ways to assist the Government and the National Assembly in this endeavour.

Third, the current draft Media Law, that is being discussed publicly, should be thoroughly analysed by international experts before being submitted to the National Assembly for approval.

One of the representatives of the NGO community stressed to my adviser that "If the government is allowed to get away with closing down A1+, it will then start pressuring the print media. They are next." For the sake of Armenia and human rights in that country, I hope his pessimistic prediction will not become reality. And it is up to the authorities to prove him wrong.

I still look forward to receiving some positive news regarding the legal review of Ukrainian media legislation conducted jointly by my Office and the Council of Europe. I hope that the recommendations made by our experts will be taken on board by the newly elected parliament (Verhovna Rada).

In mid-March of this year I intervened with Minister of Foreign Affairs Igor Ivanov of the Russian Federation concerning the murder of Russian reporter Natalya Skryl as well as two cases of libel facing the independent newspaper *Novaya Gazeta*. This intervention resulted in a useful exchange of letters with the Minister of Information Mikhail Lesin. The Minister assured me of his deep outrage when Russian journalists such as Skryl and others are murdered and of his appeal to the Minister of Internal Affairs requesting better protection for journalists and special attention to different kinds of criminal activities against them.

Minister Lesin also assured me that his Ministry is closely monitoring the lawsuits against *Novaya Gazeta* and doing "...everything necessary so as to provide for the full realization of freedom of expression in Russia."

However, I am still concerned about the fate of *Novaya Gazeta*, a newspaper which has had a critical and independent stance. On 7 June Moscow Court bailiffs seized the newspaper's financial documents as a first step in confiscating the newspaper's property. The plaintiff is Mezhprombank which won damages of a sum so high that it may exceed by many times the total sum that the Russian media was ordered to pay for suits in all of 2001. If the bailiff fully enforces the decision to levy this punitive fine against *Novaya Gazeta* before it can appeal the verdict, the editor-in-chief has said that the paper will have to close. This would be the second Russian newspaper in recent weeks to suspend publication, the other being *Obshchaya Gazeta* at the end of May. This is yet another example of how detrimental to freedom of expression are both the high level of punitive fines and the ambiguous laws that claim to protect honour and dignity.

The OSCE Mission to Croatia has offered its assistance to the Government regarding media legislation and, as I understand, the Ministry for European Integration asked the OSCE to provide such assistance. I discussed this matter with the Head of Mission, Ambassador Peter Semneby, and my Office is currently looking for suitable experts who will assist the Government in drafting the relevant changes. We will specifically focus on a new Law on Media (the first draft is expected in autumn 2002). This project will be funded from our regular budget (Legal Assistance Fund). I also understand that the Government of Croatia seems to be committed to introduce new changes to the Law on Telecommunication by the end of the year. Our expert reviewed this Law last November and I believe that his recommendations should be taken into account by relevant Croatian authorities.

On the former Republic of Yugoslavia: the long-awaited new media laws have not yet been passed by the Serbian Assembly. The (ninth version of the) draft Act on Broadcasting, supported by the OSCE and the Council of Europe, has been approved by the Government and passed to parliament for discussion and approval. It is currently being reviewed. The draft Act on Telecommunications, although ready, has not been presented to parliament for approval, which is necessary to start the licensing process of the private electronic media.

Other relevant pieces of legislation (Act on Freedom of Information; Act on Access to Public Information; Act on Advertising) are still in a very early stage of drafting and public discussion. They are unlikely to be completed and approved by the Serbian Government before autumn. The slow pace of legislative reform is keeping Serbian private electronic media under serious constraint, preventing them from planning, investing and expanding their operations.

The OSCE-supported transformation of *Radio Television Serbia* (RTS) is proceeding at a fast pace, with significant improvement in the editorial content and organizational structure.

As regards the general situation of the media, no significant violations of journalists' rights and freedoms are being reported. However, there is an increase in the number of lawsuits and trials against media outlets or individual journalists for alleged libel or slander. Often the plaintiffs are former Socialist Party officials, managers of state-owned and private companies protected by the Milosevic regime and, in a few instances, current political leaders.

I am proud to present to you the fourth yearbook of my Office that has been distributed to you today. It includes several interesting contributions, including articles on the effects of the tragic events of 11 September on the media.

Regular Report to the Permanent Council of 10 October 2002

This is my third regular report to the Permanent Council this year. I begin my quarterly statement with condolences on the occasion of yet another murder of a journalist in the OSCE region. Unfortunately, it is becoming a recurring feature; actually this is the third time in a row.

A British reporter died in Ingushetia in the Russian Federation. Journalist and cameraman Roddy Scott was working for the *Frontline Freelance Television Agency*. There are conflicting reports as to the circumstances of his death. On this sad occasion I ask the British delegation to forward my condolences to the family and friends of the deceased. For your information the death toll among media staff this year is already more than 50 worldwide, according to the International Federation of Journalists.

Usually, before raising a case in my quarterly report I address it directly with the government concerned or under “current issues” in this forum. However, the deeply shocking nature of the violent attack against a group of journalists in Georgia compels me to speak out on this matter today. I received information on this case just last week.

On 27 September about 30 Georgian police officers took part in a violent attack on a popular, independent television station in the western town of Zugdidi. The break-in took place a few hours after the *Odishi* station had broadcast criticism of the local police force, specifically a *Rustavi-2* report which detailed an assault by police officers on demonstrators. During the attack, the police beat several journalists and destroyed video and computer equipment.

Eyewitnesses said the attackers included local senior police officers. After the attack on the *Odishi* station, four policemen went to the home of journalist Ema Gogokhia, a regional correspondent for the independent station *Rustavi-2*, and threatened to kill her entire family.

Not finding her at home, the police officers beat her mother and 10-year-old son and attempted to kidnap the boy. Neighbours intervened and prevented the kidnapping but heard the police officers warn that if a story Gogokhia was working on was aired, they would send the mother her daughter’s severed head and that her body would never be found.

I understand that President Eduard Shevardnadze has requested an investigation into this vicious attack against press freedom. I support an urgent and thorough investigation into this matter.

Now on some of our activities: I would like to inform you here orally on the issues we dealt with in Central Asia, Ukraine and Moldova. The written part of the report, which I will not read out, provides you with an overview of cases my Office has monitored in our participating States as well as of our other projects.

The *Fourth Central Asian Media Conference*, held on 26-27 September in Tashkent, was again, as the previous conferences, a successful and productive event. The interaction between the one hundred journalists from the region created possibilities for furthering co-operation among them. We will be presenting new project proposals in the near future that we hope will be received favourably by potential funders.

However, the frank discussions during the sessions showed the seriousness of the media situation in the region. Numerous examples were presented to illustrate the grave problems.

In the Central Asian countries, all of them being participating States of a community, the OSCE, that describes itself as a family of democracies, the tendency towards oppression is very clear. My Office has dealt with many cases of media harassment in the region. I do not expect the situation to change dramatically for the better in the nearest future. The state of affairs in Turkmenistan is still the most alarming: one of practically total control has deteriorated even further with subscriptions to foreign newspapers not having been delivered since mid-July as well as the shutting down of cable transmissions.

Some positive developments have been noted recently, most notably the dropping of criminal charges against the Tajik journalist Dododjon Atovulloev and the issuing of licences to three independent radio stations in Dushanbe, Tajikistan, as well as the banning of official censorship in Uzbekistan. However, I encourage the five Central Asian States to do more, much more, to ensure that they are fully in line with relevant OSCE commitments their governments had signed.

The first task must be to guarantee the physical safety of journalists who are being harassed and attacked in the region at a frightening frequency. One of the most recent cases was the beating of Sergei Duvanov, a journalist from Kazakhstan, just before his departure to the Human Dimension Implementation Meeting in Warsaw in September. Duvanov was lucky, he was able to participate both in the meeting in Warsaw as well as in our conference in Tashkent. Unfortunately there are many instances with the opposite result.

The theme of this year's conference was corruption. The sessions focused on the problems journalists' face when trying to uncover instances of corruption and what measures can be taken to improve investigative reporting. And, frankly speaking, individual examples highlighted in the presentations by journalists were appalling. And more situations are occurring regularly. On his way back home, one of the participants at the conference was beaten up by border guards and the message given to him was to warn all journalists about the potential hazards of writing about corruption.

The fundamental role of the media as a watchdog is irreplaceable in society, especially with regard to investigating the growing danger of corruption, a serious obstacle for all States both in the East and in the West. The journalists at the conference adopted the *Tashkent Declaration on Freedom of the Media and Corruption* and my Office will be looking at ways to address this issue in the future.

The sessions at our conference confirmed the findings of the media reports my Office has issued on the five Central Asian States. Two of the reports have been discussed in this forum earlier and the three remaining ones were distributed to all the delegations a month ago. All reports provide country-specific recommendations to the governments on what can be done to improve the situation. Our Office and the OSCE field presences in the region stand ready to assist in implementing much-needed changes.

In Ukraine recently my Office together with the Council of Europe, the Verhovna Rada (Ukrainian Parliament) and the Ministry of Foreign Affairs conducted a seminar dealing with the review of two media-related laws. This is part of an ongoing project in Ukraine where we have provided several legal reviews with specific recommendations. However, these recommendations are still not implemented and I hope that the Verhovna Rada would once again look at them with a view to taking them on board.

I would also like to stress my continued concern with the general media situation in Ukraine.

With alarm I read the comments by Nikolai Tomenko, the Head of the Parliamentary Committee on Freedom of Expression, who stressed on 1 October in a letter to President Kuchma that the "level of political censorship has substantially increased since the appointment of Victor Medvedchuk [as Head of the President's Administration.]" Tomenko and other Committee members met with my adviser two weeks ago and informed him of the many obstacles that exist for independent media. This tendency was underlined also in the *Manifest by Ukrainian*

Journalists on Political Censorship signed by several media professionals on 3 October that stated that “Political censorship demeans the dignity of journalists and of the Ukrainian people.”

Of especial concern to my Office is the recurring practice by the President’s Administration to issue instructions to the media on how to cover different news events. My Office has been provided with a copy of one of these instructions from early September which, for example, recommends that several newsworthy items should be ignored by journalists. This practice, although officially denied, is completely unacceptable in a participating State that considers itself a democracy and should be abolished.

I would also like to stress that over two years have passed since the disappearance and subsequent murder of Ukrainian editor and journalist Georgiy Gongadze. This case is well known so I will not go into the details, just to reiterate: I am still waiting for a comprehensive report on where the investigation stands and when we can expect progress in bringing to justice the perpetrators of this crime.

Moldova. In September my Office conducted an assessment visit to this country. Although this OSCE participating State still enjoys relative freedom of expression, certain recent tendencies raise concerns. One of the major issues is the newly adopted law on transforming the state company *Teleradio Moldova* into a public broadcaster. Both the Council of Europe and my Office are concerned that its provisions leave room for political influence on the editorial policy of *Teleradio Moldova*. I understand that several statements were made by parliamentarians that they would look into changing the provisions regulating the appointment of the broadcaster’s Administrative Council, a major concern.

A general remark: In my previous statement I spoke at length about the situation in Armenia, today I am raising Moldova. During my tenure as the OSCE Representative on Freedom of the Media both these countries were considered the “poster boys” for freedom of expression in the former Soviet Union. Now it is clear that certain worrying developments initiated by the authorities are encroaching on this basic human right. A tendency all too clear in some other participating States and one that needs to be reversed. Here, once again, I appeal to the governments to ensure full adherence to OSCE commitments in the media field that you have signed. And I mean full compliance and not just a pick and choose approach that seems to be the current tendency.

Statement at the Permanent Council of 24 October 2002 (*Under Current Issues*)

Today I would like to open with some good news. The monopoly of the centralized state Internet provider UzPAK has been abolished last week. I welcome that initiative of the Uzbek Government to lift restrictions on Internet access.

I was only the more surprised to hear that on his way back to Kyrgyzstan from the *Fourth Central Asian Media Conference*, which took place in Tashkent on 26-27 September, one of the participants at the conference was beaten up by Uzbek border guards. The message given to him was to warn all journalists about the potential hazards of writing about corruption. During the assault, reference was made to articles written by Mr. Alisher Sayipov, a Kyrgyz journalist for *Voice of America*, who has been reporting on the corruption of Uzbek custom officers.

It saddens me especially as the theme of the conference this year was freedom of the media and corruption, a highly topical and challenging subject for all OSCE participating States.

I would like to reiterate the necessity of guaranteeing the safety and integrity of journalists writing about controversial and necessary topics in the entire OSCE region.

Statement at the Permanent Council of 31 October 2002 (*Under Current Issues*)

I am deeply concerned about the arrest of Mr. Sergei Duvanov, a prominent Kazakh journalist, on Sunday 27 October 2002 in Almaty for alleged rape.

Mr. Duvanov participated in the *Fourth Central Asian Media Conference* in Tashkent just a few weeks ago, where the media situation, especially with regards to corruption, was discussed in a very open manner. It is the first time that a journalist who has participated in one of our Central Asian Media Conferences has subsequently faced direct harassment.

I have also intervened on Mr. Duvanov's behalf twice in the recent past. In July 2002 Mr. Duvanov was charged with criminal libel for "infringing the honour and dignity of the President". In August 2002 Mr. Duvanov was severely attacked and beaten right before he was due to travel to Warsaw to attend the OSCE Human Dimension Implementation Meeting. I am deeply concerned that all these incidents together result in a pattern of harassment against Mr. Duvanov which is connected to his activity as an opposition journalist.

I urge the Kazakh authorities to conduct a thorough, transparent and speedy investigation into Mr. Duvanov's case.

Regular Report to the Permanent Council of 12 December 2002

This is my fourth regular report this year to the Permanent Council. As previously, I have divided it into two parts: an oral one regarding some of our more pressing concerns and a written one that focuses on the cases my Office has dealt with as well as on our project work.

Since I last spoke here two months ago, a dramatic and tragic event happened in Moscow: the hostage taking in the theatre and the subsequent rescue operation. Some of the Russian media referred to it as "Our 11 September". All of us grieve for the victims and their families.

What concerned my Office was the fallout from these events against the media. Initially, several restrictive amendments to the Media Law and to the Law on Combating Terrorism passed through both houses of the Russian Parliament. My Office immediately commissioned a legal review that was conducted by experts from Article 19. A review was also done in Moscow by Mikhail Fedotov, a leading Russian media expert.

Both reviews reached similar conclusions that basically the amendments were highly restrictive. That is why I welcomed the decision by Russian President Vladimir Putin not to sign these amendments into law and to send them back to parliament. I also welcome the President's proposal that the journalists themselves should play an active role in drafting amendments to the Media Law.

With great interest I followed the open and public debate on the handling of the hostage crisis which once again showed that Russia is developing into a pluralistic society open to different, often opposing, views. However, several cases of media harassment have also made it clear that there is still a lot of work ahead in strengthening democratic awareness and democratic institutions in Russia including the free press.

In a 20 November letter to Russian Foreign Minister Igor Ivanov I drew the attention of the authorities to several worrying developments: on 3 November, in a press release, I underscored my concern about the appearance of increased pressure on Russian media, using the search by Russian security officers of the Moscow weekly newspaper *Versiya* as an example. Subsequently, newspaper editorial offices in Perm, Petrozavodsk and Voronezh, papers known for criticizing local authorities, have undergone extensive searches by local security officials.

In the last two weeks, there have been some additional incidents in the regions of Russia where the work of journalists appears to have been impeded: a police search of a newspaper in Krasnoyarsk, a newspaper director beaten in Primorye Kray, a search by economic crime officers of editorial offices of a television channel and of a newspaper in Balakhov, an arrest of the editor-in-chief of a popular independent daily in Kovrov and an arrest by the city department of internal affairs of a TV film crew in Irkutsk. My Office has additional details about these cases and will continue to monitor them closely.

I am also concerned about the threat contained in a letter from one of the Russian diplomatic representatives in Berlin to the head of the German ARD television channel complaining about its coverage of the hostage crisis.

In my first report to the OSCE Permanent Council after the events of 11 September, I stressed that terror must not kill freedom in general and freedom of expression in particular.

There were some worrying developments at that time in the United States in which national security matters took priority and unfortunately even squeezed out certain civil liberties. I did not hesitate to speak out at that time and I do not hesitate to speak out now regarding Russia, another participating State.

The urge to clamp down on basic freedoms under the pretext of “ensuring national security interests” is a phenomenon that is universal and can plague governments in the East and in the West. That is why the need to be vigilant never passes.

I may be repetitive, but I think it is worth repeating: human rights should not be sidelined because of the global threat from criminal terrorists, who of course exist. We should be very clear: those who preach religious extremism, if they are allowed to prevail, will ensure that not even a semblance of freedom of expression exists in the countries they may control. Afghanistan, among several others, is a classic and very tragic example.

We must also remember, that these extremists in their use of terrorist tactics are trying to force us, this declared family of democracies that is called the OSCE, to stoop to their level, to act in the same way as they would. We should rise to this challenge and show these groups and individuals who preach terror that we will not sidetrack our human rights’ values, even under the difficult circumstances of the global fight against terrorism.

I hope these are the lessons, among others, that we learned from 11 September and the hostage taking in Moscow. Freedom is too

precious a commodity to be mortgaged even for the illusionary safety net called “national security”.

I would like to raise here one final point dealing with an OSCE participating State: Turkmenistan. I understand that a Russian journalist Leonid Komarovsky was arrested on 26 November allegedly in connection with the recent attack against the country’s President.

However, I have very little information on this case and would like to ask the delegation of Turkmenistan to clarify the details of his detention. Any arrested journalist is of major concern to my Office. I also understand that many other people have been arrested. I would like to underline that Turkmenistan is still a member of this organization that prides itself on being a family of declared democracies. In this “declared democracy” the media are currently being used to humiliate and terrorize anybody who is even remotely contemplating the legitimacy of the current state of affairs. Some of the television programmes I have been informed about remind me of the show trials on Soviet radio and in the newspapers during the thirties. The brutality is of the same level but the media provide, especially television, for a much more chilling effect. As one of the heads of a human rights institution of the OSCE, I believe it is high time to conduct a special session of the Permanent Council on Turkmenistan where all the three heads of institutions and the head of our Centre can inform the delegations on the situation in the country and its human rights record. I would also encourage inviting speakers from Turkmenistan who represent not only the government side.

This is my proposal to the current and following chairmanships.

On cases: In October, my attention was drawn to a piece of draft legislation proposed in the City-State of Hamburg in Germany. It would have allowed the authorities to survey using optical and acoustic devices the activities of journalists who may have come into contact – even without being aware of it – with a suspicious person or a possible criminal offender, regardless of whether or not any charges have been brought against the journalists.

In a letter to the German Minister of Foreign Affairs, I pointed out that a law in a German State that would undermine the principle of guaranteeing journalistic sources the protection of the law would be in gross violation of OSCE commitments subscribed to by Germany.

Meanwhile I received an answer from the German Federal Government assuring me that a vivid pluralistic debate has been triggered

off by that draft legislation, as is good practice in a parliamentary democracy. The government of the City-State of Hamburg in turn has thanked me for my contribution to the political debate in that State. It assured me that the law revision just passed by the Hamburg Parliament takes into account the concerns that I had expressed, and that my reservations have been taken care of.

In Armenia, I am still concerned regarding the state of affairs around the two independent TV stations: *Noyan Tapan* and A1+. Following a court decision in favour of *Noyan Tapan* on 2 December, I hope that the tender for five frequencies can proceed quickly so that during the upcoming presidential elections and the preceding campaigns these two respected channels will be operational.

On a different matter, Armenian freelance journalist Mark Grigorian suffered serious shrapnel wounds to the head and chest from a grenade thrown at him as he walked through the centre of the country's capital, Yerevan. The attack happened on 22 October and our colleagues from the OSCE Centre report that his health condition is still not good, he has a number of fragments from the grenade in his body. I expect the authorities to conduct a thorough investigation into this attack against a professional journalist.

The 25 November detention of Irada Huseynova, a correspondent for the Azerbaijan weekly *Bakinsky bulvar*, in Moscow by Russian militiamen at the offices of the Russian Union of Journalists' Center for Journalism in Extreme Situations, where she was working, prompted me to intervene with the Minister of Foreign Affairs of Azerbaijan. Ms. Huseynova had been charged with "insulting the honour and dignity" of Baku Mayor Hajibala Abutalibov and faced possible extradition to Azerbaijan and a possible sentence for criminal defamation charges.

The next day Ms. Huseynova was released from the Butyrka detention facility apparently in accordance with Russian legislation which does not allow for imprisonment for "libel and insult". She is now back at work at the Center for Journalism in Extreme Situations.

I would like to reiterate my position: no journalist should be sentenced to prison for what he or she writes, and in a democracy, writing about the activities of public servants is part of a journalist's professional duties. It is my firm belief that no special protection should be afforded to public officials who should exercise a greater level of tolerance toward criticism than ordinary citizens.

The Azerbaijani Editors Union sent me an appeal on 4 December signed by 13 editors representing independent and opposition

media. The editors request my intervention due to what they have determined is "... a defamatory campaign against non-government media" launched by the official press, and use of government-controlled courts to harass non-state media through defamation suits. The Azerbaijani Editors Union has informed me that in 2002 so far 31 suits have been filed against various media and journalists in the country. In October-November 2002, a total of 14 libel suits have been filed, including 8 against one opposition newspaper alone, *Yeni Musavat*, and these could be used to close down the paper, to confiscate its property and to bring criminal charges against its ten employees. I am requesting urgent clarification on these matters from the Azerbaijani authorities.

The unhealthy state of media freedom in the Republic of Belarus continues, unfortunately, to produce new victims. A very young, Minsk-based independent newspaper *Myestnoye vremya (The Local Times)*, founded in October and able to publish only three issues, was closed by the Belarusian Information Ministry on 27 November for reasons concerning its rental space, reasons which the Belarusian Association of Journalists has said are legally groundless. I am concerned that this is yet another act of "structural censorship" in Belarus and part of an ongoing government campaign to silence critical voices, especially in the run-up to the March 2003 local elections.

Furthermore, the situation in Belarus concerning the virtual closing of the OSCE Advisory and Monitoring Group has brought me reluctantly to the conclusion that this is not the proper time to sponsor an international conference organized around the famous Voltaire quotation: "I may disagree with what you have to say, but I shall defend to the death your right to say it," which I had planned for March 2003 in Minsk.

In Kazakhstan, my Office together with ODIHR has repeatedly called for an impartial investigation and access to the trial of Sergei Duvanov, an independent journalist who was arrested on 27 October for alleged rape of a minor. Just weeks before his arrest, Duvanov was an outspoken participant at the *Fourth Central Asian Media Conference* in Tashkent. The number of incidents involving Duvanov trigger concerns of a pattern of harassment against him.

I have also asked for clarification about the investigation concerning the death of Nuri Muftakh, an opposition journalist and co-founder of *Respublika 2000* who died as a result of a hit-and-run accident on 17 November.

On Ukraine: My Office continues to be concerned with media developments in this participating State, where I have spent enormous efforts over the past four years on monitoring developments and providing assistance. I spoke in detail on our project work in my last quarterly report in October.

Since then, another Ukrainian journalist was found dead, the circumstances surrounding this tragedy still murky. I have asked the authorities to provide my Office with additional information regarding the recent discovery in Belarus of the body of Mikhailo Kolomiets, head of the Ukrainian news agency *Ukrainski Novyny*.

Kolomiets disappeared on 21 October and his news agency reported him missing on 28 October. Ukrainian Interior Minister Yuri Smirnov announced the discovery of Kolomiets's body on 18 November in Belarus, hanging from a tree in a forest near the town of Molodeshno.

An official of the Ukrainian ministry, Volodymyr Yevdokimov, told the media that it was clearly a case of suicide unconnected to the journalist's work. However, I would appreciate a more detailed report on the investigation and I do hope to receive it in a reasonable time frame which was not (and still is not) the case with the investigation into the Gongadze murder.

On 4 December parliamentary hearings on the media situation in Ukraine were held in Kiev under the headline "Freedom of Expression and Censorship". An official from the Office of the OSCE Project Co-ordinator in Ukraine, who attended the hearings, informed my Office of the debate. I understand that the discussions were very open, with different, often even opposing views stressed. Overall, the speakers, deputies and media professionals, were very critical of the current state of affairs in the country, many of them underlining that although *de jure* censorship did not exist, *de facto* it was very much present. I look forward to continuing working closely with officials and journalists in Ukraine, and, hopefully, we will be able to rectify the situation through our joint efforts.

On projects: On 28 November 2002 I invited media analysts and experts from Germany, France and Israel to attend a workshop organized by my Office in Vienna. The aim of the workshop was to identify a possible project on the media situation in the Mediterranean Partners for Co-operation of the OSCE (Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia).

As I mentioned in my opening remarks at the workshop, the deterioration of the situation for the media in the six OSCE Partners for Co-operation could have a direct negative impact on the media

situation in some OSCE participating States. I am confident that there must be ways to address the lack of freedom of the media in the Mediterranean region, even though the OSCE Representative on Freedom of the Media doesn't have a direct mandate to intervene.

During the last few months my Office has been involved in a number of legal initiatives in the OSCE region. Media legislation has been reviewed in Armenia (draft law on media), Russia (amendments to the media law) and Tajikistan (all media legislation). In Croatia, an international expert is assisting the authorities in drafting and reviewing legislation on Croatian TV and Radio, HRT. The reviews of the draft media law in Transdniestria and the Moldovan draft law on broadcasting are underway.

On 16-17 December 2002, a seminar in Dushanbe will gather both local and international experts to discuss the legal situation concerning the media. Both the legal review commissioned by my Office as well as the proposal for a new law on media, drafted by a working group in Tajikistan commissioned by the RFOM, will be discussed. We hope that this seminar will be the next step in the dialogue and process that will result in bringing the Tajik media legislation into line with international standards on freedom of expression and media.

As a follow-up to the *Fourth Central Asian Media Conference*, my Office is currently working closely together with the OSCE Centres in Central Asia on several project proposals, especially Internet cafés for journalists in the region.

Freedom and Responsibility: Media in Multilingual Societies: Pointing out the constructive role media could and should play in combating discrimination, promoting tolerance and building stable peace in multilingual societies, this project will aim to overcome prejudices and intolerance in the media against citizens who are members of minorities.

The project will investigate the practical working environments of the media in some OSCE participating States: Switzerland, Luxembourg, Federal Republic of Yugoslavia (Southern Serbia), former Yugoslav Republic of Macedonia, and Moldova. At the end of the project country reports will be produced. A concluding conference, which will take place in Switzerland in March 2003, will summarize the results and identify the need and desire for more projects. We are grateful for the financial support of the Swiss Government to this project.

In its second year (from 17 March until 15 November) the project *mobile.culture.container* visited the following cities: Mostar, Banja Luka (Bosnia and Herzegovina), Skopje and Bitola (former Yugoslav Republic of Macedonia), Mitrovica (Kosovo) and Novi Pazar (Serbia).

Along with ongoing discussions with young people about their future and the future of the region, different workshops and evening events, this year the *mobile.culture.container* concentrated on developing youth newspapers. In 2001 school newspapers were founded in Cacak, Gorazde and Visegrad. Further newspapers were established in 2002 in Mostar, Stolac, Blagaj, Banja Luka, Jajce, Skopje and in Mitrovica, extending the existing network. A meeting of the members of the editorial teams in November 2002 helped further strengthen co-operation. Participants in the video and radio workshops were also able to present their achievements through public broadcasts on local radio and TV stations.

The decision for the *mobile.culture.container* to visit Mitrovica in Kosovo was of especial importance. During its five weeks this project brought together young Albanians and Serbs from both parts of the city, for example with the help of its radio workshop. The twenty participants in this workshop broadcast in Kosovo their own bilingual programme (in Albanian and Serbian) for four hours daily, six days a week. They called themselves *Radio Future*. Another example is the Mitrovica youth newspaper *Future* published in both languages (circulation: 2,000 copies).

The experiences of the past two years helped develop how this project could continue in 2003. In the future the *mobile.culture.container* will operate as a media container with the youth newspaper network being at the centre of its activities.

On 30 November 2002, I held a workshop on *Freedom of the Media and the Internet* in Vienna. The workshop featured six experts from Europe and the United States who contributed to a discussion about the possibilities and challenges the new information and communication technologies pose to freedom of expression and freedom of the media in the OSCE region. The participants of the workshop included experts from UNESCO, the Council of Europe, online media, Internet service providers, and from specialized NGOs as well as scholars and advisers from my Office.

This workshop had been a preparatory event for a conference on *Freedom of the Media and the Internet* that is intended to provide a broader context for a public debate on the challenges to freedom of expression and freedom of the media posed by the new information and communication technologies. The conference will be organized by my Office and will take place in Amsterdam, the Netherlands, in spring 2003. I would like to extend my sincere gratitude to the Dutch Government for the financial support it has provided for this workshop.

Statement at the Permanent Council of 16 January 2003 *(Under Current Issues)*

The last time I took the floor to address this Council, I drew attention to the abuse of the TV mass media in Turkmenistan to humiliate and destroy those individuals who were accused of taking part in an alleged murder attempt. This practice, utilizing propaganda methods from the Stalin years, is continuing. Live shows are staged on television that broadcast the confessions of the accused, numerous condemnations are reported, all of them demanding the death penalty for the accused as had happened during the show trials in the 1930s in the Soviet Union. For your additional information, I am distributing today excerpts from the broadcast on Turkmenistan television of the Session of the People's Council (similar to an upper house of a parliament) that consisted basically of two events mixed into one: a "debate" on the murder attempt and of taped confessions made by the accused.

The rhetoric used is often obscene and in most countries would be unprintable. Racist speech is also present: here is a quote from the President of an OSCE participating State, Turkmenistan, with reference to one of the leaders of the opposition Boris Shikhmuradov:

"His blood is diluted with the blood of a different nationality. Previously, to make Turkmen weaker their blood was diluted. Where the true blood of our ancestors is mixed with other blood their national spirit is low."

In Kazakhstan, I am following the trial of Sergei Duvanov (he participated in the *Fourth Central Asian Media Conference* in Tashkent last year.) I have intervened on Mr. Duvanov's behalf before. This time he is accused of having a sexual relationship with a minor. I will follow this case very closely and expect that the rule of law will be upheld and that the trial will be fair. I also reserve the right to send an observer from my Office if I deem it to be necessary to monitor the case and I expect this person to receive full access to the court proceedings.

In Kyrgyzstan, I once again raise the situation around *Moya Stolitsa*. I understand that several senior officials have accused this newspaper of "presenting a distorted picture of the political situation in the country" and of "an anti-Kyrgyz bias". Similar views were expressed in the pro-government newspaper *Vecherniy Bishkek*. In

addition, I was informed that over a dozen lawsuits had been filed against *Moya Stolitsta* in 2002, many of them by state officials.

I have raised the dire situation around *Moya Stolitsta* on several occasions, both in letters to the Foreign Minister and in statements to the OSCE Permanent Council. In early 2002, the state-owned publishing house *Uchkun* had refused to print *Moya Stolitsta*, a matter also raised by my Office. I will continue following the plight of *Moya Stolitsta* closely and expect the Government to put an end to a campaign of harassment of this newspaper.

Regular Report to the Permanent Council of 13 March 2003

Before going into my regular report I would like to start with a current issue: the case of imprisoned journalist Sergei Duvanov in Kazakhstan. Mr. Duvanov, sentenced earlier this year to 3.5 years in prison, had appealed his sentence. The appeals hearing was held on 11 March. All international observers were not allowed into the courtroom, the judge decided to hold a closed session. Among those who are monitoring the case are two experts from the Netherlands, our current Chairman-in-Office, and I am very grateful to the CiO for responding so quickly and positively to requests to help defend an imprisoned journalist.

The appeal of Sergei Duvanov was denied. More so, the alleged crime that he was sentenced for was changed to a harsher one although the prison term was left unchanged. I have followed Duvanov's case since the beginning and on several occasions, together with ODIHR, raised my concerns in reference to procedural irregularities in the trial. A refusal to allow international experts access to the trial, including those from the OSCE Centre who were planning to observe the case on my behalf, raises even more questions regarding rule of law in Kazakhstan and the declared independence of the judiciary. I will continue monitoring the case closely and expect the authorities in Kazakhstan to ensure that during future court sessions international experts will be allowed to follow the proceedings.

Now, to my regular report, my first quarterly in my last year in Office as the OSCE Representative on Freedom of the Media. As before, my presentation is divided into two parts: oral and written. Let me start by focusing in this oral part on a situation many of us know well: democracies and their media at a time of armed conflict.

First, on the transatlantic debate that is currently underway regarding Iraq. Increased political tensions sometimes tend to lead to biased reporting, or to quote from Paul Krugman from the *New York Times* to a "great trans-Atlantic media divide". There is a continued need for journalists to be responsible and objective, without succumbing in their professional work to biased nationalism.

There are two positive developments that the public debate in the US related to balancing national security concerns with civil liberties has triggered: I took note of the American Screen Actors Guild

statement issued on 3 March stressing that the entertainment industry must not blacklist people who speak out against war with Iraq. “Some have recently suggested that well-known individuals who express ‘unacceptable’ views should be punished by losing their right to work [...] Even a hint of the blacklist must never again be tolerated in this nation,” reads their statement. I completely agree with the position of the Guild and its proactive approach.

In this forum I already spoke regarding Section 215 of the US Patriot Act that allows FBI agents to demand from any bookstore or public library its records of the books or tapes a customer has bought or borrowed. I understand that Representative Bernie Sanders of Vermont is preparing a bill in the House of Representatives repealing Section 215. I highly welcome this initiative.

One of the issues I have followed and dealt with at length concerns protection of journalists in times of war. Here, more can be done. Every conflict we have recently seen, be it Kosovo, Afghanistan, or Sierra Leone has increased the number of reporters killed in action. Any future conflict may again exacerbate the already sad statistics we report every year. That is why I continue to stress the need for governments, their armies, international peacekeeping forces to provide, when and where possible, logistic, medical and technical support to journalists.

The NGO community is doing a lot to help, including publishing valuable training manuals. The Committee to Protect Journalists (CPJ) has just issued a *Journalist Safety Handbook* that provides a wealth of information on training courses; protective gear; health insurance; on minimizing risk in conflict zones; and on embedding with combatants. This handbook is a valuable manual for hundreds if not thousands of reporters who usually descend into a war zone.

For example, simplifying access procedures to areas of conflict keep the journalists from looking for more “unorthodox” methods to get to the place where the action is, also saving lives. The invitation by the Pentagon to embed over 200 news organizations, including about 100 foreign ones, with US troops is a start if this is done correctly and does not include intrusive pressure to influence the editorial line of the media concerned.

Here, I tend to agree with the CPJ that “Whether or not to embed with any armed forces is a trade-off in nearly every case. A primary advantage of embedding is that a journalist will get a firsthand, front-line view of armed forces in action. A disadvantage is that journalists will only cover that single part of the story. There are other trade-offs

as well. Embedded journalists run the risk of being mistaken for combatants. This is especially true if journalists wear military uniforms when embedding. If journalists are not embedded with troops and move about independently on the battlefield, they could find themselves being targeted by combatants on all sides of the conflict.” To embed or not to embed is a question every journalist must decide for him/herself without any undue pressure. He or she will be in the area covering hostilities and it should be his or her call. Whatever happens in Iraq and the region as a whole, I fear that the matter of democracies at war will continue being with us. That is why on some issues we can try to develop best practice policies that are then followed or at least taken into account once a new crisis erupts. Policies that have worked in the past and may work in the future.

This year is the year of projects for my Office. They cover themes such as Freedom of the Media and the Internet, Freedom and Responsibility: Media in Multilingual Societies, The Impact of Media Concentration on Professional Journalism, and various others.

In the written part of my report I give a broader overview of these projects. My Office is ready to provide you with additional information on all the projects that we are involved in.

In Croatia, on 1 March a bomb destroyed the vehicle of Nino Pavic, an independent newspaper publisher. Pavic, along with Germany's WAZ media group, is the co-owner of *Europapress Holding* (EPH), Croatia's largest newspaper publisher. A number of journalists at EPH's weekly *Globus* were threatened after a series of articles about the criminal activities of several Mafia groups were published during the last few months. The police have initiated a criminal investigation into the bombing and are also examining the threats made against *Globus* journalists. I am very much impressed by the way the local authorities handled this case and I hope to receive additional information on the ongoing investigation. One thing that I have stressed on many occasions concerns the “corrective function” of the media especially related to investigations along the lines of what is being published by *Globus*. Such attacks, if they are not treated with all the seriousness they deserve, may have a chilling effect on investigative journalism and in the end undermine the country's economic development.

In Spain, *Euskaldunon Egunkaria*, a Basque daily newspaper based in the northern town of Andoain, was closed by orders of the judge on 20 February because of alleged links to the armed terrorist group ETA. The paper reappeared on news-stands the next day under the

new name *Egunkaria*. I also understand that hundreds of Civil Guard police officers raided the offices of *Euskaldunon Egunkaria* and the homes of its senior staff throughout the Basque region after a court ordered the paper's closure. I will continue monitoring this case.

In Uzbekistan, I have approached the authorities with concern about four journalists who have encountered legal difficulties in February. Gayrat Mehliboev, a reporter on religious issues for the newspapers *Khuriyat* and *Mokhiyat*, was sentenced on 18 February 2003 to seven years imprisonment for supporting the banned Hizb-ut-Tahrir Islamic group and thereby undermining the country's constitutional order. I am especially worried that information from one of his articles had been used against him during the trial. Three other journalists, Tokhtomurad Toshev, Oleg Sarapulov and Ergash Bobojanov, have recently been detained. I welcome the information provided by the Foreign Minister of Uzbekistan that these journalists have now been released; however, I am still expecting further information on the status of pending investigations into their activities.

In the Russian Federation I am following the circumstances surrounding the closure of *Noviye Izvestia* by its major shareholder. Without going into the business details of the conflict, I would like to stress that it is ominous that only media outlets that are critical of the Government run into "problems" with shareholders. *Noviye Izvestia* was a vocal defender of individual human rights in Russia and a staunch critic of government abuse. Led by one of the most respected Russian editors, Igor Golembiovsky, it became a true bastion of hope for many who came to its offices looking for help. It publishes no more. My Office is in contact with *Noviye Izvestia*; its staff is currently looking at possible alternatives.

In Turkmenistan, I am very much appalled by the newly adopted definition of "treason" in this OSCE participating State. The country's Peoples Council has classified "treason" as, among other things, "fostering doubts among the people regarding the domestic and foreign policy of the first and permanent President of Turkmenistan the Great Saparmurat Turkmenbashi," as well as "defaming the state." The absurdity of these definitions is very clear and unheard of in a country that refers to itself as "democratic".

Any individual who questions the wisdom of the President thus can now look at spending the rest of his life in prison without any possibility of parole or amnesty, as specified by the People's Council. It seems that Turkmenistan's record on freedom of expression has become the worst among all our participating States. By far the worst.

Projects: As I have mentioned in my last regular report, two large-scale projects are currently being developed by my Office:

Freedom of the Media and the Internet is a project that intends to provide a broader context for a public debate on the challenges to freedom of expression and freedom of the media posed by the new information and communication technologies. A conference will be organized by my Office and will take place in Amsterdam, the Netherlands, this summer.

The project *Freedom and Responsibility: Media in Multilingual Societies* looks at the constructive role media could and should play in combating discrimination, promoting tolerance and building stable peace in multilingual societies. This project will aim to overcome prejudices and intolerance in the media against citizens who are members of minorities. The project will investigate the practical working environments of the media in some OSCE participating States: Switzerland, Luxembourg, Serbia and Montenegro (Southern Serbia), former Yugoslav Republic of Macedonia and Moldova. At the end of the project country reports will be produced. A concluding conference which will take place in Switzerland in March 2003, will summarize the results and identify the need and desire for more projects.

Another project on *The Impact of Media Concentration on Professional Journalism* will collect and evaluate data in selected Western and Eastern European countries to establish the influence of the growing concentration of ownership on the intellectual and economic independence and freedom of professional journalism. Particular attention will be paid to two issues: cross-ownership of TV/radio and print media; and the influence of the Internet on the profitability of the print media (i.e. loss of revenue due to an increasing relevance of the Internet for classified advertisements, etc).

The project will investigate political, financial and legal pressure on free and responsible journalism, which may undermine pluralism and hence journalistic freedom.

On 10-11 March my Office, together with the European Institute for the Media and the *Radio and Television Company of Slovenia*, held a conference on *Public Service Broadcasting: New Challenges, New Solutions* in Ljubljana, Slovenia. The meeting addressed key challenges facing broadcasters in the EU Member States and in the candidate countries for accession. Case studies based on national experience provided insights into current dilemmas facing the broadcasting sector: the digital proliferation and liberalization of the media markets vis-à-vis a sustainable, independent and responsible public service broadcaster.

A publication: *Building Media Freedom: The Spiegel Affair – An Example from Germany* in Russian aims to demonstrate to the Russian-speaking OSCE participating States what motivates German politicians to be very strong and outspoken in their support for freedom of expression. Its message is in the spirit of the recently deceased Rudolf Augstein, founder of *Der Spiegel*, and is related to his personal interest in the political developments in the former Soviet Union. The publication will document the 1962 Spiegel affair. It will assemble reports from *Der Spiegel* of that time and comments made by witnesses 40 years later on the occasion of the affair's 40th anniversary. For example, an interview with Rudolf Augstein will be included in the publication.

The Office has been following for a long time the issue of libel and specifically its misuse in many of our participating States. A round table will be organized later this year involving legal experts, politicians, journalists (and, among them, victims of libel harassment), and NGOs to discuss this matter and the ways to guarantee the freedom of professional and responsible journalism.

Preparations are currently underway for the *Fifth Central Asian Media Conference*, which will take place in September 2003 in Bishkek, Kyrgyzstan.

Since my last PC report in December, a conference was organized in Dushanbe at the end of the year, to discuss the conditions for the media within the current legal framework that regulates it.

Prior to that a 15-person working group was established by the OSCE and Internews to prepare a draft of a new media law for Tajikistan. The working group, consisting of parliamentary and governmental experts, media lawyers, journalists and NGOs, convened during a six-month process discussing all aspects of the legal media landscape, ending its work in spring 2002. Furthermore, a thorough review of all the media laws in force in Tajikistan was commissioned to compare their compliance with international standards. The review presents recommendations for improvement in many areas.

The participants at the conference agreed that the working conditions for Tajik media radically differ today from those in existence when the current media legislation was adopted and that some changes were inevitable. The participants agreed on a set of recommendations directed at the Government and Parliament in Tajikistan to start the process of improving the standards by adopting a new media law. The OSCE is ready to further assist the Tajik authorities in this process.

In Kazakhstan , an Internet café for journalists was opened in February as a joint project between the OSCE Centre and my Office. This initiative will directly improve access to information for the local journalists. Similar projects are being developed in Kyrgyzstan, Tajikistan and Uzbekistan. We are hoping for extra-budgetary contributions for these important undertakings from the participating States in the nearest future so that we can proceed as planned.

In Almaty, a legal clinic giving independent advice and expertise on media issues to the courts and defence lawyers has opened in February. A project proposal for a legal clinic giving free advice to journalists in Uzbekistan is also ready for consideration by donors.

The Office will initiate short exposure courses in OSCE participating States for young Azerbaijani journalists. A follow-up seminar will be organized in Baku in autumn 2003. The purpose of the project is to contribute to the improvement and understanding of the functioning of a free media in Azerbaijan.

The Office will organize a workshop in Berlin in October 2003 on the *Media Situation in the Mediterranean Partners for Co-operation of the OSCE (Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia)* and publish the results.

Statement at the Permanent Council of 20 March 2003 *(Under Current Issues)*

In response to last week's questions addressed to me in comments by the US Representative, I would like to raise several issues here that I did not have the time to raise last Thursday. They are related to balancing national security concerns with freedom of expression in some of our participating States.

United Kingdom: For example, the Regulation of Investigatory Powers Act authorizes the Home Secretary to issue warrants for the interception of communications and requires Communications Service Providers to provide a reasonable interception capability in their networks. In June 2002, the Home Office announced that the list of government agencies allowed under the act to intercept web traffic and mobile location information without a warrant was being extended to over 1,000 different government departments including local authorities, health, environmental, trade and many other agencies. In addition, the British Broadcasting Act grants power to the authorities to prohibit broadcasting of certain material.

The UK Freedom of Information Act from 2001 does not provide for access to information where this is "required for the purpose of safeguarding national security", and also provides for a ministerial override. Under the Official Secrets Act journalists and whistle-blowers run the risk of prosecution for reporting on what the Government may consider to threaten national security.

Germany: On 12 March 2003 the Constitutional Court upheld the right of law enforcement agencies to monitor the phones of journalists in cases of "serious" crimes. The Court ruled that telecommunication surveillance did not violate Articles 10 and 19 of the Constitution – which guarantee confidentiality of information – when a journalist is suspected of using telecommunication equipment to contact a criminal. It falls to the investigating judge to decide on a case-by-case basis whether the requirements of press freedom should be allowed to prevail over the fight against crime.

France: The Supreme Court confirmed in 2001 the existence of a new crime for journalists of being in possession of material violating the

confidentiality of a preliminary legal investigation. According to *Reporters sans frontières*, in September 2001 journalist and photographer Jean-Pierre Rey, a specialist in Corsican affairs, was held for almost the legal maximum of four days by the National Anti-Terrorist Service (DNAT) for lengthy interrogation under the unspoken but real threat that he could be charged.

There are two ways of limiting freedom of expression under the pretext of national security: First, by imposing restrictions on statements that may undermine national security and, second, in limiting the right to freedom of information in relation to national security, often very broadly defined. Both forms of restrictions are present in the legislation of almost all OSCE participating States and may be open to abuse. This risk is especially high given the enthusiasm with which governments are pursuing the fight against terrorist criminals and the temptation to overlook the need to carefully assess any proposed restrictions against the importance of freedom of expression.

Let me quote here the Director General of UNESCO Koichiro Matsuura, who recently said that “Perhaps my gravest concern is that much freedom of expression and media freedom may be sacrificed hastily, even voluntarily, on the altar of security. Anxieties induced by terrorist threats may lead to laws and regulations which may undermine the very rights and freedoms that the anti-terrorist campaign is supposed to defend.”

These are just some initial thoughts that I wanted to share with you. I may plan in the not too distant future to take a closer look at this problem with a view to assessing legislation related to national security and a country’s commitment to freedom of expression.

Attached is a paper prepared by the freedom of expression NGO Article 19 on national security and freedom of expression that I support in principle.

Statement at the Permanent Council of 10 April 2003 *(Under Current Issues)*

I would like to draw your attention to some questions of concern to me related to the media coverage of the war in Iraq. Although this conflict is taking place outside the OSCE region, it involves some OSCE participating States as well as our Mediterranean partners. We, as an organization dedicated to security and co-operation in Europe, have to observe and comment on a crisis that concerns our regions and their future as well.

First of all my condolences go to the families and friends of those reporters who have been killed or died in Iraq. 8 April 2003 will remain a historic date for war reporting. The Baghdad office of the pan-Arab television station *Al-Jazeera* was bombed. Cameraman Tarek Ayoub died in the attack. The *Al-Jazeera* management claims that they had informed the coalition forces at the start of the war of the exact location of its premises. The Palestine Hotel, where most international non-embedded journalists were based, was hit by a shell fired by a US tank. The Ukrainian cameraman Taras Protsyuk, who worked for *Reuters*, and José Couso, a Spanish cameraman for the Spanish TV station *Telecinco*, were killed. Three other journalists were wounded. According to the Pentagon the attack happened in self-defence after guns were fired from the premises of the hotel at a US tank crew. An investigation has been launched, and I urge it to be speedy, thorough and transparent.

As any conflict of such magnitude, this war draws thousands of journalists to the area. The International Federation of Journalists (IFJ) estimates that around 3,000 journalists are working in the region. Their security is of paramount concern. We should now double our efforts to try to ensure the most secure environment possible under the circumstances for all reporters, not only those that are embedded.

Statement at the Permanent Council of 5 June 2003 *(Under Current Issues)*

The report concerning the case of Mr. Sergei Duvanov, prepared by the two Dutch legal experts on the initiative of the Chairmanship, as well as the Kazakh comments to the report have been distributed to all delegations this week. I have raised the case of Mr. Duvanov on several occasions before you in this forum, both related to this trial in particular as well as to the physical and legal harassment that Mr. Duvanov has experienced in the past. It has always been my serious concern that Mr. Duvanov has been targeted because of his journalistic activity in Kazakhstan, especially his endeavours to report on corruption.

The report at hand outlines a number of investigative problems and procedural violations related to the case of Mr. Duvanov. We urge the Kazakh authorities to take appropriate action as a result of this report, together with the OSCE Chairman-in-Office and the relevant OSCE institutions.

Regular Report to the Permanent Council of 31 July 2003

As before, my report is divided into two parts. In the oral presentation I will focus on some issues of concern to my Office. The written part provides you with information on some of the countries with which we have been involved over the past four months, and on our projects.

This month in Berlin, together with two media companies, I proposed a set of principles to guarantee the editorial independence of media in Central and Eastern Europe and in the former Soviet Union. These principles concern media that have been or are in the process of being acquired by western conglomerates. They set out the criteria that the media owners take upon themselves to adhere to once they are in a position to financially control a media outlet/s in one of the developing democracies.

In my view, it is important that the new owners understand their responsibility towards the citizens of the country where they now own not only a business but also a public service indispensable to building a pluralistic and open democracy. The German media company *Die WAZ-Gruppe* and the Norwegian *Orkla Media AS* have already agreed to support these principles.

At the same time, my Office is conducting research on the impact of media concentration on professional journalism. Over the past decade European media have experienced some fundamental changes. The opening of new markets in the post-communist countries has accelerated the sometimes disturbing trend of media concentration all over Europe. This has been particularly evident in the print media sector.

While the economic and political implications of concentration in the print media have been researched extensively, little attention has been paid to the impact of such trends on professional journalism itself. Our project is focusing on exactly that, zeroing in on the situation in four EU countries: Germany, Finland, United Kingdom, and Italy, three acceding countries: Hungary, Lithuania, Poland, and one applicant country: Romania.

The study will consist of two parts: first, providing data on media concentration and foreign ownership in these eight participating States. Second, a survey has been sent out to journalists working for

daily newspapers asking them to review the consequences of media concentration and economic pressure on professional journalism. Results of this study will be published at the end of this year.

In 2002 and 2003, my Office developed two major projects. The first one looked at the Internet. This medium offers an unprecedented means for the exchange of ideas, the free flow of information and the distribution of all kinds of journalistic media. But to rely on the decentralized structure of the Internet as a safeguard for freedom of expression and free media is dangerous. While information is distributed on the Internet regardless of national borders, at the same time new means of censorship, filtering, blocking and restrictive legislation are being developed and implemented.

That is why I organized a conference on *Freedom of the Media and the Internet* on 13-14 June in Amsterdam. More than two dozen international experts were brought together to discuss Internet-related perils to freedom of expression. Among them were members of the European Parliament, the Council of Europe, the European Commission, the OSCE, academia, media and a number of non-governmental organizations from Europe and the US.

The results of this conference are condensed in the Amsterdam Recommendations. The main point is that while existing laws could be used to ban illegal content on the World Wide Web, no measures must target the infrastructure of the Internet as such. The advantages of a vast network of online resources and the free flow of information outweigh the dangers of misusing the Internet by far. No matter what technical means are used to channel the work of journalists to the public – be it TV, radio, newspapers or the Internet – the basic constitutional value of freedom of the media must not be questioned. This principle, which is older than most of today's media, is one that all modern European societies are committed to. A publication with contributions to the conference will be published in autumn this year.

The second project dealt with *Media in Multilingual Societies*. A publication based on our work in this area is being distributed. This book is the result of a study we launched in September 2002. Let me bring to your attention two figures: there are approximately 5,000 national groups living in our contemporary world and about 3,000 linguistic ones. In fact, all countries, without exception, are multilingual. The project has addressed the role of the media in different languages within several multilingual democracies. Independent experts wrote country reports on the current working environment for the media in five countries: former Yugoslav Republic of Macedonia,

Luxembourg, Moldova, Serbia and Montenegro, and Switzerland. The five country reports were presented at a conference my Office organized in co-operation with the Institute of Mass Communication Studies on 28-29 March in Bern, Switzerland.

Switzerland and Luxembourg undeniably represent historical successes in the management of linguistic diversity. Switzerland and Luxembourg do not see language variety as a threat to the security or unity of the country. The value of the Swiss and Luxembourg unique experiences transcends their national boundaries. The former Yugoslav Republic of Macedonia, Moldova, and Serbia and Montenegro are countries in the early stages of modern democratic development. Media in all languages represent a powerful social resource that can – and must – be mobilized to assist in this process. Our publication lists best practices in the countries concerned and offers recommendations. The publication will also be presented in Belgrade in the autumn.

In November I plan to hold a round table on *criminal libel and insult laws*, issues that have made life for journalists very difficult in some of our participating States. I have said on many occasions, and here my Institution has gone further than, for example, the Council of Europe: libel should be decriminalized in all our participating States, even in those where criminal provisions have not been used for decades. All insult laws that provide undue protection for public officials should be repealed. Again, this concerns States to the east and west of Vienna. I plan in November, together with experts, to develop a set of recommendations to our participating States which I will then present to you in my last report to the Permanent Council as the OSCE Representative on Freedom of the Media. I would hope that my successor would then take upon himself the task of following up on these recommendations. I would also like to urge your governments to help us finance this round table and look forward to your support.

I would like to mention my concern about Belarus, where we see ongoing threats to freedom of expression. This OSCE participating State has signed all the main OSCE provisions on freedom of expression, the free flow of information and freedom of media. However, through a stunning number of recent actions, the Belarusian authorities have ignored their commitments and proceeded on a path to virtually stamp out any meaningful, independent media in that country. This is a self-defeating approach for this former Soviet State that successfully began developing free and independent media in the early

1990s. A decade later Belarus is isolating itself from Europe, ignoring internationally respected standards in many fields, including freedom of expression. This road leads nowhere.

I have expressed my concerns in the past about the dangers to media freedom in Italy resulting from the concentration of the control over both private and public broadcasting media in the hands of the Prime Minister. These concerns have been deepened by two bills approved on 22 July by the Italian Parliament: the Gasparri Bill on broadcasting reform which will allow companies to have interests in more than one news media category, and a bill to regulate conflicts of interest between ownership of a profit-making enterprise and holding public office. Both bills are considered by experts as not setting serious limits to a monopoly. I reiterate my concern about what this means for pluralism of opinion and freedom of the media in a founding Member State of the European Union. After all, the EU is supposed to set an example for the young democracies east of Vienna.

I have been approached by journalists from the United Kingdom with the question whether I will intervene in the case of the BBC, who revealed David Kelly as their main source for a controversial report about weapons in Iraq. I cannot comment on this case until all the results of the ongoing investigation of the case are published.

Albania: At the request of our Mission, my Office reviewed the Law on Public and Private Radio and Television and proposed amendments. Our expert's opinion was forwarded to the authorities and we understand that the comments have proved to be useful. This is part of our legal support work that has been a major success.

In Armenia, I have been closely following the debate regarding libel and the open letter addressed to Armenian Parliamentary Speaker, Arthur Baghdasaryan, on 17 June and signed by several heads of diplomatic missions in Yerevan, including the Head of the OSCE Office in Yerevan, Ambassador Roy Reeve. The letter voiced concern on libel and slander in the new Criminal Code. On 2 July, I wrote to the Foreign Minister explaining my position, which you know well by now, and I look forward to the Government's comments on this matter. On 18 July, I issued a press release expressing regret that two independent television companies in Armenia, A1+ and *Noyan Tapan*, had not been awarded broadcasting licences as a result of the tender announced by the National Commission on Television and Radio on 18 July in Yerevan. In my view, their absence from the airwaves underlined that freedom of expression in Armenia continued to be restricted.

Azerbaijan: The 4 May attack on four journalists and on the offices and equipment of the opposition daily, *Yeni Musavat*, in Baku, prompted me to ask for an explanation from the Azerbaijani Minister of Foreign Affairs. We have received an official reply from the Ministry, which gives details showing that the conflict was based on “personal grievance and insult”, and that the four attackers were punished. The Government has assured me that the safety of journalists is at the centre of its attention. This problem has a chance of being at least partially solved now that the country has a functioning Press Council whose purpose is to ease tension between government and the media. This body includes representatives from the Government and from opposition publications, as well as public interest advocates. The effective functioning of the Press Council will be especially important in the pre-election period this year.

My Office is working closely with the OSCE Office in Baku on a freedom of media project for Azerbaijani journalists. Thanks to a grant from the US OSCE delegation, a group of journalists will travel to Washington in early autumn for an exposure visit on media freedom themes. It is my hope that other participating States will find the resources to invite similar groups of Azerbaijani journalists to their countries to give them the knowledge to help Azerbaijan develop free media.

Belarus: I wrote to the Foreign Minister in May concerning the suspension of one of the nation’s leading independent newspapers, *Belarusskaya Delovaya Gazeta*, as well as *BDG-For Internal Use Only* and the official warnings against several other independent newspapers. I told the Minister that these actions give the appearance that the Government is using the current media law to restrict freedom of the press in the Republic of Belarus, and that I am deeply concerned about these negative developments. An answer from the Ministry claimed that these actions were done “... by order of the Minister of Information on the basis of a presentation by the Office of the public prosecutor of the Republic of Belarus and in full compliance with the law on printed and other mass media.”

I am also concerned with the recent closure of IREX and Internews offices in Minsk. These two organizations have greatly assisted in the development of independent media in Belarus. The closure of the bureau of Russia’s NTV television network in Belarus for allegedly slandering the Government in its 25 June report on the funeral of the Belarusian writer, Vasil Bykov, can also be seen as another act of repression against alternative media voices in the country.

The authorities, as far as I know, have prepared a draft media law. The OSCE Office in Minsk, the Belarusian Association of Journalists and others have tried diligently to obtain a copy of this draft that should be submitted for a public debate before being finalized. I am ready to commit my Office's resources to conduct a thorough evaluation of this media law. Small catch: if the Belarusian authorities will let me have a copy.

The situation in Central Asia is of continued concern to my Office. We will have a chance to explore the issues in more detail at the *Fifth Central Asian Media Conference* to be held in Bishkek on 17-18 September 2003. I will report further on this region after we have had an opportunity to review the situation closer.

We have recently seen renewed efforts to control the Internet by blocking sites in Central Asia. For example, since my last report, I have approached the Governments in Kazakhstan and Tajikistan concerning blocked opposition websites – so far no response has been given and the websites remain without access. We have similar problems in Uzbekistan.

In addition, two independent newspapers have been closed down in Central Asia since my last report. Both are newspapers that I have mentioned several times in my previous reports. *Moya Stolitsa* in Kyrgyzstan had to fold in May after not being able to pay exorbitant fines and “moral damages” in dozens of libel suits. In July, *SoldAT* in Kazakhstan was closed after a ruling by an economic court regarding a lack of clarity in the founding documents of the newspaper.

I would also like to remind this Council that Sergei Duvanov, a journalist from Kazakhstan, is still serving his sentence in a local penitentiary notwithstanding the interventions on his behalf by my Office, ODIHR, several participating States and NGOs. The views of the Dutch experts that have been distributed to you are very clear and unambiguous pointing out a number of irregularities in the legal proceedings in his case.

In Croatia, I have been dealing with several issues: my Office has supported the work of the OSCE Mission in the field of media legislation. On the Electronic Media Law, that my Office analysed, our comments were to a large extent incorporated. I believe that now this draft law is in compliance with relevant international standards. However, I have been concerned with the toughening of some of the legal provisions dealing with libel, an issue I have raised in June with the Foreign Minister. I understand that my comments, among many others, have started a wide debate on criminal libel in the country,

which I welcome. This week I received an answer from Foreign Minister Tonino Picula where he defends the newly adopted amendments. I will continue stressing my position on libel and would be especially pleased if this debate in Croatia led to its decriminalization. Also in this case my Office is preparing concrete legal advice at the request of the authorities.

In Georgia my concern is again criminal libel, an issue I raised with the country's Foreign Minister on 2 July with reference to amendments to the Criminal Code that have been approved in the first reading by parliament on 6 June. My concern is with several paragraphs of the draft that deal with defamation and insult (articles 148 and 148,1). Commission of such acts could carry a prison sentence, under certain circumstances for up to five years.

In the Russian Federation, it is through television that the majority of citizens receive their news. However, over the past few years I have had to intervene with the Russian Government and to speak out publicly when the privately-owned television networks NTV and TV-6, staffed by a team of journalists who offered Russian viewers an alternative viewpoint, were forced to close down. Therefore, I was greatly concerned to learn of the dissolution by the Russian Government on 21 June of NTV's and TV-6's successor, TVS, Russia's last remaining private television company with a national reach. Similar methods of financial and legal pressure seem to have been employed once again to silence this independent group of television journalists. I have written to Press Minister Lesin asking for clarifications, since it was the Minister who finally pulled the plug on TVS. I would like to hear Minister Lesin's explanation, since I understand that according to Russian law, broadcast media can be taken off the air only through a court order.

Once again, I wish to underscore the critical importance to the future of an open and public debate in Russia of an independent television network, one free of any control by the State or state-owned companies.

I have also recently intervened with the Russian Government about the case of two journalists from the Ural city of Perm. Konstantin Sterledev and Konstantin Bakharev of the Perm regional daily *Zvezda* were put on trial after publishing two articles last autumn about alleged methods used by the regional office of the FSB. In my letter to Foreign Minister Ivanov, I expressed my hope that the Russian authorities would adhere to international standards concerning this case. I was glad to learn that the Perm city court found the two journalists not guilty.

I have heard about the 18 July murder in Moscow of Alikhan Guliyev, a former Ingush journalist. Since there are conflicting reports about this case, I am hoping to receive additional, more concrete information about it. I also urge the safe release of AFP journalist Ali Astamirov, kidnapped 4 July in Ingushetia.

I continue to be gravely concerned about the media blockade around the Republic of Chechnya. This obstruction of the flow of information inhibits Russian, Chechen and international media consumers from knowing the true depth of the brutality taking place there. The isolation of the Republic prevents any rehabilitation of journalism and updating of media technology which is badly needed. My Office is participating in a Chairmanship-in-Office initiative, a Task Force developing a programme of technical co-operation in Chechnya, including in the media field. We have developed two project proposals, but unfortunately, my senior adviser was denied entry into the Russian Federation as part of a Task Force project team on 15 June, and to date we have received no explanation.

I would like to draw your attention to the controversy in Serbia (Serbia and Montenegro) regarding the appointment of members of the Broadcasting Council. I dealt with this subject in a written statement issued on 17 July to this Council. To reiterate my position: there is concern among politicians, the media and non-governmental organizations about the legitimacy of the appointment of several Council members. Certain procedural irregularities have been raised publicly. These irregularities affect the standing of the Council in the eyes of the country's citizens. The Serbian Parliament on 15 July 2003 reconfirmed those members of the Council whose legitimate appointment to the Council had been questioned by many experts including my Office. This decision has been criticized both inside and outside the country. In this context, I believe that the best solution would have been to restart the procedure from the beginning, both in the cases of the three disputed members and the two members that resigned. This would have, in my view, closed the issue and provided the Council with the legitimacy it needs to function properly. I still hope that this is the path that the authorities would follow in the future and I offer my good offices for any arbitration and/or expertise that might be needed.

Statement at the Permanent Council of 25 September 2003 *(Under Current Issues)*

The *Fifth OSCE Central Asian Media Conference* was held in Bishkek, Kyrgyzstan, on 17-18 September. The conference titled *Media in Multicultural and Multilingual Societies* was attended by journalists, government officials, and Members of Parliament and civil society from the four Central Asian States: Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. Participants from Turkmenistan were not able to attend because they were denied exit visas by the state authorities.

In general, media freedom in all the Central Asian States has deteriorated since our last conference. This includes the host country Kyrgyzstan. In the whole region libel cases, outright pressure, both physical and psychological, imprisonment on dubious and trumped up charges and denying access to information, are becoming a way of life for journalists. Politicians and government officials are less and less tolerant of criticism. A system reminiscent of cults of personality from the twentieth century is taking hold in some of the OSCE participating States, an organization that prides itself on representing democratic governments.

Those speaking at the conference were sometimes reluctant to be overly critical of their countries fearing reprisals at home. Journalists working for the non-government media are literally on the front line of defending freedom of expression in this OSCE region. It is in certain ways a battle between the retrogrades from the Soviet past and the few reporters and editors who are trying to develop a civil society based on fundamental freedoms. Unfortunately, the retrogrades are on the offensive and taking new ground.

There are many cases of harassment of journalists in Central Asia, too many to list here. That is why I will focus only on the two most egregious ones: Ruslan Sharipov, an independent journalist from Uzbekistan, was sentenced to five years in prison this August for having allegedly committed several sexual-related crimes. After months of maintaining his innocence, Sharipov suddenly changed his plea to guilty, waived his right to legal counsel and apologized to the authorities for criticizing them in his articles. Last week, a letter written by Sharipov to the UN Secretary-General was being distributed worldwide by the NGO community. In it Sharipov explains that he only confessed after police brutally tortured and threatened to kill

him as well as to infect him with the AIDS virus. I and my successor will have to look more closely into cases of torture of journalists.

In Kazakhstan, Sergei Duvanov continues to serve his sentence on charges that have been questioned by several legal experts and after a court hearing that has been broadly criticized for many irregularities. I understand that in November President Nazarbayev plans to address this forum. If by then the case of Duvanov is not resolved I will have no other choice but to raise his fate here in the Permanent Council directly with the President.

The participants at the Bishkek Conference adopted a declaration that is attached to my statement. It outlines points of concern to my Office and to the journalists in the region. I would just like to once again underline: media freedom is an essential component of a democratic civil society. If the Central Asian governments are in reality interested in sticking to the values they have signed up to when they accepted my mandate they must take a long and hard look at their current record and make some serious changes in their attitudes towards the media.

Report on the Media Situation in Chechnya

Tenth Country Report

***Preface.** As the OSCE Representative on Freedom of the Media, I would like to introduce the tenth country report, this one on the media situation in Chechnya. My Office has previously published country reports on The Federal Republic of Yugoslavia, Croatia, Kyrgyzstan, Ukraine, Georgia, Turkmenistan, Kazakhstan, Tajikistan and Uzbekistan. The usual practice of this institution is to have independent outside experts write the reports. It therefore cannot take full responsibility for the report's content. In this particular case we were asked not to mention the names of the experts.*

I would also like to thank the Center for Journalism in Extreme Situations of the Russian Union of Journalists that helped to prepare this report.

Freimut Duve, November 2003

1. The Chechen Republic

1.1. A History of Conflict. The first armed conflicts between the Chechens and Russian Imperial Forces broke out in 1785 over Georgia. In 1801, Tsar Alexander I signed the Manifesto on the Annexation of Georgia to Russia. In 1817, the Great Caucasian War started, lasting until 1859. In 1860-61 and 1877-87, the Chechens staged anti-Russia uprisings, which were harshly stifled. In 1887, the imperial administration commenced the process of forceful Russification of the territory of the contemporary Chechen Republic, populating it with Cossacks.

In 1917, the Union of Allied Mountaineers of the Northern Caucasus was created, with the goal of establishing a Caucasus Region inside Russia. The same year was marked by bloody battles between the Chechens and Cossacks. In March 1918, the Tersk People's Republic was created, incorporating the Chechens. In May 1918, the Independent Republic of the Mountaineers of the Northern Caucasus was proclaimed, and officially recognized by Turkey, Georgia, and Azerbaijan.

In 1921, the Mountaineer Autonomous Soviet Socialist Republic was created, with the Chechen Autonomous Province separating from it in November 1922. In 1929, another Chechen uprising took place, provoked by collectivization and the creation of collective farms.

On 15 January 1934, the Checheno-Ingush Autonomous Province came into being, transformed into the Checheno-Ingush Autonomous Soviet Socialist Republic (CIASSR) on 5 December 1936.

Another Chechen uprising took place in the winter of 1940 and was severely crushed in early 1941. In February 1942, a further uprising was stifled by Red Army aircraft. On 23 February 1944, the Soviet Government decided to forcefully deport the Chechen Republic's population to Northern Kazakhstan, Central Asia, and Siberia. The Republic's territory was subsequently divided among the four neighbouring regions.

From 1944 until the mid-1950s (according to some sources, until the early 1960s), underground partisan movements existed on the territory of the former Chechen Republic. In 1957, the Chechens were rehabilitated, and the CIASSR reinstated.

On 23 November 1990, the First Congress of the Chechen People in Grozny adopted the Declaration of Sovereignty of the Chechen Republic Nokhchi-Cho. Major General Dzhokhar Dudaev was elected Chairman of the Executive Committee of the Chechen National Congress.

On 27 November 1990, the Supreme Council of the CIASSR voted in favour of the Declaration of State Sovereignty of the Checheno-Ingush Republic. On 1 October 1991, Dudaev was elected President of the Chechen Republic.

In November 1992, the separate Ingush Republic was officially recognized. In January 1994, President Dudaev's decree officially proclaimed the other part of the CIASSR as the Chechen Republic of Ichkeria.

On 26-27 November 1994, the Russian military forces launched the first assault on Grozny, and were subsequently defeated. On 11 December 1994, the First Chechen Campaign started, officially called in President Boris Yeltsin's Decree, "Measures for Restoration of Law and Order on the Territory of the Chechen Republic". The Campaign ended on 31 August 1996, with Alexander Lebed and Aslan Maskhadov signing a peace agreement in Khasavyurt (Dagestan).

On 27 January 1997, Aslan Maskhadov was elected President of the Chechen Republic. Eighteen candidates participated in the elections. On 12 May 1997, Maskhadov and Boris Yeltsin signed the Agreement on Peace and Principles of Mutual Relations.

On 23 September 1999, a session of Russia's Security Council took place in Moscow, resulting in the signing of a secret Presidential Decree regarding a counter-terrorist operation in the Chechen Republic. On 1 October 1999, the Second Chechen Campaign started, this time under the name of an "anti-terrorist operation".

1.2. The Chechen Republic's Mass Media. Prior to the disintegration of the USSR, the media of the Checheno-Ingush Autonomous Soviet Socialist Republic was no different from any other region of the Soviet Union. All media was controlled by the Communist Party, with the first independent publications appearing only in the late 1980s, with the advent of Gorbachev's perestroika.

The independent press started appearing in 1989-91. However, the majority of newspapers commenced publication in 1991, as the Republic was preparing the Declaration of State Sovereignty.

Prior to May 1992, the following periodicals were published on the territory of the Chechen Republic:

- The *Respublika* newspaper, founded in 1923, prior to 1990 published under the title of *Komsomolskoe plemya*. Closed in 1994;
- The *Impuls* newspaper, independent;
- The *Spravedlivost* newspaper, founded in 1989, prior to February of that year published as an information bulletin entitled *Niyskho*;
- The *Golos Checheno-Ingushetii*, founded in 1917 under the title of *Tovarisch*, prior to 1990 published under the title of *Groz-nensky rabochiy*. In 1995, reassumed the latter title;
- The *Bardt* newspaper, founded in 1989;
- The *Kavkazskij dom* newspaper, founded 16 February 1992;
- The *Ekho gor* newspaper, founded in February 1991;
- The *Vozrozhdenie* newspaper, founded in December 1991;
- The *Ekho Chechni* newspaper, founded in 1991;
- The *Kavkaz* newspaper, founded in 1991;
- The *Svoboda* newspaper, founded in 1991 under the title of *Novaya Gazeta*.

From 1993 to 1995, the list of media outlets expanded to include the following:

- The *Ichkeria* newspaper, previously published under the title of *Golos Chechenskoi respubliki*;
- The *Daimokhk* newspaper;
- The *Vast* newspaper;
- The *Gums* newspaper, Gudermes District;
- The *Orga* newspaper, city of Argun;
- The *Marsho* newspaper, Urus-Martan District;
- The *Terkiyst* newspaper, Nadterechny District;
- The *Informatsionniy vestnik*, supplement to the *Daimokhk*;
- The *Nedelya* newspaper;

- The *Chechnya v Chechnye* newspaper;
- The *Orga* magazine, city of Argun;
- The *Ichkeria* magazine;
- The *Stelaad* magazine;
- The *Malkh-A'zni* magazine.

In addition to newspapers and magazines, the following six television stations were in operation in the Chechen Republic: *Presidentskiy kanal*, *Seda*, *Ass*, *5 kanal*, *TV MZhK*, and *Vainakh*; as well as the radio stations *Vostok* and *Bioradio*.

2. Journalists' Activity during the First Armed Conflict (1994-96)

2.1. Chechen Media. During the period of political instability in the Chechen Republic, up to the beginning of the first war, many newspapers had to fear their future existence. They were attacked by supporters of President Dudaev, as well as by his political adversaries within the Republic, and the pro-Moscow politicians. An example of this struggle over the influence on the media was the *Marsho* newspaper of the Urus-Martan District. The newspaper was discontinued in 1992. Following its reinstatement in 1993, it was closed again after several months, this time on the orders of Vice President Zelimkhan Yandarbiev. Subsequently, *Marsho* was published secretly. On 17 September 1994, its editor-in-chief, Said Khodzhaliev, was arrested.

After the emergence of the pro-Moscow Provisional Council, in opposition to Dudaev, *Marsho* commenced publication again; however, on 2 November 1994, it received a warning from the new, pro-Moscow authorities, regarding the "inadmissibility of publications discrediting the national Liberation movement and the leaders of the opposition." In February 1995, the Provisional Council transferred all of *Marsho's* assets to another newspaper founded by the District administration.

In 1995, the *Presidentskiy kanal*, the official television station of Dzhokhar Dudaev's government, was working underground. In April 1995, the station was operating in the village of Vedenov, which was bombed by the Russian Air Force. The materials for broadcasting were being collected spontaneously: the station employed its own correspondents, who doubled as cameramen and editors. There were also volunteers filming various events with their home camcorders. People employed by the *Presidentskiy kanal* were courageous journalists, who visited settlements destroyed by bombings, interviewed field commanders, filmed demonstrations and other acts of protest.

For several months during the war, the *5 kanal* station was working in the district centre of Shali. On 20 August 1995, a radio station went on air, and the *Ichkeria* newspaper commenced its publication.

After the Russian Army gained control of Grozny and the majority of the Chechen Republic's Districts, the new, pro-Moscow administration began to form its own information policy. In August 1995, ten state newspapers started publishing in Grozny, with three more in the Districts. At the same time, independent newspapers, such as *Groznensky rabochij*, *Impuls*, *Vestnik*, and *Nedelya*, were published as well. The new administration also made attempts to restore radio and television broadcasting; however, it only managed to install a rebroadcasting device which allowed it to receive and distribute the signals of the First and Second Russian State TV Stations. Most television stations were operating on the decimetre frequency, with no control exercised over the latter. As a result, the same channel could be broadcasting a speech by Dzhokhar Dudaev, and some time later a statement by Doku Zavgae, a pro-Moscow leader.

In the course of the First Chechen Campaign, eight ethnic Chechen journalists perished, as well as three ethnic Russian journalists born in Chechnya (see Appendix). Arthur Umanksy, an independent journalist from the city of Argun is still listed as missing in action. Several Chechen journalists have undergone arrest and tortures in the so-called filtration camps, including Abdullah Bagaev, Isa Ibragimov, Shirvani Magomaev, Ibragim Ugurchiev, and Magommedrashid Pliev. There have been multiple instances of detention of journalists, unlawful confiscation of camcorders, cameras, film and tapes, as well as assault on and wounding of Chechen journalists.

2.2. Russian and Foreign Journalists. Almost immediately after the beginning of the First Chechen Campaign, the Russian Government attempted to create an information centre responsible for promulgating the official state view of the events in Chechnya.

The first such attempt to create an information stream serving the Government was made on 1 December 1994. The Government's resolution read: "In the light of the complications in the situation in the Northern Caucasus, which threatens the further societal and political stabilization, and in an effort to bring to the Russian and international public objective information regarding the events that take place," it was necessary to create a Provisional Information Centre (PIC). Prime Minister Viktor Chernomyrdin signed the Russian Government's Decree 1886-R, appointing the Chairman of the State

Press Committee, Sergei Gryzunov, to the position of Director of the newly created centre. Several official departments, such as the Ministry of Emergencies, Ministry of Nationality Affairs, Ministry of Internal Affairs, Federal Counterintelligence Service, Ministry of Defence, and the Federal Border Patrol Service, were instructed to provide the PIC with current information. The centre itself was delegated with accrediting Russian and foreign media outlets.

The PIC was to “offer necessary assistance to the representatives of Russian and foreign media outlets working in the Northern Caucasus region, with a view to providing objective information and personal security of the representatives.”

The following day, 2 December 1994, the PIC distributed the Accreditation Statute, which stipulated that a journalist, in addition to providing the usual data and a photograph, had to also provide proof of insurance. This was the first state requirement for journalists who set out to work in extreme situations; however, it was widely disregarded. Over the course of the First Chechen War, especially during the first months thereof, most Russian journalists heading for Chechnya were not insured. Only halfway through the war did some Moscow newspapers and television stations start to adhere to this requirement.

On 9 December 1994, Prime Minister Chernomyrdin signed the decree “On Ensuring the State Security and Territorial Integrity of the Russian Federation, Legality, Rights and Liberties of its Citizens, Disarmament of Illegal Armed Units on the Territory of the Chechen Republic and the Adjacent Regions of the Northern Caucasus.” Item 6 of the Decree read: “To immediately annul the accreditation of journalists working in the armed conflict zone for transmitting inauthentic information, and/or propaganda of national or religious intolerance.” In this regard, the Decree violated Article 48 of the Russian Federation Law “On Mass Media”, which stipulated that a journalist’s accreditation may be annulled only under court order.

The PIC rather quickly became an outcast, as newspaper and television reporters avoided using both its bulletins and organizational/accreditation services. By the end of the First War, many journalists did not remember that the Russian Government had created the PIC for them, since on the territory of the Chechen Republic, multiple governmental agencies, including military organizations, required accreditation documents of their own. Many journalists, even after the end of the war, displayed stacks of multiple accreditation cards issued by various press services.

Nine Russian or foreign journalists perished during the First Chechen Campaign: two of them were foreign, while the other seven represented the Russian press. Eight other journalists, including an independent American reporter (see Appendix) are still listed as missing.

2.3. Violations of Journalists' Rights. Over the course of the First Campaign (1994-1996):

- A total of 20 journalists died (11 were residents of the Chechen Republic);
- A total of 9 journalists were listed as missing;
- 36 journalists were wounded;
- 26 journalists were victims of assault;
- 174 journalists were detained;
- 117 journalists were fired at (including deliberate fire);
- 34 journalists were threatened;
- The Russian Army illegally confiscated video, audio, and photographic gear and tapes from 37 journalists.

Journalistic activity during the First War was hardly controlled by either the Russian or Chechen (Dudaev's) authorities. On the contrary, the Chechen side was more open, co-operating with the journalists in their work. This resulted in representatives of the Russian side claiming that "some Russian journalists were bought by the Chechens." The Russian special service agencies displayed a certain letter signed by Chechen officials close to Dudaev, which supposedly conspired to allocate money specifically for bribing Russian journalists. Duma Deputy Stanislav Govorukhin publicly quoted from the letter, and was subsequently sued by Kronid Lyubarsky, reporter for the Moscow weekly *Novoe vremya*. After Lubarsky's death, his widow won the case, demanding from Govorukhin libel compensation in the amount of one rouble. However, the letter in question is still being used by the special service agencies as "proof" of the bribing of Russian journalists.

The vast majority (over 90 per cent) of those initiating violations of journalists' rights were the Russian military. Several journalists perished while working in the combat regions, either during air or artillery strikes. However, others, such as Ruslan Tsebiev, Farkhad Kerimov, Viktor Pimenov, Nadezhda Chaikova, Nina Efimova, and Ramzan Khadzhiev, were found with bullet wounds, which may testify to their forced deaths. The circumstances of at least two journalist deaths have been made public: Natalia Alyakina and Shamkhan

Kerimov are known to have been killed by Russian soldiers. However, during a 1995 trial, the Russian soldier who had killed Natalia Alyakina was acquitted of the charges against him.

Thus, not a single person perpetrating a crime against journalists has been convicted, even when the names of soldiers and officers confiscating the photographic gear and/or materials, detaining, and assaulting journalists, were known. The Russian authorities effectively offered the journalists an unwritten compromise: "We (the authorities) shall not place restrictions on you, we shall neither introduce censorship nor prohibit you from visiting Chechnya. You (the journalists) will extricate yourselves as you will, finding a common language with the military, and will not complain to us."

3. Period between Conflicts (September 1996 – October 1999)

Peace was formally established on the territory of the Chechen Republic after the signing of the peace accord between the Secretary of the Russian Security Council, Alexander Lebed, and Aslan Maskhadov on 31 August 1996. This was sealed by the personal meeting between Maskhadov and Russian President Boris Yeltsin on 12 May 1997.

The Chechen leadership proceeded to form its own policies, including that of information. Several conflicts occurred during this period; they may be viewed as Maskhadov's attempt to regulate the activities of the electronic media, primarily television.

During the same period, Russian and foreign journalists continued to work on the territory of the Chechen Republic. However, almost immediately after the signing of the peace accord, kidnappings of journalists started to occur in the Republic.

From 27 September 1996 to 1 October 1999, 21 journalists were kidnapped under various circumstances. Two were natives of Chechnya (Natalia Vasenina and Said Isaev); one was a foreigner (independent Italian journalist, Mauro Galligani); three were representatives of Russian regional media; and the rest worked for Moscow news agencies, television and radio stations, and newspapers. One of those kidnapped, Viktor Petrov, was in Chechnya on a professional mission, helping the relatives of a missing Russian soldier to locate him.

During this period, there were no recorded instances of journalists perishing. However, on 19 July 1999, Vladimir Yatsina, a photographer for the Russian *ITAR-TASS* news agency, was kidnapped; though the kidnapping took place in Ingushetia, Chechnya was viewed as his possible whereabouts. His death was reported several

times by the Russian special service agencies, which cited testimonies of eyewitnesses, who in turn claimed to have been imprisoned with the journalist and to have seen him murdered. However, Yatsina's body was never found.

3.1. Chechen Media. After mutual relations were established between President Maskhadov's Government and the Boris Yeltsin administration, reconstruction of media activity began in Chechnya. On 1 February 1997, a Russian presidential aide, Sergei Slipchenko, announced the development of a special programme for assisting the Chechen media, taking the form of a joint effort for the reconstruction of television, print media, and the information agency in the Republic.

Meanwhile, Chechnya itself began the process of media reorganization. On 10 March 1997, Maskhadov signed edicts suspending the activities of private television stations, as "unsanctioned broadcasting" was deemed "conducive of corruption of young people's morals", and introduced compulsory licensing of television and radio companies. According to the Director of the Republican *Chechenpress* agency, Abdulkhamid Khatuev, "the concentration of television broadcasting in the hands of one Chechen state structure serves the purpose of purging from the airwaves the low-quality video products distributed by dozens of pirate television companies that operate in the Republic."

The situation with Chechen television was especially dramatic. Just as in many parts of the former USSR, television became the main source of official information distribution, as well as a propaganda tool. In the Chechen Republic, judging by the events of 1996-98, the struggle for the television airwaves mirrored that of the Russian authorities in regard to the *NTV* and *TVS* independent television stations.

On 10 April 1997, Aslan Maskhadov removed from office the Director of State Television, Sharpudin Ismailov, and the Head of the Department of Television and Radio Broadcasting, Lema Chabaev. On 13 October 1997, the Russian *Interfax* news agency cited an "informed source in the Chechen President's administration" in reporting the kidnapping of the Chief Editor of Chechen Television, Lema Gudaev, and the Press Secretary of the President of the Chechen Republic, Kazbek Khadzhev. Two hours later, the same agency reported that both individuals were in their respective homes. Chechen Minister of Internal Affairs, Kazbek Makhashev, called the kidnappings report "an attempt to destabilize the situation in the Republic."

On 22 October 1997, the Chairman of the State Committee for Television of the Chechen Republic, Lema Chabaev, submitted his resignation. However, the Chechen President, after meeting with the television staff, declined to accept it. The situation was further exacerbated by the 15 March 1999 bombing, with grenade explosions and small arms, of the offices of the state newspaper *Ichkeria*. The building sustained massive damage, but there were no casualties.

Meanwhile, Chechnya saw the beginnings of confrontation among the various political groups within the Government. The leader of the "Islamic Order" union of patriotic forces, Movladi Udugov, lodged a complaint in a Shariat Court about two republican commercial television stations. The complaint was based on the notion that the stations broadcasted programmes that contradicted the norms of Islamic morality.

On 26 October 1998, a letter was found in the offices of the Chechen Television and Radio Broadcasting Centre near Grozny. In the letter, unknown terrorists threatened to detonate the centre if the broadcasting networks of several transmitting stations were not expanded. The centre was broadcasting the programming of the Russian *ORT*, *VGTRK*, and five local stations.

In late 1998, a conflict flared up involving the independent *Kavkaz* television station, owned by Movladi Udugov. The station was closed on 12 November 1998 by the State Prosecutor's office, due to "multiple instances of breaking the existing legal norms in the television programmes, promulgation of anti-state ideas and provocative statements by political parties, movements, and private individuals exacerbating the public and political situation in Chechnya." The station's management appealed to the Supreme Shariat Court, citing a violation of the right to freedom of speech, guaranteed by the Chechen Constitution, as well as a violation of the media law. Following the court appeal, the Prosecutor's edict was deferred, pending the outcome of the case. On 2 March 1999, the opposition *shura* (a structure laying claims to supreme power in the Republic) announced the increase in *Kavkaz's* status to that of a national television station. *Kavkaz* widely publicized the activities of the *shura*, providing airtime to politicians and members of the military who criticized the Chechen President.

Nonetheless, on 18 March 1999, the *Kavkaz* television station was closed. The decision came from the Ministry of Justice, Supreme Shariat Court, and Department of Communications of Ichkeria, following a letter from Chechnya's Prosecutor General, Salman Albakov,

to the heads of law enforcement agencies. In the letter, Albakov demanded a cessation of the activities of the *Kavkaz* station, which “for a long period of time has engaged in criminal activity, broadcasting programmes of oppositionist character.”

On 29 July 1997, agents of the National Security Service of the Chechen Republic of Ichkeria arrested Raisa Taibulaeva, a journalist and press secretary of the Mayor of Grozny. She was accused of collaborating with “the occupational authorities of the pro-Moscow Government.” The Mayor of Grozny, Lecha Dudaev, viewed Taibulaeva’s arrest as the beginning of a political struggle against his own candidacy at the upcoming mayoral elections.

3.2. Kidnappings of Journalists. During the First War, the number of missing journalists reached nine. The kidnappings occurred between 27 February 1995 and 28 August 1996. Among those kidnapped and missing are one US citizen, and three citizens of Ukraine, while the rest are citizens of Russia. Of those, only Arthur Umansky from the city of Argun had permanent residency in Chechnya.

The circumstances of all those who disappeared have still not been investigated, while attempts at journalistic investigations (five separate missions) of the disappearance of three journalists from St. Petersburg yielded no results. Over the years, none of the Russian officials have made any encouraging statements regarding the steps taken for establishing the circumstances of the journalists’ disappearance.

If one considers the 27 September 1996 kidnapping of Natalia Vasenina (a resident of Chechnya and chief editor of the *Respublika* newspaper), to be a conspiracy on the part of local criminal structures, then the 19 January 1997 kidnapping of two Russian journalists, *ORT* reporter Roman Perevezentsev and cameraman Vyacheslav Tibelius, became the first in a new series of kidnappings.

In light of the kidnapping of Perevezentsev and Tibelius, who were freed a month later, on 18 February 1997, several politicians made statements regarding the motives. On 11 March 1997, the President of Ingushetia, Ruslan Aushev, stated that “the kidnapers of the Russian journalists may have been pursuing political goals, rather than financial.” The Press Secretary of the President of Chechnya, Kazbek Khadzhiiev, said on 22 March 1997 that “Russian journalists who receive accreditation in Chechnya refuse the security detail for one reason or another. One may deduce that they arrive in Chechnya not for collecting information, but for conducting special tasks of the secret services, and subsequently disappear, according to the plan.” From that

point on, according to Khadzhiev, all journalists were to move around the territory of Chechnya accompanied by a security detail or else take responsibility for their own safety. The Chechen leadership had already been mulling over a plan for settling all journalists in Grozny, in close proximity to each other. However, this issue, as well as that of security for journalists, has still not been finalized.

The subject of kidnappings of journalists surfaced periodically in the public statements of other Russian and Chechen politicians. Thus, on 29 November 1999, the German *Tageszeitung* newspaper quoted Ilias Akhmedov, a supporter of Aslan Maskhadov and at that time the head of the Ministry of Internal Affairs of the Chechen Republic of Ichkeria, as saying, "the purpose of kidnapping people in Chechnya has always been the destabilization of the situation in the Republic and its isolation from international assistance. In 1996, the war in Chechnya was over only formally, as the cold war continues. The majority of the kidnappings were orchestrated by the Russian special service agencies. However, Chechen criminals, like Basaev, certainly participated as well. Imagine this: to conduct a successful kidnapping, one needs at least eight people and two vehicles; the people at checkpoints must be properly informed. This is possible only with the support of entire organizations."

On 11 September 1997, the head of a Special Chechen Presidential Investigative and Executive Brigade, Magomed Magomadov, stated that "some high-ranking Russian politicians are uninterested in investigating the criminal cases which examine the kidnappings of journalists and the mediating services offered in providing the ransom at the time of their release." Magomadov also emphasized that the Chechen investigators who visited Moscow did not have the opportunity to question the victims or the witnesses, which "indicates a lack of desire to establish the truth in the issues of kidnapping and release of journalists."

From 27 September 1996 to 4 October 1999 (that is, until the beginning of the Second War), 23 journalists (see Appendix) were kidnapped on the territory of Chechnya and the adjacent republics (primarily Ingushetia). Two were foreign citizens (Mauro Galligani of Italy and Brice Fletiaux of France); four represented Russian regional media; the other 17 were journalists from Moscow newspapers, television and radio stations. There was one ethnic Chechen among those kidnapped: Said Asaev, correspondent for the *ITAR-TASS* news agency.

It is assumed that some journalists were released in exchange for money; however, no one has been able to provide any documents proving or disproving this.

4. Information Blockade

4.1. Information Blockade between the Wars (1996-1999). In the period between the two military campaigns in Chechnya, the Russian media attempted to run the information blockade imposed by the Russian authorities. Incidentally, the initiative behind the blockade arose not so much from the authorities but from the journalists themselves.

On 30 June 1995, at the time when the First War was still going on, the first person to suggest an information blockade of Chechnya was Alexander Nevzorov, a State Duma Deputy and a journalist. After the signing of the peace accord, the state structures practically “froze” any information that would disclose any data on the results of the First War. On 2 September 1996, the *Ogonyok* magazine published an article entitled, “We’ve Severed Our Ties with the War. But We Didn’t Manage to Run the Information Blockade.” The magazine attempted to calculate the first “statistical totals” of the war: “how many military personnel were engaged in ‘establishing the Constitutional order’; how many were killed, wounded, went missing, got captured; how many criminal cases were open during the conflict; how many refugees the war engendered; how many mothers had to look for their sons.” The magazine addressed the enquiries to the appropriate ministries; however, none of the officials answered.

On 2 February 1997, the leader of the Party of National Independence of Chechnya, Ruslan Kutaev, stated that the Federal side had already created and implemented a “centre of information warfare against the Chechen Republic”. He also stated that the information distributed by the Russian media “is often contrary to reality, with the objective of detonating the situation in the Republic from the inside.” Presidential Aide Sergei Slipchenko responded by calling Kutaev’s statements “an utter delirium,” emphasizing that “such statements are provocative, and are not at all conducive to the process of peaceful settlement of the crisis in Chechnya.” Nonetheless, on 11 May 1997, the Director General of the *Chechen Press* information agency, Abdul-Khamid Khatuev, appealed to Russian journalists not to allow the information blockade to be imposed on Chechnya. He stated that “the journalists who had done much to end the Chechen War, now must not lose heart in fighting the forces that are trying to destroy the feeble shoots of peace in Chechnya.”

On 6 March 1997, the Secretary of the Russian Union of Journalists, Pavel Gutiontov, appealed to the International Federation of Journalists to support the international information blockade of Chechnya. “One should not play up, even unwittingly, to those in

whose interests it is to thoughtfully discuss some political motives for the elementarily foul gangster kidnappings," he said. This was Gutiontov's reaction to an appeal by the Committee for the Protection of Journalists, which called for "not rushing to declare the Republic an information outlaw". Gutiontov once again urged the Russian media to not send reporters to Chechnya. On 27 March 1997, the Secretary of Russia's Security Council, Ivan Rybkin, made a statement against the information blockade of Chechnya, saying that "a blockade never does any good, especially if it is conducted on Russia's territory." On 14 May 1997, the press service of the Security Council issued a statement, which claimed that "those opposed to the normalization of the situation in the Chechen Republic and realization of the principle agreements signed in Moscow on 12 May, are starting to actively use the media for the promulgation of mendacious reports, which destabilize the situation in the Northern Caucasus."

On 7 March 1997, the pro-Kremlin political movement "Our Home is Russia" and the Deputy Prime Minister of Russia, Minister of Internal Affairs Anatoly Kulikov, spoke in support of the blockade.

In his address on 21 September 1997, the Chechen President Aslan Maskhadov stated that "the Republic has in fact been encircled by a blockade; attempts are being made for informational isolation of Chechnya."

4.2. Information Blockade during the Second War (1999- ?)

Immediately after the beginning of the second military campaign in Chechnya, journalists, politicians, government representatives and experts once again started discussing the issue of the information blockade. The state officials made no secret of the fact that Russia had already practically instituted such a blockade in Chechnya. On 21 October 1999, Press Minister Mikhail Lesin stated that "the efforts by international terrorists, who entrenched themselves in Chechnya to run the information blockade with the help of foreign television stations, are not having any serious effect." On 12 January 2000, the Secretary of the Russian Security Council (currently the Minister of Defence), Sergei Ivanov, announced during a press conference that "the reconstruction of the full-fledged operation of the local media in parts of Chechnya liberated by the Federal Forces will put an end to the information blockade which the citizens of this Republic have been living in recently."

Other officials attempted to disprove the existence of the information blockade of Chechnya, in all probability understanding that any action of the Government to distort information or block its

distribution was in violation of the Russian Constitution and the existing legislation. In December 1999, the Director of the Department of Information and Press of the Russian Ministry of Foreign Affairs, Vladimir Rakhmanin, answered the following to a question by an Egyptian journalist regarding the information blockade: "I do not agree with the term 'information blockade'. Furthermore, journalists do have the opportunity to visit the Northern Caucasus Region; however, we have always unambiguously and clearly warned that issues with security may arise; these issues continue to remain. You know that there is active coverage of the Chechen situation, not only by the Russian, but also by the Western media. If you have any specific complaints regarding the visits organized by the Russian Information Centre, I believe we may deal with those as we go. They in no way reflect the policy of information openness which is implemented by the Russian side in regard to the events in Chechnya and the Northern Caucasus."

Meanwhile, representatives of Chechnya in Aslan Maskhadov's Government as well as the pro-Moscow functionaries continued to make statements regarding the blockade. In his 21 April 2000 interview to the *Kommersant* newspaper, Aslan Maskhadov said that "the harsh information blockade was a part of the plan for the second Chechen war... Russian media sometimes spread hair-raising tales. For instance, information was distributed about my supposedly fleeing abroad, when at the time I was in Grozny." The Secretary of the Chechen Security Council, Rudnik Dudaev, virtually supported the words of his adversary in his own interview to the *Moskovskie novosti* newspaper. He said that "the Republic has for years lived in an information blockade; few newspapers reach us, the radio does not work: jammers have been installed everywhere. The military claim that these are to jam the rebels' transmitters, while in reality, the rebels have much more advanced means of communication, and jammers do not hinder them."

Over the course of the year 2000, several human rights organizations came forward with statements of protest against the information blockade imposed by the Russians. On 5 February, the "Soldiers' Mothers of St. Petersburg" association distributed a statement outlining the causes of the Second War and the events preceding it. The statement reads, "at the suggestion of the 'war party' (which includes politicians, military people and industrial entrepreneurs, KGB people, as well as the military not interested in a military reform) the majority of Russians blamed [for explosions in Moscow] everything

on the mythical 'Chechen terrorists'. This was the beginning of the propagandistically well prepared Second Chechen War, which is no less bloody than the first." On the list of demands put forth by the "Soldiers' Mothers of St. Petersburg", there are several items regarding the media: "to end the information blockade of the events in Chechnya; to give the journalists an opportunity to carry out their professional duties unimpeded; to provide for their security."

On 31 October, the Fifth General Meeting of the Helsinki Civil Assembly in Baku adopted a document which called for an immediate end to the war in Chechnya. The Assembly expressed its serious concern over the information blockade of the media in Russia and other countries, and appealed to journalists to inform the world community in all countries of the events in Chechnya more fully, in order to objectively promote an end to the war.

5. Propaganda

After the establishment of the information blockade, representatives of the Russian military command and Government practically established a monopoly on the distribution of information from Chechnya. Only during the first months of the Second Campaign did Russian and foreign journalists attempt to work on the territory of the Republic independently, using their right to freely collect and promulgate information. However, following several instances of detention of large groups of foreign journalists (see Appendix) and the arrest of a correspondent of *Radio Free Europe/Radio Liberty*, Andrei Babitsky, on charges of supporting the Chechen separatists, the majority of the Russian media outlets have been forced to use only the official sources, with no opportunity to confirm the information received.

The establishment of harsh control over the work of journalists was preceded by several similarly harsh statements from the authorities. Thus, on 16 November 1999, an official representative of the Ministry of Foreign Affairs, Vladimir Rakhmanin, accused the Western media of "biased coverage of the situation in the Northern Caucasus". On 29 March 2000, Foreign Minister Igor Ivanov stated that "lately, an information war has been waged on Russia in regard to the events in the Northern Caucasus. Attempts are made to create an unfavourable and one-sided image of Russia, not just of the state, but of Russian society as a whole. Unfortunately, even respected figures of culture and science fall into this propaganda trap in the West."

A month earlier, the same Igor Ivanov had announced that, “firmness and openness constitute the priorities of Russia’s information policy in the Northern Caucasus. We understand very well who is doing it and why. That is precisely the reason for us to display, on the one hand, firmness, and on the other openness. We are not hiding anything in the Northern Caucasus; we have nothing to hide. We want to restore lawfulness and constitutionality, we want the people of the Chechen Republic to live according to the law, the same law that the peoples of our country live by. We will reach that goal.”

Indicative of the new information policy was the 25 May 2000 meeting between the Secretary of the Russian Security Council, Sergei Ivanov, and the management of Moscow’s leading media outlets. The media was represented by the state agencies *ITAR-TASS* and *RIA-Novosti*, the state television stations *ORT* and *RTR*, as well as the independent *Interfax* news agency, *NTV* television station, and the newspapers *Kommersant*, *Moskovskie novosti*, *Pravda*, *Argumenty i fakty*, *Komsomolskaya Pravda*, *Segodnya*, and *Nezavisimaya gazeta*. The meeting was also attended by Press Minister Mikhail Lesin, Presidential Aide Sergei Yastrzhembsky, and Deputy Minister of Internal Affairs, Igor Zubov. Events in Chechnya served as the major topic of discussion. The attending editors-in-chief were told that “the Chechen rebels number 1,500 men, with about 600 mercenaries, primarily from Arabic countries. Many of the mercenaries are not in the best of condition, as they suffer from a lack of medical attention, a shortage of weapons, etc.”

This meeting not only established the state’s monopoly over the information from Chechnya, but also secured the officially created right for the State to engage in propaganda, or promulgate false information, conducive to distorting the real events in Chechnya.

State officials used propaganda during the first military campaign as well; however, with the advent of the Second War, the information they distributed lacked both logic and common sense. The official sources were not too concerned with the fact that some time after it was circulated, the information they served to the public was disproved or looked rather dubious even to people with no military experience. For instance, on 6 October 1999, the *ITAR-TASS* agency quoted one of the leaders of the Northern Caucasus Military District in reporting that “the Chechen guerrillas put mines in apartment buildings, and detonate them when the federal air forces appear. This is done in order to set the population of Chechnya against the Federal Forces in the Northern Caucasus. At the same time, the military

claim that there is growing discontentment among the Chechen civilian population about the actions of the rebel groups.”

The carelessness of information distribution even led to inconsistencies in geography. On 4 May 2000, many Russian agencies reported, citing their military sources, that “on 3 May, between the Chechen villages of Makhkety and Avtury, a squadron of extremists was destroyed in an ambush. The rebels lost 18 men.” In reality, the aforementioned villages are located in different districts, with a large distance and several mountains between them.

Judging by the persistence of the military sources, the distributed disinformation was meant to change the attitude of the Russian population towards the militant Chechen separatists. On 6 June 2000, the Joint Chief of Staff in Chechnya, General Gennady Troshev, announced that Aslan Maskhadov was wounded. “In all of his phone conversations and in our radio intercepts, Maskhadov’s articulation is different, we sense some bewilderment on his part.” On the same day, Maskhadov said in an interview to the Spanish *EFE* news agency that “the reports about my being wounded are just disinformation from the Russian military.”

Over the course of the second campaign, the most popular subject of the official commentaries and interviews was the announcement of the end of the war. For instance, on 26 June 2000, the Joint Chief of Staff in Chechnya, Gennady Troshev, stated that “on the territory of Chechnya, the war as such is over.” He also stated that the Federal Forces “are not conducting any offensives, nor any air or artillery strikes.” The same day, *Interfax* and the *Military News Agency* issued reports of “the military air forces conducting 11 to 12 flights of SU-25 attack aircraft, two flights of AN-26 and AN-30 reconnaissance aircraft, and over 30 flights of MI-24, MI-8 and MI-26 helicopters.”

On 8 August 2001, the *ITAR-TASS* agency cited the military in a distributed report which a well-known human rights organization, Memorial, viewed as a provocation. It appeared that the objective of this provocation was the military’s desire to convince the Russian public, with the help of *ITAR-TASS*, that Memorial had served as an “accomplice of terrorists”. By implication, this report echoed the story of the money allegedly allotted for buying off Russian journalists. The *ITAR-TASS* report circulated under the title, “Chechen separatists are trying to use some of the human rights activists and refugees as tools of the information war.” Citing the military, the report described a certain letter from Maskhadov, allegedly forwarded by him to Memorial, addressed to Ibragim Yakh’ev and Mariam Yandieva. In this letter,

Maskhadov supposedly thanks the human rights activists for their “significant contribution to the freedom fight of the Chechen people against the infidels and traitor nationals.”

According to the *ITAR-TASS* information, Maskhadov recommends “to formalize and register with the Russian Ministry of Justice new refugee organizations which will defend the rights of the citizens of Ichkeria,” as well as “report to the West and those Russian media outlets that are friendly to us the materials regarding the humanitarian catastrophe in the camps of Ingushetia and the atrocities of the Federal Forces in their dealings with the civilian population.” To provide information support to the separatist activities, “it is suggested to activate the campaign for the violation of the refugees’ rights, and coverage of the acts of protest in the *Groznenskiy rabochiy* and *Novaya gazeta* newspapers, as well as in the *Human Rights and Liberties* magazine.”

On 10 August, Memorial forwarded a statement to the Director General of *ITAR-TASS*, demanding that it be published. This relied on the regulations set out in Articles 43, 44, and 45 of the Russian Media Law. The statement was never published.

Starting with the August 1996 signing of the accord between Alexander Lebed and Aslan Maskhadov, the official sources of *ITAR-TASS* used the term “the Chechen trace” in various contexts, primarily in the accusatory sense. Even when there was no reason to mention the Chechens, the authorities nonetheless used this term indirectly in commenting on a criminal act – whether this was an explosion, currency counterfeit, or terrorist training. For instance: “there was an explosion at such and such a location; no ‘Chechen trace’ was found.”

5.1. The “New” Information Policy. The beginning of the Second Chechen War was preceded by the development of a “new” information policy. Military analysts and Kremlin-associated experts began to circulate, with the help of the media, opinions which were meant to justify the restrictions that would be placed on journalists. On 7 October 1999, the *Kommersant* newspaper published an article entitled, “The New Information Policy of the Joint Staff went out of date at once”. The article offered an analysis of the military commanders’ actions in regard to the war in Chechnya and the media. As the newspaper put it, “soon after the end of the First Chechen War, the former Chief of Staff of the Federal Forces Group, Colonel General Leontiy Shevtsov, admitted the following: ‘Now I understand that the war cannot be won without information support. We had to make friends with the press, not to potter with them.’”

According to *Kommersant*, the Joint Chief of Staff, Anatoly Kvashnin, had personally prohibited representatives of non-state media from entering the city of Mozdok. Reporters' trips to the front lines ceased as well. The Ministry of Defence executive staff and the Joint Staff were also forbidden, by an order of the Defence Minister himself, to interact with journalists directly, bypassing the military press service offices. However, as *Kommersant* indicated, the journalists could not obtain any information at the press service offices either, since no information was being given.

The beginning of the new information policy was signified by numerous reports, circulated through the news agencies. The reports cited anonymous "military sources", who informed the public about the growing resentment among the civilian population in Chechnya towards the rebels, and about Baltic, Azeri, and Ukrainian women snipers among the rebels. Around the same time, the *ITAR-TASS* reported the infamous snippet about "the Chechen guerrillas" who "put mines in apartment buildings, and detonate them when the federal air forces appear."

The same issue of the *Kommersant* quoted Colonel General Valery Manilov, Deputy Joint Chief of Staff and the man responsible for the information policy of the Russian armed forces. At a military press service staff meeting, he said that "one must act like a real professional: to say a lot, yet to say nothing."

5.2. The Russian Information Centre. The new information policy in regard to covering the Second Chechen War implied the creation of centres to serve as official information sources. There were several of these during the first three years of the war; the Russian Information Centre (RIC) was the first of its kind.

The RIC was created by a special Decree, 1538-R, signed by the then Prime Minister Vladimir Putin on 4 October 1999. The Decree contained four items: the first announced the creation of the centre; the second was an instruction to form an inter-departmental working group consisting of representatives of the ministries of Internal Affairs, Defence, Foreign Affairs, Justice, Nationality Affairs and Special Situations, as well as the State Customs Committee, Federal Security Service, Federal Tax Police Service, Federal Border Safety Service, and the National State Television and Radio Company. The third item directed the Russian Ministry of Foreign Affairs to provide assistance to the newly created RIC using the Ministry's own press centre. The fourth item secured the building of this ministry's press centre for the

entire RIC information support group. Later, a new online information resource was created, at <<http://www.infocentre.ru>>.

Mikhail Margelov and FSB General Alexander Mikhailov were appointed as the directors of the RIC. Prior to February 1996, Mikhailov served as the Head of the FSK (later FSB) Centre for Public Relations and of a similar department within the Ministry of Internal Affairs. Margelov was best known for his links with the Video International Group, created and controlled by the Press Minister, Mikhail Lesin, as well as for his activities as the Head of the Russian President's Office for Public Relations. In 1984-86, he worked as an interpreter for the International Department of the Central Committee of the Communist Party, and in 1986-89 taught Arabic at the Higher School of the KGB. Currently, Margelov is a senator, a member of Russia's Federation Council, and the head of the Committee for International Affairs of the Upper Chamber of the Russian Parliament. While participating in a *Radio Russia* programme on 19 October 1999, Margelov declared that "the idea to create the (RIC) came from Vladimir Putin".

The RIC was created on a permanent basis and, according to Margelov, is still going to be in existence when the war in Chechnya is over. The Russian authorities have voiced an intention to use the RIC in the future as well, to cover significant external and internal events. However, currently the RIC functions are limited to supporting its website, and nothing much beyond that.

On 14 October 1999, the press service of the Urals Military District forwarded to the media the recommendations of the RIC concerning the terms which the military and journalists were to use when covering events in Chechnya. For instance, one could not use the term "Federal Forces and troops"; instead, the latter should be called "units and subunits of the Armed Forces of the Russian Federation, and Ministry of Internal Affairs Troops, acting against the separatist and terrorist formations". "Military action" was to be referred to as "special operations of units and subunits of the Armed Forces of the Russian Federation, and Ministry of Internal Affairs Troops, for the liberation of the territory of Chechnya from the guerrillas entrenched therein." "Directed strikes" were to be called "strikes directed at destroying the infrastructure and human power of the international terrorists." One was also instructed to refrain from using the words "refugees" and "filtration".

During the first months of its existence, the RIC offered to Russian and foreign journalists group tours in Chechnya, accompanied by

military officers. On 30 December 1999, the RIC issued a statement which stressed that “since its work began (on 1 October 1999), the RIC has organized trips to the Chechen Republic for more than 140 journalists, representing 75 foreign media outlets.”

Bulletins and other materials distributed by the RIC were not utilized by journalists, except for the representatives of the Russian state media. The Press Minister had to admit during his press conference at the RIC on 21 October 1999 that, “35 tapes were sent to various media outlets – foreign ones – with recordings of what is happening on the territory of Chechnya. No television station showed the tapes, they did not receive the due attention.”

From February 2000, the press conferences started to be irregular, the last one occurring on 6 April 2001.

5.3. The Office of Presidential Aide Sergei Yastrzhembsky. A new state structure, the Office of Sergei Yastrzhembsky, an Aide of the then Acting President Vladimir Putin, became the second information centre delegated with covering the events in Chechnya.

On 20 January 2000, Vladimir Putin, in his capacity as Acting President, signed a Decree naming Yastrzhembsky as a Presidential Aide. He was delegated with co-ordinating the information and analytical work of the federal executive structures participating in conducting the counter-terrorist operations in the Northern Caucasus, as well as interacting with the media. In accordance with the Decree, the Head of the Presidential Administration was to form an office with 14 people to support the activities of the Presidential Aide as well as approve its structure. The official report emphasized that Sergei Yastrzhembsky’s authority was limited to the dates of the counter-terrorist operation in the Northern Caucasus.

Putin’s Press Secretary, Alexei Gromov, answering an *ITAR-TASS* reporter’s question as to why the appointment was made specifically at that time, explained that “the operation in Chechnya is now entering its concluding phase. That is why we need the maximum concentration of the efforts of all the organs of power, in order to adequately represent the events in Chechnya and bring extensive information regarding these events to the Russian and foreign public. Vladimir Putin sees our goal precisely in that.”

Yastrzhembsky’s office prepared the Rules of Accreditation for Visiting the Chechen Republic. As stated in the preamble, accreditation was necessary “for the complete and objective coverage of the counter-terrorist operation conducted by the Russian military forces

in the Chechen Republic.” While the Rules refer to Russian laws as well as international agreements, legal experts have found a substantial number of violations of Russian legislation in them. The principal violation is the introduction of the very institution of accreditation, which is provided for neither by Russian law nor international agreements.

Journalists working on the territory of the Chechen Republic must “fully adhere to the internal regulations of the Joint Staff in the Northern Caucasus, as well as comply with orders of the Presidential Aide’s Office and military staff which accompanies the journalists.”

One supposes that the principal items of the Rules are contained in the repressive paragraphs which stipulate that journalists “are prohibited to independently travel in the Chechen Republic and conduct interviews with the military personnel without permission from the representatives of the press centres and the military authorities of the Russian Federation. In accordance with the existing legislation and international norms, one is prohibited to distribute information which contains the following:

- names of the military units and their permanent locations;
- combat orders of units and subunits, or the location of the command points;
- personal data of the military personnel;
- the quantity of the personnel and technical equipment;
- the transportation routes of the military units, subunits, and personnel.”

The Rules also enumerate the punishments for violations: a journalist may be stripped of his/her accreditation “upon violation of the media legislation of the Russian Federation, or the present Rules; for multiple (over two times in a six-month period) instances of misplacing the accreditation card; upon dismissal from the media outlet which he/she represented at accreditation; upon cessation of activity of the media outlet which he/she represented at accreditation; upon violation of the internal regulations of the Joint Staff in the Northern Caucasus.”

The paragraphs outlining the motives for prosecution of journalists appear rather peculiar from a legal standpoint. For instance, one of them stipulates that a journalist may be prosecuted for “distribution of calumnious information concerning military personnel, as well as of information which contradicts the actual events of the counter-terrorist operation in the Northern Caucasus, as confirmed by a legally valid decision of a court which reviewed the case in question; also, for

refusal on the part of the journalist or the media outlet he/she represented at accreditation to offer apologies or publish a refutation of the material which employed information contradicting the actual events, as confirmed by a legally valid court decision.”

Indeed, according to the Law On the State of Emergency, dated 17 May 1991, journalists on professional duty may be limited in their rights. However, neither a state of emergency nor martial law has been declared on the territory of the Chechen Republic. On the contrary, the Media Law, adopted on 27 December 1991, and referred to by the authors of the Rules, includes Article 48, which stipulates that the accrediting institution is to promote the work of journalists, not impede it. The other two paragraphs of the Rules, concerning punishment for “distribution of calumnious information concerning military personnel”, and the delegation of Sergei Yastrzhembsky with the authority to punish those journalists found guilty, appear just as ridiculous and unlawful.

In addition to the Office of Presidential Aide Yastrzhembsky, an order issued by the Russian Defence Minister also created an information centre, attached to the Operative Headquarters for Directing the Counter-Terrorist Operation in the Northern Caucasian Military District. Sergei Yastrzhembsky was appointed to oversee the activities of the centre, while Colonel General Valery Manilov became its manager, with the respective heads of information offices of the ministries of Defence, Internal Affairs, Emergencies, Justice, as well as the Federal Security Services, Federal State Border Services, and the Federal Agency for State Communications and Information as his deputies.

Almost immediately, Yastrzhembsky commenced his activities by evaluating those journalists the Kremlin considered “disagreeable”. On 3 February 2000, he commented on the situation with Andrei Babitsky, stating that “the initiative for exchanging Babitsky for Russian military servicemen came from the Chechen ‘field commanders’. Babitsky accepted the offer; thus, the Federal Centre and Russia’s leaders take no responsibility for the fate of this *Radio Liberty* correspondent.” On 14 February 2000, Yastrzhembsky declared that “the situation with the correspondent of the French *Libération* appears to be rather edifying, especially for foreign journalists.” Anne Nivat, the correspondent in question, had been detained by FSB operatives at a private home in Chechnya.

On 20 March 2000, the creation of a new, 20-person Information Department within the Russian President’s Office was announced. According to Yastrzhembsky, the “core of the department will comprise

Yastrzhembsky's staff, 'veterans' of the Chechnya information war." In addition, Yastrzhembsky intended to invite journalists, diplomats, and economic and legal experts to work for the new department. On 19 April, Igor Porshnev, the former Director of the Executive Political Information Unit of the formally independent *Interfax* news agency, was appointed as its head. Putin's related Decree stated that the Information Department was formed as part of the Presidential Administration in order to perfect the process of supporting the head of state in the information policy area. The President delegated his Aide, Yastrzhembsky as the executive director of the Information Department. The Decree also stated that its personnel would be recruited from the cadre of the Presidential Aide Support Staff.

On 3 February 2000, the process of accrediting journalists to cover the situation in Grozny as well as in Chechnya as a whole began. According to Yastrzhembsky, the first group of journalists was scheduled to depart for Mozdok as early as 7-8 February, provided with three buses, a helicopter, and an additional convoy helicopter. As reported by Yastrzhembsky's Office, on 22 September 2000, 1,275 journalists were accredited to work in the counter-terrorist operation zone, with 571 being foreign reporters. From October 1999 to 25 September 2000, 40 group tours were organized, consisting primarily of foreign correspondents; the total number of people who visited the region as part of these tours was 571.

In addition to conducting these special tours for journalists, Yastrzhembsky's Office continued to distribute information as the only official source thereof. However, journalists questioned the quality of this information.

In early February 2000, the Russian media reported a certain Directive 912, distributed by Yastrzhembsky, and stipulating a rather strict regime for the military to deal with journalists: "visiting hospitals and photographing the wounded is prohibited; likewise prohibited is the conducting of interviews unless the journalist is accompanied by a press service staff member; no information of the lost and wounded is to be given."

On 15 February 2000, the state *RIA-Novosti* agency reported Yastrzhembsky's order to close the city of Grozny for two to three weeks to everyone, including journalists.

In late February 2000, the Russian authorities started a scandal concerning a report from Chechnya aired by the German *N-25* television station. Oleg Blotsky, a reporter from *Izvestia*, declared that he was the author of the televised report; and that the meaning of the commentary

added by Frank Hefling distorted the essence of the events described in the report. As a result, the German journalist was fired by the station, while Oleg Blotsky was soon after “rewarded” by receiving access to exclusive materials from President Putin’s archive to write a book about Putin. On 1 March, Yastrzhembsky called the dismissal of Hefling, “who distorted the events in Chechnya”, “an example of professional approach to one’s work.” On the same day, he stated that he “would be glad to at least receive apologies from the French *Le Monde* and *Libération* newspapers, as well as from some others.”

At the same time, Yastrzhembsky started his “cold war” against the Russian media outlets which had openly expressed their contempt for the work of the Presidential Aide’s Office, and above all the activities of the Russian army in Chechnya. On 13 March 2000, he accused several Moscow periodicals, such as *Novye izvestia* and *Novaya gazeta*, as well as the NTV television station, of “publishing negative information regarding the actions of the federal government,” declaring that the media outlets in question received funding from abroad to support their positions. The editors of *Novaya gazeta* intended to sue Yastrzhembsky for his comments.

Nezavisimaya gazeta served as another object of accusations for its interview with Aslan Maskhadov. On 1 March 2001, Yastrzhembsky expressed his regret about the fact that “another of Maskhadov’s nonsensical views was published by a respected Russian newspaper.” He explained the appearance of the interview in *Nezavisimaya gazeta* as down to “the imperfections of the Russian legislation,” adding that “the Duma must take notice of this.” Yastrzhembsky then directed his anger at the French *Le Point* magazine, which also published an interview with Maskhadov. Yastrzhembsky declared that Maskhadov was “trying to cover up his weaknesses with information activity.”

On 28 May 2001, Yastrzhembsky expressed his regret concerning the publication of another interview with Maskhadov by *Novaya gazeta*. Once again, he suggested to amend the legislation with a regulation which would provide for “toughened sanctions for providing air time or publication space for propagating extremist views.”

On 31 August 2001, following an interview with Maskhadov published by *Kommersant*, Yastrzhembsky made a statement of sharp criticism of the publication, declaring that it was “absolutely unacceptable for the Russian media to give the floor to the Chechen rebel leaders.”

On 3 November 2001, Valery Yakov of *Novye izvestia* published an article entitled “The Kremlin, tangled up in lies”; the article cited the data provided by Yastrzhembsky’s Office in regard to the Russian

military personnel killed during the two years of the second Chechen campaign. Yastrzhembsky's Office claimed the total number was 3,438 men, with 2,136 of the Ministry of Defence, and 1,196 of the Ministry of Internal Affairs. Meanwhile, as far back as May 2001, Defence Minister Sergei Ivanov reported that the losses of military personnel totalled 4,726 men, with 2,026 of the Defence Ministry.

There is one example of a legal dispute. On 1 November 2000, the Nazransk District Court of Ingushetia considered a complaint against Yastrzhembsky by Ruslan Mutsolgov, a resident of the village of Aramkhi. The plaintiff asked the court to disprove a report, issued by Yastrzhembsky on 10 August, that a medical facility of Ingushetia's Dzhelikhar District hosted and treated wounded Chechen rebels. The court obliged Yastrzhembsky to issue a refutation.

On 2 March 2000, President Putin provided the first public evaluation of Yastrzhembsky's activities: "He did not just come to work for the Presidential Administration. I would like to emphasize that he came to work here precisely on account of our personal relations. He assumed responsibility for an area that was not very pleasant."

5.4. United Information Centre of the Joint Staff of the Federal Forces in Chechnya. In 2000, General Valery Manilov, First Deputy of the Head of General Staff of Russia's Armed Forces, became another official information source. Manilov had been relieved of his duties as the Secretary of the Security Council in September 1996 and transferred to the General Staff of the Russian army. Several months after his June 2001 discharge, he was elected on 1 November 2001 as head of the Media Union's Military Journalists' Guild, a pro-Kremlin organization created as an alternative to the Russian Union of Journalists.

All of Manilov's military career had in one way or another been linked with propaganda: in 1965, he served in the Komsomol organizations of the Soviet Army; from 1969 to 1972, he was a staff member of the military *Na boevom postu* newspaper of the Zabaikalsky Military District; later, he worked for the USSR's chief military publication, *Krasnaya zvezda*. In the latter years of the USSR's existence, he served as the head of the Information Department at the Ministry of Defence.

On 26 January 2000, the then Acting President Putin signed a Decree appointing Manilov the head of the United Information Centre of the Joint Staff of the Federal Forces in Chechnya. In the words of Yastrzhembsky, "starting today, only two newsmakers have the

state authority to inform the journalists of the military action in Chechnya. The two are General Manilov and myself.”

Journalists constantly remarked on the inconsistencies between the information provided by Yastrzhembsky and Manilov. Alexander Chuikov, a reporter for the *Moskovsky komsomolets*, in his 31 October 2000 article entitled “The Nightingale’s Song of the Defence Ministry”, wrote about a café explosion in the Chechen village of Chiryurt. Yastrzhembsky’s Office reported the total of seven people dead, with four military servicemen dying immediately, six more wounded, with one of the latter dying en route to the hospital. On the other hand, the Ministry of Defence reported only four people dead and three wounded as a result “of the rebels’ attack in the past day”.

The lack of objective information from military sources was noted on 3 March 2000 by Oleg Mironov, the Human Rights Envoy in Russia. Mironov stated that “the military conceals information regarding human rights violations in Chechnya.” This was Mironov’s reaction to visiting the Northern Caucasus region together with the (then) United Nations High Commissioner for Human Rights, Mary Robinson.

General Manilov’s first assessment of journalists’ work came in his statement on 16 December 1999. Manilov declared that the foreign information agencies had become an object of manipulations by the Chechen rebels. This was his reaction to the events in Grozny, when several dozen soldiers and officers died as a result of an offensive by the Russian military armoured units.

Journalists remarked that Manilov’s principal activity as a source of information was distributing the so-called “counter-information”, designed to create a negative public image of the Chechens. On 10 August 2000, the Press Centre of the Joint Staff reported that “in the villages of Gekhi and Shali, large facilities for production of artificial vodka were uncovered. A large amount of alcohol-containing substances was confiscated, along with the spirits ready for bottling.” Two years later, on 6 July 2002, Lieutenant Colonel Alexander Ivanov, the head of the Executive Research Subunit of the Federal Security Service Department for the Chechen Republic, reported that “all subunits of the Joint Staff are exercising control over the quality of the food and water. However, it is conceivable that the civilian population may suffer from terrorist acts employing poisonous materials. This was the case in the Gudermes District, where three children died in the spring from such poisonings. During that period, the Federal Forces confiscated from the rebel groups directed by Aslan Maskhadov, Rizvan Chitigov, Movsar Baraev, Islam Chalaev, Khaled

Sedaev, and Rizvan Akhmadov, a significant amount of poisonous materials, namely mercuric chloride and arsenic, as well as nearly two litres of potassium cyanide solution, and several dozen litres of poisoned vodka.” Over the course of the Second War, the subject of vodka surfaced three times; earlier, on 17 April 2000, a representative of the Ministry of Internal Affairs Press Centre in the Northern Caucasus told the *ITAR-TASS* agency that “in Shali District, nearly 40 litres of artificial vodka were confiscated.”

5.5. The Head of the FSB Centre for Public Relations (later, the Head of the Department of Assistance Programmes), Alexander Zdanovich. General Alexander Zdanovich’s participation in distributing information on the events in Chechnya was minimal during the initial months of the second Chechen campaign. However, later on his role became rather significant, especially in the public accusatory statements against journalists. On 16 December 1999, he stated that the *Associated Press* and *Reuters* reports of the death of several dozen Russian soldiers and officers were “a part of the political plan for the fouling of Russia”. In Zdanovich’s words, “it is quite clear that these ‘news reports’ serve as evidence of the foreign secret services conducting an active operation using journalists.”

The FSB’s role in distributing information came down to the Russian media participating in certain “information diversions”, directed at discrediting the Chechen separatists. As a rule, the information distributed by the FSB was at a later date either disproved by journalists or else not confirmed by the events. For instance, on 5 September 2000, the *RosBusinessConsulting* agency cited the FSB Department for the Chechen Republic in reporting that “Khattab, an international terrorist, has reportedly left the territory of Chechnya for Tajikistan, to participate in military action in Central Asia. According to our sources, Khattab arrived at the conclusion that the rebels’ resistance to the Federal Forces was futile.”

On 29 March 2001, the *KM-Novosti* agency cited the FSB in reporting that “on a federal ‘Caucasus’ highway, in the vicinity of the village of Dzhalka, not far from Gudermes, an explosive device was found. It was constructed out of ten landmines connected in a single detonation chain. The FSB staff noted that a large group of foreign journalists was supposed to pass along this area of the highway today.”

On 30 April 2001, the *NTV* television station aired as part of its news report a story of a 30-year old Chechen man, who appeared at the Voronezh Region Department of the FSB and “confessed” to col-

laborating with the French intelligence service “under the code name of ‘Adventurer’.” The story did not specify the “agent’s” name; however, it mentioned that the person in question was a Chechen, who at one time worked as a press secretary for the former Chairman of the Supreme Soviet of Russia, Ruslan Khazbulatov.

On 10 August 2001, the *Interfax* agency reported a certain agreement between the FSB and the representatives of the leading Russian media outlets, regarding “collaboration in covering the actions of the special services.” The meeting was organized by Alexander Zdanovich, the head of the Department of Assistance Programmes, who was “inclined to constructively collaborate with the media”. The report did not identify a single media outlet or a representative thereof.

5.6. FSB Representative in Chechnya, Ilya Shabalkin. Finally, another official information source appeared in the form of FSB Colonel Ilya Shabalkin, who was appointed as Representative of the Joint Staff of the Russian Forces in Chechnya. Shabalkin’s first appearance before journalists was reported by the *RIA-Novosti* agency on 28 January 2001. In late 1998, Colonel Shabalkin was known as a public relations officer at the FSB Department in the Penza Region. On 30 June 2000, the *RTR* television station aired a story from Penza, with Shabalkin commenting on the court verdict regarding Shamil Basaev’s “recruiters”, a certain Alexander Obukhov and Alexei Nikonov. Shabalkin also appeared in print, in the 5 October 2000 issue of the *Sobesednik* newspaper, again unmasking a Chechnya-related story. On 6 November 2000, the *ORT* television station aired a report regarding a murder attempt on the head of the Gudermes District Administration, Malika Gezimieva. Nikolai Kudryashov, Anatoly Klyan, Ilya Shabalkin and Vladimir Olkhovsky were credited with authoring the report, which was produced with the assistance of the press service of the FSB’s Chechnya Department.

Colonel Shabalkin’s role also concerned the reported “sensations”, which aimed at changing the public opinion of the Chechen separatists. Journalists lacked any means of confirming such reports. However, one assumes that the information provided by Shabalkin was not directed at analysts and experts; more likely, this was an element of the “information war”.

One of Shabalkin’s major fields of activity concerned the discrediting of journalists, as well as the distribution of information regarding “the planned attacks on journalists”. On 20 February 2002, he discussed a claim that *Novaya gazeta* and its reporter, Anna Politkovskaya,

were using the latter's trips to Chechnya "to solve their financial problems and disagreements with certain foundations" (see later section on Politkovskaya).

On 1 April 2002, he declared that "in Chechnya, an attempt to kidnap a group of journalists representing the *REN-TV* television station was averted." According to Shabalkin, the kidnapping was planned by Islam Chalaev's group, which had been responsible for all "notorious" kidnappings of journalists in Chechnya. The FSB claimed that the criminal group intended to demand a ransom of one million dollars for the kidnapped journalists.

On 10 March 2002, Shabalkin reported that "video materials have been found evidencing the involvement of Aslan Maskhadov, the leader of the Chechen rebels, in the planning and executing of terrorist acts. These materials, confirming Maskhadov's personal instruction of terrorists, were found in the course of a special operation in the Chechen village of Starye Atagi." The documents and video recordings were found in early March, but never shown on television.

6. Censorship

In contemporary Russian legal vocabulary, there exist the twin notions of "denial of access to information" and "impedance of information distribution". These are used whenever the authorities seek to limit journalists' activities. The lack of a general censoring body has not protected journalists working on Russian territory from the actions of functionaries seeking to block constitutional rights to free access to, and distribution of, information. The majority of these interdiction measures are consolidated in various resolutions of the State Duma and the Government, and do not carry any legislative authority.

On 14 September 1999, the State Duma adopted a resolution "On the Situation in the Republic of Dagestan and the Immediate Security Measures on the Territory of the Russian Federation". This resolution aimed at creating a special regime for the state media to report on military action. Specifically, it established a moratorium on reports from the combat zone of the unlawful military units' activity. In the event that television companies failed to execute the moratorium, their licences would be annulled. The resolution also planned to establish a daily information hour at the primary federal television stations, for the representatives of the military structures to have the floor.

On 16 September 1999, the Press Ministry (the full name is the Ministry for the Activities of the Press, Television and Radio Broadcasting, and Mass Communications) distributed a statement which

stipulated, among other things, that “the use of the media for executing actions and distributing appeals directly prohibited by the Constitution of the Russian Federation and the laws on media and the fight against terrorism is unacceptable. At the same time, in recent days the emotional tension that exists in society has begun to find its ways to certain media outlets in completely unacceptable forms... While until recently the Ministry had avoided the strict use of the entire system of measures provided for by the legislation, it is (stating) the utter unacceptability of abuse of the media, and (recalling) the personal moral and legal responsibility of all persons for the continuation of such a policy.”

On the same day, the Periodicals Publishers Guild distributed its own statement voicing its: “serious concern over the quest of the State Duma Deputies to limit media activities under the pretence of the struggle with guerrillas and terrorists... However, we tend to see a manifestation of double standards and double morality in the attempts to introduce regulations on the media coverage of the events in the Northern Caucasus. Under the pretence of fighting terrorism and guerrilla warfare, which, as demonstrated by the experience of other states, will likely proceed for an extended period of time, certain political forces are seeking to test the technique of a local moratorium on the freedom of speech and the activity of independent media... We appeal to the State Duma of the Russian Federation to exclude from the draft of the resolution on terrorism any items that limit media activity and freedom of speech.”

On 1 December 1999, the *Military News Agency* cited a source in the Ministry of Defence in reporting that “the Ministry’s administration has once again issued a directive for limiting journalists’ access to information regarding events in Chechnya.”

On 21 December 1999, the *Moskovskie novosti* newspaper published an interview with Sergei Kovalyov, who stated that “those who oppose the actions of the Russian Government in Chechnya are being categorically kept away from the pages of most of the mass media, and avoided by the most influential electronic media. Considering this information blockade, the mere fact that my position is known to someone is surprising.”

On 27 January 2000, the German newspaper, *Die Zeit*, published an article by its Moscow correspondent, Michael Thumann, which told the story of the independent *NTV* television station and its attempts to circumvent the censorship barriers and tell its audience about the consequences of the war: “Armed with a hidden camera,

an *NTV* correspondent visited a military hospital in Rostov, which accommodated the wounded military personnel from Chechnya. The journalist was able to find out that 30 to 50 people died daily. This figure (was based on a) count of coffins which are shipped secretly, at night, from the Rostov railway station. The *NTV* journalists insist that the number of casualties exceeds the officially reported data by at least two times.”

On 26 July 2001, the *ITAR-TASS* agency reported a new regulation for journalists travelling on the territory of Chechnya, outside the military base of the Joint Staff in the Northern Caucasus. The Joint Staff Press Centre stated that the journalists’ trips off the base were to be conducted only while accompanied by a press centre officer. On 27 July, the Russian Union of Journalists issued a statement denouncing the decision to introduce new limits on journalists’ activities.

6.1. Warnings of the Press Ministry. According to the Law on Mass Media, the structures responsible for registering a media outlet are also responsible for issuing warnings for violations of the existing legislation. The Law stipulates that there need to have been “multiple violations, over a period of twelve months” before legal help is sought to close a media outlet. However, practically all violation warnings issued to the media concerned the Law on the Fight against Terrorism, which became effective on 25 July 1998. Article 15 of that Law prohibits the distribution of information which: “1) discloses special technical means and the tactics of a counter-terrorist operation; 2) may complicate the execution of a counter-terrorist operation and create a hazard for the lives and health of the people who are located in the area where a counter-terrorist operation is proceeding, or who are located outside the limits of the said area; 3) serves for purposes of propaganda or justification of terrorism and extremism; 4) concerns the staff of special units, members of the executive staff responsible for directing a counter-terrorist operation, as well as individuals providing assistance in the execution of the said operation.”

Amendments to the Law on Mass Media, expanding it in light of the Law on the Fight against Terrorism, were adopted in the first reading on 20 December 2001. However, for reasons unknown, the legislative process was suspended. The State Duma returned to the amendments in question on 23 October 2002; strangely, this was the day the Theatre Centre in Moscow was captured. Justice Minister Yuri Chaika said, in his interview to the *ORT* state television, that “now the organs of justice have the right to issue warnings to public

and religious organizations and the media regarding the inadmissibility of terrorist activities, as well as go to the law seeking to liquidate not only registered, but also unregistered associations, suspending their activities pending the court's decision."

Public resonance of the October events in Moscow allowed the Duma deputies to adopt the amendments in the third (final) reading; the amendments were also confirmed by the Upper Chamber of the Russian Parliament.

But as mentioned already, the warnings issued by the Press Ministry are based not on the Mass Media Law, as directed by Article 4 of this Law, but rather on the Terrorism Law.

On 17 August 1999, the Press Ministry forwarded telegrams to the managers of the leading television stations, *ORT*, *RTR*, *NTV*, *TV Centre*, and *TV-6*, with a request not to allow the Chechen rebels to have the floor. According to the 18 August 1999 issue of the *Kommersant* newspaper, there were in fact two types of telegram, with two somewhat different texts (the differences are highlighted):

"In light of the appearance in the information and analytical programmes of *certain* [only in the *NTV* text] broadcasting organizations of stories containing statements by the leaders of Chechen guerrilla groups, the Ministry... informs you of the following: Article 4 of the Russian Federation Law On Mass Media does not allow for 'the use of the media for committing criminally punishable acts, distribution of information classified as a state or otherwise legally protected secret, for advocating takeover of power, forceful change of the Constitutional order and integrity of the State, advocating national, class, social, or religious intolerance or dissension, and war propaganda.' *A preliminary analysis of the stories aired demonstrates that in certain cases the norms of the aforementioned Article were violated* [only in the *ORT* text]. Abstaining from implementing the measures provided for by the legislation, the Ministry requests that in the future, actions violating the norms of Article 4 of the Russian Federation Law On Mass Media should be avoided. *The Ministry requests that you abstain from actions violating the norms of Article 4 of the Russian Federation Law On Mass Media* [only in the *NTV* text]."

On 14 March 2000, during a session of the Governmental Commission on the Fight against Political Extremism, Deputy Press Minister Mikhail Seslavinsky stated that, in light of the addition of Movladi Udugov to the Federal Most Wanted List, "now the Press Ministry has the opportunity to react rather harshly to his use of the airtime or print media." Seslavinsky also named Aslan Maskhadov

and Shamil Basaev among those who should not be allowed to have the floor in the media.

On 15 March 2000, the Press Ministry warned the Russian media that offering the leaders of Chechen terrorists the opportunity to speak out would be viewed as a violation of the Terrorism Law. On the same day, Seslavinsky commented on the Ministry's decision to limit information from Chechnya. He denied that the Ministry was seeking to introduce censorship, explaining that "the Chechen commanders may appear on air and on the newspaper pages with any statements, or retellings of their interviews, except those that advocate violence."

On 27 April 2000, Alexander Kotyusov, the head of the Volgo-Vyatka Territorial Department of the Press Ministry, held a meeting with the acting chief editor of the *Nizhegorodskie novosti* newspaper, Nikolai Kleshev, and the chief editor of the *Nizhegorodskiy rabochiy* newspaper, Andrei Chugunov, warning them that to violate the Terrorism Law was inadmissible. The reason for the warning was an interview with Ruslan Kutaev, Chairman of the Union of Political Forces of Chechnya, published by the two newspapers in question. In Kotyusov's view, certain statements by Kutaev fell under Article 15 of the Terrorism Law, which prohibits propaganda on terrorist activities.

On 31 January 2001, Pavel Kovalenko, a member of the State Duma Committee on Information Policy and a deputy of the *Edinstvo* fraction, declared the inadmissibility in the Russian media of publications "that are in fact directed to support the Chechen rebels". Kovalenko forwarded an enquiry to the Press Ministry, requesting Minister Mikhail Lesin "to implement the necessary measures to prevent such publications in the Russian media in the future." The reason for this statement were interviews with Maskhadov published by the *Kommersant* newspaper and *Grani.ru*, an Internet publication.

On 2 March 2001, the Press Ministry issued an official warning to *Nezavisimaya gazeta*, regarding the fact that the newspaper's editorial board, "having published an article propagating war, advocating forceful change to the Constitutional order and integrity of the State, abused the freedom of the media, and thereby violated the regulations set forth in Article 4 of the Russian Mass Media Law."

On 24 October 2002, during the hostage crisis in Moscow, the Press Ministry issued a warning to all of the media. According to the Ministry's representative Yuri Akinshin, "to give the terrorists an opportunity to speak out constitutes a violation of the Russian media

law.” He emphasized that the *Ekho Moskvy* radio station allowed the members of the armed group that held several hundred hostages at the Theatre Centre to make a statement. Akinshin noted that, if such cases persisted, the Ministry would reserve the right to implement rather strict measures, which could go as far as closing the media outlets that were found guilty of the violations.

6.2. Denial of Visa Support to Foreign Journalists. Starting in 2000, several foreign journalists who had previously worked in Russia and held either permanent or temporary accreditations were denied visa support from the Russian Ministry of Foreign Affairs (in some cases repeatedly). Practically all of these journalists had worked in Russia during the First Chechen War, or the beginning of the Second. In all cases, the Russian Consulates did not give any reasons for the denials; however, one supposes that the principal reason was the journalists’ active work in covering the conflicts in Chechnya.

Some of these journalists had already encountered difficulties while dealing with Russian state institutions. For instance, on 26 October 1999, Petra Prohazkova, a correspondent of the Czech *Epicentrum* agency, was summoned to the Russian Ministry of Foreign Affairs, where Alexei Ritchenko, a staff member, told her that “following the publication in the *Lidove noviny* newspaper of an interview with Shamil Basaev and Khattab, there were problems with her further accreditation with the Ministry.” In addition, Ritchenko cited a letter from the Russian Ambassador in Slovakia, which described the “anti-Russian sentiments” allegedly caused by Prohazkova’s reports from Chechnya. In conclusion, Prohazkova was recommended to cooperate with the head of one of the press centres which had been formed as part of the Federal Forces in the Northern Caucasus. Prohazkova had lived and worked in Moscow since 1992.

Prohazkova’s last reports from Chechnya go back to late 1999. In January 2000, she started to work in Chechnya and Ingushetia as a humanitarian worker and founder of an orphanage for Chechen children (Prohazkova is married to a Russian citizen, an ethnic Ingush). In late February 2000, her visa was annulled without further explanation. Ingushetia’s passport and visa service issued her another entry visa instead, valid for ten days. On 3 March, she found her Moscow apartment, which had been officially registered with the Department of the Diplomatic Corps of the Ministry of Foreign Affairs, sealed up. Having returned to Prague, she applied to the Russian Consulate for a tourist visa; the application was denied.

Another journalist, Kricztina Satori, a Hungarian, had lived in Russia since 1987, graduated from Moscow State University, and worked for the Moscow bureaux of the Austrian and German television stations (*ORF* and *ARD*). Following a vacation in Hungary, she returned to Moscow on 20 February 2000. At that time, citizens of Hungary and Russia could travel between the two countries without needing visas. In the Sheremetevo-2 airport, Satori was detained by Russian border guards, who transferred her to a different building, ordering her to “Keep quiet and sit”. After 14 hours of detention, on the morning of 21 February, a Russian border control officer stated that he did not have to give any explanations, that his duty was accomplished as he detained “an enemy of the people”, and threatened Satori with handcuffing her. She was denied the right to call the Hungarian Embassy and invite a consular staff member. In 18 hours, her documents were returned to her, and she was put on a plane to Budapest, accompanied by the statement, “you will never enter this country anyway”.

Atis Klimovics, a correspondent of a leading Latvian newspaper, *Diena*, had worked in Russian since 1992. He was denied accreditation by the Ministry of Foreign Affairs in 1995, with his Russian visa denied in 1997. Since then, he travelled to Russia on a tourist visa. His last trip to Chechnya and Ingushetia was in the autumn of 1999. Having returned to Latvia, he learned of the statement by General Alexander Zdanovich, the Head of the Public Relations Centre of the FSB, who claimed that “the Chechen rebels” had planned to kidnap Klimovics. In 2001, he applied to the Russian Embassy in Riga for a tourist visa, which was issued. However, a day later he received a call from the Russian Embassy, asking him to stop by “to correct an error in the visa”. When Klimovics received his passport back, the visa was missing.

Some of the other journalists who were denied visa support include Carlotta Goll (USA), Iva Zimova (Canada), Andre Gluksman, Nadja Vankovenberg, Alexander Ginsburg (all from France), Frank Hefling and Ekkehart Maas (both Germany).

7. Violation of Journalists’ and Media Rights

7.1. Detention of Journalists. Even after the Russian authorities, both military and civil, had implemented the strict measures on limiting journalists’ work in Chechnya, reporters, especially foreign ones, continued their attempts to visit the Republic. They considered their Ministry of Foreign Affairs accreditations the basis for their continued work, in addition to the existing Media Law which provided for freedom of activity on all of Russia’s territory except the state of emergency zones.

However, in violation of the existing legislation, Russian military personnel detained journalists, making all kinds of accusations, especially lack of accreditation to the Press Centre of the Joint Staff in the Northern Caucasus. On 28 October 1999, for example, the road-block post of the Federal Forces on the administrative border of Chechnya and Ingushetia detained a military correspondent for *The Times*, Anthony Loyd, and the *New York Times* reporter, Tyler Hicks. The Forces' representatives justified the detention by the fact that the two journalists did not carry such accreditation. The military claimed that only this gave a journalist the right to enter Chechnya.

On 29 December 1999, Russian military detained the following journalists in the vicinity of Grozny: Daniel Williams (the *Washington Post*), David Filipov (the *Boston Globe*), Marcus Warren (the *Daily Telegraph*), Rodrigo Fernandez (*El Pais*), Ricardo Ortega and Teimuraz Gabashvili (the Spanish *Antenna 3* television station), and an independent British photographer, Michael Yassulovich. The journalists were accused of violating the regulations for staying and working on the territory of the Russian Federation, since they did not have the permission to remain in the combat zone. The journalists were delivered by helicopter to Mozdok, and released nine hours later, after the details of the incident were recorded.

On 2 February 2000, Giles Whitell, the Director of the Moscow Bureau of *The Times*, was detained in downtown Grozny. According to Presidential Aide Sergei Yastrzhembsky, the journalist "ran into a group of Russian military servicemen headed by the Commander of the Northern Caucasus District, Viktor Kazantsev", following which he was detained and transferred to Mozdok by helicopter. The official reason for Whitell's detention was a lack of accreditation from the Temporary Press Centre of the Federal Group of the Russian Military Forces.

On 4 August 2000, a block post in a Grozny suburb detained a correspondent of the Russian *Glasnost-Northern Caucasus* information centre, Kheda Saratova, and a Japanese journalist, Masaaki Hayachi. The journalists were escorted to the Pobedinsk District Commandant's Office. On 5 August, Saratova was released and proceeded to Grozny and Gudermes, seeking the release of the Japanese reporter. Several hours later, Hayachi was released as well. Yastrzhembsky tried to justify the journalists' detention by citing a lack of special accreditation.

On 7 September 2000, the Moscow Bureau of the *Associated Press* reported that Russian military had assaulted and robbed the agency's correspondent in Chechnya, Ruslan Musaev, an ethnic

Chechen. The journalist was detained at a Grozny market following a documents check, and was escorted to a military base in Khankala. According to Musaev, he was beaten and put in a pit near Khankala airport together with other detainees; the following day, a Russian officer took from him a gold watch and \$600, which he had kept under his clothes. The Khankala Commandant, Georgy Serpyan, stated that, “there had been no such incidents.” Yastrzhembsky’s Office also denied the report of the incident with the *AP* correspondent, stating that “recently, no one was delivered to the base, nor was anyone assaulted, certainly not a journalist.”

On 17 September, at a Joint Staff base in Khankala, three soldiers armed with machine guns threw correspondent Vadim Fefilov and cameraman Alexei Peredelsky of the *NTV* television station to the ground. They were forbidden from continuing filming. Valery Manilov, First Deputy of the Joint Chief of Staff, said an official investigation of the incident with the *NTV* reporters had been started. In his view, the incident was provoked by the journalists themselves. However, Yastrzhembsky considered it necessary to apologize to the *NTV* viewers for the “unsanctioned actions of one of the military press centre staff members, who attempted to interfere with the live broadcast from Khankala,” and called these actions “inappropriate, to say the least.”

On 2 March 2001, at a military base in Khankala, two drunken soldiers brutally assaulted a special correspondent of *RIA-Novosti*, Alexander Stepanov. The intoxicated soldiers had demanded permission to use his satellite telephone, “for private purposes”. Their request denied, they assaulted the journalist.

According to the monitoring of violations of journalists’ rights in Chechnya, the actions of the military personnel can be divided into two categories: foreign journalists were subjected to moral pressure, as they were threatened with accreditation and visa annulment; meanwhile, Russian journalists were subjected to physical violence.

7.2. The Story of Andrei Babitsky. Andrei Babitsky, a correspondent for *Radio Liberty*, was detained by Russian servicemen. On 27 January 2000, the station declared that Babitsky had not been in contact since 15 January, his whereabouts were unknown. On the same day, Presidential Aide Yastrzhembsky said he also knew nothing of the journalist’s whereabouts. Only the following day – after the head of the monitoring service of the Glasnost Defence Foundation, Oleg Panfilov, reported that Babitsky had been detained, citing Chechen

sources – an anonymous source of the Russian special services confirmed to the *Interfax* agency that Babitsky had indeed been arrested.

Interfax reported that “the Prosecutor’s Office of the Chechen Republic (had) issued an arrest warrant for the correspondent of *Radio Liberty*. He is charged according to Article 208, Part 2 of the Criminal Code of the Russian Federation (‘participation in an unlawfully armed unit’).” Later, it became known that Babitsky was being held at an isolation ward in Chechnya, and, according to the Russian Prosecutor, Vladimir Ustinov, would be released in ten days.

On 2 February, it was announced that Babitsky had signed a notice not to leave the area; however, the radio station’s management was still unaware of his whereabouts. On 3 February, Yastrzhembsky stated that Babitsky had been exchanged for three Russian servicemen, allegedly with his own consent; however, the criminal proceedings against him would not be dropped. Babitsky’s lawyer, Henry Reznik, told *Interfax* that “these actions constitute savagery. This is some Jesuitical move on the part of the authorities. In my practice, I have never encountered anything like this.” All the leaders of the Chechen resistance movement denied their involvement in the exchange.

Following multiple protests from international organizations, including the OSCE and the European Union, as well as the governments of many Western countries, the Russian authorities launched an information campaign to discredit Babitsky. On 7 February, the *Interfax* agency reported that “the management of the military authorities, such as the Defence Ministry, Joint Staff, Ministry of Internal Affairs, the FSB, and others, regard the reports of *Radio Liberty* correspondent Andrei Babitsky concerning the counter-terrorism operation in Chechnya as biased and one-sided.” On 9 February, one of the soldiers allegedly exchanged for Babitsky, Nikolai Zavarzin, told *Interfax* that he in fact had been exchanged for “some Chechen”, whose face he could not see. The soldier stated that he had not been exchanged for *Radio Liberty* correspondent Babitsky, or at least this is what he had been told by the FSB people who were credited with his release.

On 6 March, Justice Minister Yuri Chaika said in an interview with the *Figaro* newspaper, completely ignoring Article 49 of the Constitution of the Russian Federation (“everyone charged with a crime is to be considered innocent until proven guilty in accordance with the regulations set forth in the Federal law and a legally binding decision of a court”), that “his [Babitsky’s] information cannot be trusted, for he is a criminal himself; not only did he forge his passport, but he also collaborated with the rebels.”

Anxiety over the Russian authorities employing strict measures with Babitsky had existed since 27 December 1999, when the *NTV* television station aired a recording of a crushing defeat of a Russian armoured vehicle unit, after an unsuccessful attempt to control Grozny. Official Russian functionaries, civil and military alike, denied the journalists' reports of multiple losses among the military personnel. On 27 December 1999, the RIC issued a statement of harsh criticism of Babitsky's reports from Chechnya, calling the footage a "fraud". The statement claimed that "everything filmed appears to be a dramatization, orchestrated under the protection of the ideologist of the Chechen guerrillas and slave traders, Udugov."

On 25 February 2000, Andrei Babitsky was detained in the city of Makhachkala, the capital of the southern republic of Dagestan. He was charged with carrying a fake passport. However, on 29 February, Babitsky's preventive punishment was unexpectedly changed. He was released and transferred to Moscow on the private airplane of the Minister of Internal Affairs, Vladimir Rushailo.

From 2 to 6 October 2000, a Makhachkala court sentenced Andrei Babitsky to a financial penalty and amnestied him. His lawyers submitted an appeal, which was overruled by the next legal authority, the Supreme Court of Dagestan. Henry Reznik stated that he considered his client not guilty, and intended to seek his full acquittal. Babitsky himself stated that the charges of using a fake passport were "inspired by the Russian special services."

7.3. The Story of Anna Politkovskaya. Anna Politkovskaya, a correspondent of the Moscow *Novaya gazeta*, started her active work in Chechnya at the beginning of the Second War in 1999. *Novaya gazeta* was the only Moscow periodical to make the conscious decision to inform readers of the other side of the war, i.e. of the problems of refugees and the life of the civilian population which suffered from the military confrontation. Practically every issue of the newspaper, published twice a week on Mondays and Thursdays, included stories by Politkovskaya, resonating widely both with the Russian public and the authorities, especially the military.

In 2001, Politkovskaya wrote an article about the death of a Chechnya resident, who was being persuaded by the Russian Ministry of Internal Affairs to collaborate as a secret agent. When the Chechen refused to collaborate, he was allegedly murdered. Politkovskaya conducted an investigation and published an article which identified a police officer, Lapin, who was connected with the murder. Some time

later, an e-mail arrived in the editorial offices of *Novaya gazeta*. It was signed "Cadet", and contained murder threats against Politkovskaya. In 2002, criminal proceedings were instigated against officer Lapin; however, as witnessed by Politkovskaya's lawyer, Stanislav Markelov, the authorities have deliberately been delaying the investigation and transfer of the case to a court.

On 20 February 2002, Colonel Shabalkin, a representative of the Press Service of the Russian Forces in Chechnya, produced a statement from a regional Executive Headquarters for the Counter-Terrorist Operation, which claimed that *Novaya gazeta* and its reporter, Anna Politkovskaya, were using the latter's trips to Chechnya "to solve their financial problems and disagreements with certain foundations." According to Shabalkin, Politkovskaya travelled to Chechnya to instigate scandals and force the Soros Foundation to write off \$55,000, a grant allegedly given by the Foundation to the newspaper for the "Hot Spots" project. Shabalkin claimed that the newspaper could not account for the first part of the grant (\$14,000) which it received, and thus intended to create a stir around Politkovskaya and distract the Foundation from this fact. *Novaya gazeta* responded by stating it would sue Shabalkin.

On the same day, 20 February 2002, Politkovskaya was detained in the Vedensk District of Chechnya by Russian military personnel. According to Konstantin Kukharenko, the head of the Press Service of the Joint Staff in the Northern Caucasus, Politkovskaya was detained due to a lack of accreditation, as she had been travelling in Chechnya without proper permission, and had arrived in the Republic illegally. Kukharenko emphasized that Politkovskaya had been detained in the village of Khatuni. The journalist, in her own words, travelled to Chechnya to confirm a report that residents of Makhketa had collectively appealed to the authorities to be transferred, en masse, to the territory of Russia.

On 21 February, Ivan Babichev, the Head Military Commander of Chechnya, stated that the Commandant's Office had nothing to do with Politkovskaya's detention, and that she would be released in the near future. According to Babichev, "the journalist lacked the necessary documents, while the car she was using had the licence plates of a different region." The Russian Union of Journalists appealed to Gennady Troshev, the Commander of the entire Northern Caucasus Military District, with a request to clarify precisely which regulations had been violated by Politkovskaya, and whether impeding the journalist's professional activity constituted an adequate reaction to the correspondent's request for help.

The union reminded Troshev that Politkovskaya had been accredited by Yastrzhembsky's Office, while the "registration" with the Press Centre of the Joint Staff lacking in her documents was not required by the said Office. Yastrzhembsky's Office reported that Politkovskaya was being held at an airborne unit, treated well, and fed. At that, the Office considered the matter concluded. Vyacheslav Izmailov, a fellow reporter for *Novaya gazeta*, stated that the editorial board was wary of severing their relations with the authorities until Politkovskaya was located. The Russian PEN Centre demanded the journalist's immediate release, calling her arrest "a flagrant violation of a journalist's rights during the execution of her professional duties, against the regulations of the Constitution of the Russian Federation and the media legislation."

7.4. Radio Free Europe/Radio Liberty. The American *Radio Free Europe/Radio Liberty* station has served as one of the active information sources on the events in Chechnya. The Russian service of the station has produced a permanent programme, entitled *The Caucasian Chronicles*, authored by Andrei Babitsky, Oleg Kusov, and the correspondents of the station's Northern Caucasus Bureau.

The confrontation between the Russian authorities and the station began in 1999, while the beginning of the "war" against *Radio Liberty* was signified by the RIC statement of criticism of Babitsky's reports from Chechnya. On 2 March 2000, the state *ITAR-TASS* agency issued a statement entitled "For all purposes, *Radio Liberty* supports the Chechen rebels".

On 15 May 2000, Deputy Press Minister Andrei Romanchenko expressed his discontent with the activities of *Radio Liberty*, and called for a change in media legislation that would allow for the annulment of Western media outlets' licences in certain situations. According to Romanchenko, *Radio Liberty* was engaged in hostile activity vis-à-vis Russia, manifested by the station's coverage on the events in Chechnya.

The Russian authorities reacted strongly to a report on 7 February 2001 of the US Congress sanctioning *Radio Liberty* to start broadcasting in the three languages of the Northern Caucasus: Chechen, Avar and Cherkessian. The Congressional Appropriations Committee stated that the goal of such radio broadcasting was to cover "the important and isolated minorities of the Northern Caucasus", which in the context of the Chechen crisis required "objective and uncensored information".

On 8 February 2001, Russian Minister of Culture, Mikhail Shvydkoi, expressed his doubt that *Radio Liberty's* decision to broadcast in Chechen, Avar and Cherkessian would be a stabilizing factor for the Northern Caucasus. In his words, any information streams on the territory of the Russian Federation must be regulated by law. Press Minister Mikhail Lesin stated that *Radio Liberty's* decision was a "serious mistake of the editorial board". He called it "an act most discourteous to the country where the broadcasts are being conducted". Lesin promised that "we will monitor the situation and the programming policy, to ensure full adherence to the legislation," and, in the event of violations, "adequate measures will be implemented."

On 13 March 2001, the Russian Press Ministry forwarded a letter to the Director of the Moscow Bureau of *Radio Liberty*, Savik Shuster, which demanded that it provide, within three days, a full recording of all the station's programmes broadcast between 15 February and 15 March 2000, as well as the registration journal containing the programmes that were broadcast within the same time period.

On 18 April 2001, Alexander Zdanovich, the Head of the Department of Assistance Programmes of the FSB, expressed his concern over "the increase of the information ideological warfare against Russia". According to Zdanovich, the FSB was "in possession of materials testifying to a direct or indirect link with certain Russian journalists, who due to their thoughtlessness or malicious intent, also participate in this ideological warfare." Zdanovich expressed his indignation at the fact that *Radio Liberty* was intending to broadcast in Chechnya.

On 9 August 2001, the *RIA-Novosti* agency cited representatives of one of the Russian secret services in reporting that the Minister of Information and Press of the former regime of Ichkeria, Movladi Udugov, was attempting to establish a direct link with the editorial board of *Radio Liberty*. According to the agency's sources, Udugov intended to use the radio station to distribute materials of anti-Russian nature.

On 18 January 2002, Presidential Aide Yastrzhembsky said that Moscow's view of *Radio Liberty's* potential broadcasts in the Chechen, Avar, Cherkessian and Russian languages in the Northern Caucasus would depend on the content of the programmes. He noted that he personally considered the station's attitude toward covering the events in Chechnya partial and biased, while "crowning this attitude were the reports of Andrei Babitsky, full of hatred toward Russian servicemen". Yastrzhembsky confirmed, "we will monitor the station's work very carefully, keeping in mind that this is a US state media outlet, financed by the Congress."

On 28 January 2002, Yastrzhembsky reminded everyone that the station retained its Press Ministry licence for broadcasting in Russia, but did not exclude the possibility that “in the event of violating the law, measures provided for by the legislation may be implemented against the station’s bureau.”

“The first such measure is a warning. After a second violation, the station’s licence for broadcasting in Russia will be annulled, and the bureau closed,” he added.

On 2 April 2002, the Russian Foreign Ministry delivered a memorandum to the US Embassy in Moscow, expressing its “concern over the intention of *Radio Liberty* to commence broadcasting in the Northern Caucasus. Initiating specific propagandist broadcasting in the region, including Chechnya, where active measures are taken to confront extremism and religious fanaticism within the context of an anti-terrorist operation, may complicate the efforts of the Federal Forces to stabilize the situation in the region.”

On 2 April 2002, Akhmar Zavgaev, Chechnya’s Representative in the Federation Council, declared his apprehension that “*Radio Liberty* broadcasts may stir up extremism in the Republic”. On the same day, Stanislav Ilyasov, Head of Chechnya’s Government, commented on the commencement of *Radio Liberty*’s broadcasts: “We are not opposed to another radio station broadcasting in Chechnya; however, if the station presents biased information regarding the events in Chechnya, we will silence it.”

On 4 April 2002, Yastrzhembsky presented an evaluation of the first *Radio Liberty* broadcasts, stating that “an analysis of these broadcasts in the Northern Caucasian languages demonstrates their one-sidedness and narrowness. It seems that the pessimistic forecasts regarding the direction of broadcasts of the Northern Caucasus service of this station are coming true. It would be logical to expect that *Radio Liberty* would point its listeners’ attention to the content of an immensely important order given by the Joint Chief of Staff, Vladimir Moltensky, which was quite an event in the public life of the Republic, causing wide resonance. However, the station presented only a one-sided view of the issue. The issue, that of the military personnel actions, was shown narrowly, through the prism of the position of the infamous Anna Politkovskaya, a *Novaya gazeta* reporter. We continue to monitor the programmes of the Northern Caucasus service of *Radio Liberty*,” said Yastrzhembsky, thus hinting that Moscow considered the station’s first experiment to be unsuccessful.

On 18 April 2002, the International Committee of the State Duma stated that it considered *Radio Liberty's* broadcasts in the Chechen language "a flagrant intervention in Russia's internal affairs". The Committee developed a draft of a parliamentary inquiry to the Russian head of government, entitled "On the Broadcasts of *Radio Liberty* in the Chechen Language in the Northern Caucasus". On 24 April, the Duma deputies planned to address Mikhail Kasyanov with a request to provide information regarding the legal norms and international agreements that served as a basis for *Radio Liberty's* licence to use airwaves in Russia. The deputies also signalled their intention to request information from the Russian Premier on whether a parity agreement existed between the Russian and American sides concerning the broadcasting of the Russian state radio stations in English and Spanish on the territory of the United States.

On 29 May 2002, the Press Ministry declared its readiness to implement measures against *Radio Liberty* in connection with its broadcasts in Chechnya. In his address to the Federation Council, Press Minister Lesin said that his Ministry was closely monitoring the activity of the station, which had been conducting its Chechen language programming for a month. In his opinion, one could already speak of interference in Russia's internal affairs on the territory of Chechnya. In this regard, Lesin emphasized that the Ministry intended to undertake certain action for such interference to be stopped.

On 4 October 2002, Vladimir Putin resolved to acknowledge as invalid the Russian Presidential Decree 93 of 27 August 1991 "On the Bureau of the Independent Radio Station *Radio Free Europe/Radio Liberty*". In accordance with this Decree signed by the then President Yeltsin, the editorial board of *Radio Free Europe/Radio Liberty* was allowed to open a permanent bureau in Moscow, with correspondent bureaus on the territory of the Russian Soviet Federative Socialist Republic (RSFSR). The Russian Foreign Ministry was to officially accredit correspondents of the station, and provide them with the unimpeded opportunity to conduct their journalistic activities in Russia. The Mayor of Moscow was to designate a building for the station's bureau in the Russian capital, while the ministries of Press and Mass Information of the RSFSR, as well as the Ministry of Communications, Information Science, and Space, were to provide the bureau with the necessary communication channels.

The management of *Radio Free Europe/Radio Liberty* believes that the Russian President's Decree regarding the station's Moscow Bureau "will not be reflected in the status of the representation and journalists' work".

8. Public Opinion

In Russia there are several sociological services that periodically conduct polls to determine public opinion regarding various aspects of politics and public life. Several media outlets have conducted comparable experiments as well. One may not contend that the results of these polls are absolutely accurate about the population's attitudes; nevertheless, the sociological data may testify, to one degree or another, to the reality of the situation, including that regarding the journalists' work in Chechnya or the quality of coverage of the situation in that republic.

On 19 October 1999, the *Ekho Moskvy* radio station conducted a poll among its listeners regarding the Russian journalists' work in Chechnya. 52 per cent were against such work; 48 per cent supported it. 979 respondents participated in the poll.

On 24 January 2000, the same station conducted a survey among its listeners regarding the limits placed by the military on the information provided to the *NTV* filming crew following the story on the Federal losses in Chechnya. 68 per cent of those surveyed considered the actions of the military wrong. 32 per cent considered them right. 2,988 people participated in the survey.

On 3 February 2000, the sociological service of the Russian Centre for Public Opinion Studies published the results of a poll of 16,000 people in 83 different Russian localities. In answer to the question regarding the media coverage of the situation in Chechnya, 40 per cent of those polled said that the coverage was biased; 38 per cent stated that the coverage was insufficient and superficial; 14 per cent said the media work was objective; 85 people had difficulties in answering the question.

On 16 February 2000, *Ekho Moskvy* published the results of the poll conducted by the sociological service of the Centre for Public Opinion Studies regarding the population's confidence in the media. 39 per cent expressed their confidence in the state television stations, *ORT* and *RTR*. 32 per cent put their faith in the *NTV* and *TVS* stations; 26 per cent trusted the statements of Vladimir Putin. 1,600 citizens of Russia in 83 localities participated in this poll.

On 21 February 2000, the Oreanda agency published the data provided by the Public Opinion Foundation, regarding the objectivity of Russian television stations in covering the events in Chechnya. 11 per cent of the respondents stated that none of the central stations covered the situation objectively, while 5 per cent considered all sta-

tions to be objective. From those who had the opportunity to view all of the central stations (*ORT*, *RTR*, and *NTV*), 47 per cent called *NTV* the most objective, with the state *ORT* collecting 29 per cent and *RTR* collecting 17 per cent.

On 22 June 2000, the Agency for Regional Political Studies published the results of a poll conducted among 1,600 people in 49 Russian localities. 67 per cent of those polled believed that the number of losses in Chechnya reported by the official sources were understated. 13 per cent believed the information reported corresponded to reality; 20 per cent had difficulties answering the question. According to the same poll, 48 per cent believed that the military action must be continued; 29 per cent spoke out in favour of negotiations; 20 per cent had difficulties answering the question.

On 3 August 2000, *Ekho Moskvy* conducted an interactive poll of 1,591 listeners. 88 per cent of those polled stated that they did not believe the official reports on the losses of Russian military personnel.

9. Legal Commentary

Conditions of Access to Information in the Chechen Republic: A Legal Analysis

Boris Panteleyev

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The true state of affairs, with regard to journalists' rights and the possibility of applying the standards of freedom of speech in practice, becomes most apparent in extreme situations. Without a doubt, the media situation in the Chechen Republic from 1994 until the present can be described as extreme.

Our analysis shows that the generally accepted international norms and national legislation have had virtually no effect within Chechnya's territory, being ignored by the official authorities themselves. It is a paradox that the military campaign in Chechnya had formally commenced under the platform of restoring the constitutional order in the Republic. However, this very "constitutional order" is perceived extremely selectively, and the generally accepted standards of freedom of speech, for one reason or another, find themselves outside of the protection of the Federal authorities.

Furthermore, monitoring shows an ever increasing number of violations – in the name of protecting a rather abstract constitutional order – of very specific constitutionally protected rights of both the

inhabitants of the Chechen Republic and all citizens of the Russian Federation who wish to receive objective information regarding events in Chechnya.

Media access and distribution violations in Chechnya are of a fundamental rather than a sporadic nature.

For instance, the current Mass Media Law of the Russian Federation contains, in the first Article, a critical provision which bans restrictions on journalists' rights and mass media at large by any laws that are not media-related. However, this provision of the Media Law has been continuously violated. The most typical of the violations concern the conditions of information access in the Chechen Republic since the beginning of military operations there.

A commonly known provision of Article 48 of the Russian Mass Media Law identifies the essence of accreditation (once it is granted to a journalist) in the following way: "the accrediting institutions shall notify the journalists in advance of the scheduled meetings, conferences, and other events; provide the journalists with the recorded minutes, agendas, and other pertinent documents; and create favourable conditions for the recording of the events." By act of this Law, accreditation is used to regulate the work of journalists within any official or public institution, establishment, organization, or enterprise. Moreover, in Russia there exists the Foreign Journalists Accreditation Institute, affiliated with the Ministry of Foreign Affairs.

However, both the essence and letter of the Russian Mass Media Law have been openly and seriously violated with respect to journalists' affairs in the Chechen Republic. For instance, in January 1995, there was an attempt to introduce, on behalf of the Government, a number of additional obligations for journalists accredited in Chechnya, in accordance with Article 29, Item 3 of the Russian Interior Forces Law. New departmental acts continue to emerge, which attempt to apply their characteristic logic and military policy to mass media.

In confirming the validity of this conclusion, it is crucial to view the Resolution of the Russian Constitutional Court of 31 July 1995. This concerned an investigation into the constitutionality of Presidential Decree No. 2137, "On Measures for Restoring Constitutional Law and Order on the Territory of the Chechen Republic" of 30 November 1994, and a number of other acts. The investigation considered, among others, Resolution No. 1360 of the Russian Government, "On Ensuring State Security and Territorial Integrity of the Russian Federation, and Law, Civil Rights and Liberties, Disarmament of Unlawful Armed Units on the Territory of the Chechen Republic and the Adjacent Regions of the Northern Caucasus", of 9 December 1994.

This official document contained a special provision (Item 6, Paragraph 2) which prescribed the Provisional Information Centre, affiliated with the Russian State Press Committee, to instantly revoke the accreditation of journalists who worked in the armed conflict zone and reported false information or propagated national or religious intolerance.

In its Resolution, the Constitutional Court noted that the Mass Media Law (in Article 48, Part 5) provided an exhaustive list of grounds for revoking a journalist's accreditation. Therefore, the aforementioned provision, by virtue of introducing new, legally unstipulated grounds and procedures for revoking an accreditation, was "in violation of Article 29 (Parts 4 and 5), which sets forth one's right for freedom of information; Article 46, which guarantees legal protection for rights and liberties; as well as Article 55 (Part 3) of the Constitution of the Russian Federation."

Thus, the anti-constitutional nature of the acts that explicitly violated the rights of journalists in Chechnya was legally recognized as early as 1995, by the highest judicial authority in Russia. However, this Resolution of the Constitutional Court has not only failed to become a guiding document, but has been effectively ignored. As they continue to be established, official information centres persist in viewing accreditation as a means of suppressing the activities of independent journalists in Chechnya.

Another legal issue which substantially complicates the work of journalists in Chechnya is the so-called "terminology confusion", one with far-reaching consequences. Ever since the beginning of the armed conflict years ago, the authorities have had trouble determining the official designation for what has been happening in Chechnya: is it a war, independently occurring skirmishes, a counter-terrorist operation, a police action, a border conflict, or scuffles among criminal organizations?

A clear and unambiguous answer to that question would govern the authorities' right to legally establish limitations on freedom of speech and other constitutional civil liberties on the territory of a whole Russian Federal entity.

From the standpoint of international humanitarian law, this issue has a rather simple solution: either there is an officially declared war, or there is not. A country's direct use of its regular armed forces internally is intolerable in a civilized world. According to Article 87 of the Russian Constitution, the state of war and rule of martial law on the country's territory (or its individual entities) may only be

declared by the President, who is to follow a special procedure. As with a declaration of a state of emergency, and pursuant to Article 56 of the Constitution, this is always done publicly, with immediate notification of the representative governmental authorities. In the event that a war is declared, international norms allow for an official abeyance of certain constitutional rights and liberties of the people, whether on the entire territory of the country in question, or in parts of it. For example, freedom of movement within the country may be restricted, or limits may be placed on the freedom of gathering and disseminating information on military-related topics.

As we know from the two Chechen military campaigns, this consistent legal approach has not been followed. Instead, military action is either not recognized officially, or is described ambiguously and worded indirectly. However, the restrictions on civil rights and liberties are introduced *de facto*, on the arbitrary level of verbal orders from individual military commanders controlling specific territories, without an official declaration of war, but under the pretence of military action, special operations, and so forth.

Here, we can speak of the triumph of double standards, as, on the one hand, the fact of conducting military action has not been officially recognized, while on the other, the constitutional guarantees of individual rights, such as the ones concerning the right to gather and disseminate information, set forth in Article 29 of the Russian Constitution, are no longer effective. Meanwhile, all military authorities, including the forces of the Interior Ministry as well as law enforcement agencies, are still formally bound by the Constitution, Criminal, and Procedural Codes of the Russian Federation, even in times of “counter-terrorist operations”.

Another freedom of speech-related violation of the current legislation concerns the unreasonably broad interpretation of the term “counter-terrorist operation”, as well as the scope of it.

According to the general rule, the degree of local limitation of military action, pursuant to Article 3 of the Russian Anti-Terrorism Law, may not be interpreted arbitrarily. Here, military discretion is once again limited by the current legislation. For example, in the legislative sense, the term “counter-terrorist operation” can only exist with respect to “individual localities or defined areas of water, transport vehicles, buildings, constructions, installations, and facilities, as well as the adjacent territories or defined areas of water, within the borders of which the operation in question is conducted.” In any event, it is legally incorrect to extend the effect of such an operation to the entire territory of a Russian Federal entity, such as Chechnya.

In practice, however, the military authorities are attempting, quite unreasonably, to expand the area of their exclusive competence, thereby making as much as possible of Chechnya's territory off-limits to journalists. That is often done citing the actual limitations placed on the freedom of movement by the Anti-Terrorism Law. Article 8 of the Law reads, "the civil right to freedom of movement and choice of a place of residence within the Russian Federation may be restricted at the frontier, within closed military stations, closed administrative and territorial units, areas of environmental disaster, in individual areas and municipalities affected by a threat of infectious and mass non-infectious diseases, or poisoning, and thus considered under special conditions for economic activities and special regime for the population, as well as within the areas in which a state of emergency or martial law has been declared."

Meanwhile, the terms "border zone" and "frontier" are interpreted rather arbitrarily with respect to journalists. By act of law, a frontier is the area directly adjacent to the border. Of this area, five kilometres into the state's territory are considered a border zone, while another 20 kilometres constitute a zone of border regime. Since a part of Chechnya is located well over the prescribed 25 kilometres from, say, the Russian-Georgian border, any statements from military officials concerning a special status of the territory in question do not stand up to legal criticism.

Likewise ineffective with respect to the situation in Chechnya is a legal argument which references Article 47, Part 1, Subparagraph 7 of the Russian Mass Media Law of 1992, which states that "a journalist has the right to visit the specially protected areas of natural disasters, accidents and catastrophes, mass disturbances and gatherings, as well as areas in which a state of emergency has been declared, and to attend mass-meetings and demonstrations."

The current Rules of Accreditation for Mass Media Representatives, administered by the Office of Presidential Aide Yastrzhembsky, are functioning in violation of the Russia Mass Media Law, as they regulate primarily the conditions of information-gathering on the territory of the Russian Federal entities, as opposed to controlling the legal procedure of accreditation with a state agency. Meanwhile, the conditions for journalists' activities set forth in these Rules (a subordinate departmental act) are substantially impaired in comparison to the conditions guaranteed by the federal legislation.

Based on the generally accepted provisions of Article 48 of the Mass Media Law, the subject of any journalist's activity is the information concerning the meetings, conferences, and other events held

by the specific organization which has provided accreditation to the journalist. That is to say, the subject of journalistic activity may not include all of the information on everything that is taking place within any given Federal entity.

Nevertheless, this particular norm also turns out to be ineffective with respect to the Chechen Republic. Representatives of military and administrative authorities have repeatedly undertaken measures to discontinue the information-gathering activities in Chechnya of those journalists who did not carry an accreditation issued according to the Rules.

Furthermore, Item 13 of the Rules prohibits even the accredited journalists from independently travelling in the Chechen Republic and conducting interviews with military personnel without prior permission from the official Press Centres and military authorities. These actions are in direct violation of the most fundamental rights of journalists, guaranteed by Article 27, Part 1; Article 29, Parts 4 and 5; Article 55, Part 3; and Article 56, Part 1 of Russia's Constitution, as well as Articles 1, 38, 47, and 48 of the Russian Mass Media Law.

In accordance with Article 55, Part 3 of the Constitution, human and civil rights and liberties may only be restricted by a federal law. Based on this statement, restrictions imposed by issuing subordinate or local normative acts are strictly forbidden.

It is well known that Yastrzhembsky does not serve as the head of the counter-terrorist operation staff. Consequently, he has no legal right to regulate the activities of mass media representatives on the operation's territory, not even pursuant to the Anti-Terrorism Law.

The Rules of Accreditation also contain other provisions which further limit the legally guaranteed rights of journalists.

Thus, in accordance with Article 2, Item 10 of the Mass Media Law, "a journalist is a person engaged in editing, creating, collecting, or preparing reports and materials for the editorial office of a properly registered mass media outlet; this person is bound to the mass media outlet by labour or other contractual relations, or else is authorized by the mass media outlet to engage in such activity." However, Item 5 of the Rules contradicts this norm by stating that any freelance media staff (that is, staff authorized by a mass media outlet to be engaged in information processing without any contractual obligation) "may not be accredited by the Office of the [Presidential] Aide".

The requirement, under Item 6 of the Rules, to produce, as part of an accreditation application, a copy of the journalist's insurance policy once again confirms that the Rules regulate primarily the conditions of information-gathering on the territory of a Russian Federal

entity, as opposed to controlling the legal essence of the accreditation regime. Otherwise, the insurance policy requirement would have made no sense, as it is clearly unnecessary for accrediting a journalist with a state agency.

The Rules grant to journalists accredited with the Presidential Aide's Office a "special" right to participate in the coverage of military action; however, the right is granted only to those who have been included, beforehand, in a certain group formed by the Office of the Aide and approved by the Russian military authorities. One can conclude that, without a formal accreditation, or with one but without membership in the officially formed group, any kind of professional journalistic activity in the Chechen Republic is forbidden. For any official department to establish such local norms is clearly against the law.

Item 14 of the Rules stipulates that a media representative may also be stripped of the accreditation for dissemination of information defaming the honour and dignity of Russian military personnel, as well as contradicting the actual events of the counter-terrorist operation in the Northern Caucasus, upon confirmation by a court of law. This particular provision contradicts Article 48, Part 5 of the Mass Media Law, as well as Article 9, Part 1 of the Russian Civil Code ("Citizens and legal entities shall exercise their civil rights at their own discretion"). The honour and dignity of Russian military personnel constitute private, intangible rights, which belong directly to the military personnel, not to the Office of Sergei Yastrzhembsky. To establish such a provision is to significantly extend the legal grounds for journalists' accountability from the ones set forth by the legislation; that, in turn, violates Article 55, Part 3 of the Russian Constitution.

With this mind, one may conclude that the Rules of Accreditation for Mass Media Representatives, introduced in 1999 for journalists working in Chechnya, and administered by Yastrzhembsky's Office, are, in fact, a piece of local legislation which contradicts the Constitution and clearly aims at restricting the rights of mass media staff.

Indeed, if the journalists accredited under these Rules are henceforth "prohibited from independent travel in the Chechen Republic and conducting interviews with military personnel" (Item 13), then this "policy of favouritism" can only be labelled as a violation of Federal Law. The aforementioned Rules, approved by Resolution No. 1538-R of the Government of the Russian Federation on 1 October 1999, contain provisions that once again directly violate the resolution of the Russian Constitutional Court of 31 July 1995, which had concluded that revocation or denial of accreditation based on earlier

publications (Item 14) violate the rights of journalists and impede their professional activities.

According to Article 48 of the Russian Mass Media Law, a journalist may be stripped of his/her accreditation only in two cases: if he/she violates the rules of the accreditation (which, however, may not include any provisions restricting the freedom of mass information or journalists' rights, pursuant to Article 1 and 5 of the same Law), or if he/she disseminates information contradicting the actual facts or defaming the honour and dignity of the staff of the accrediting organization, upon confirmation by a court of law.

Therefore, the provision of the Rules which allows for stripping a journalist of his/her accreditation in the event that he/she refuses to offer an apology for disseminating defaming information is unlawful.

No other case, except as stated in the Mass Media Law, including any "refusal to offer an apology," may serve as legal grounds for an accreditation revocation. According to Article 29, Part 3 of the Russian Constitution, no one may be forced to express his/her opinions and convictions or renounce them. The "apology requirement" is thus most certainly unlawful.

From a legal standpoint, this issue does not present a complicated matter. However, despite a ruling by the Russian Constitutional Court, unlawful restrictions on journalists continue to persist.

It is disturbing that, in spite of the numerous violations of journalists' rights, the mechanism for legal protection of freedom of information access (set forth in Articles 140 and 144 of the Criminal Code of the Russian Federation) still fails to function. Official investigations into the conduct of military personnel obstructing the work of journalists in Chechnya do not result in holding the guilty parties liable.

The aforementioned Articles could be applied to many of the registered cases of information refusal and obstruction of the journalists' lawful professional activities. However, there are no real examples, either civilian or military, of applying these legal norms in Chechnya.

Thus, the conditions in which freedom of speech exists in Chechnya continue to remain outside the legal framework set up by international and domestic legislation.

Joint Declaration by OSCE, UN and OAS

Joint Declaration on International Mechanisms for Promoting Freedom of Expression by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression

London, 10 December 2002

Having met with representatives of NGOs, UNESCO, journalists' associations and human rights experts in London on 9-10 December 2002, under the auspices of *ARTICLE 19, Global Campaign for Free Expression*;

Reiterating, on the occasion of Human Rights Day, that an environment of respect for all human rights is necessary for realisation in practice of the right to freedom of expression;

Recalling and reaffirming the Joint Declarations of 26 November 1999, 30 November 2000 and 20 November 2001;

Condemning attacks on journalists, including assassinations and threats, as well as the climate of impunity that still exists in many countries, as noted in the Joint Declaration of 30 November 2000;

Recognising the importance and mutually reinforcing role in a democracy of the twin pillars of a free media and an independent, effective judiciary;

Welcoming the establishment of the International Criminal Court;

Stressing that problems associated with a weak judiciary cannot be addressed through restrictions on freedom of expression;

Cognisant of the threat posed by increasing concentration of ownership of the media and the means of communication, in particular to diversity and editorial independence;

Aware of the important corrective function played by the media in exposing political and economic corruption and other wrongdoing;

Recalling the concern expressed in the Joint Declaration of 20 November 2001 over interference in the free flow of information and ideas by elected political officials and members of government who are media owners;

Mindful of the ongoing abuse of criminal defamation laws, including by politicians and other public figures;

Welcoming the Declaration of Principles on Freedom of Expression in Africa and the commitment of the African Commission on Human and Peoples' Rights to adopt a regional mechanism to promote the right to freedom of expression;

Noting the need for specialised mechanisms to promote freedom of expression in every region of the world;

Adopt the following Declaration:

Freedom of Expression and the Administration of Justice

- Special restrictions on commenting on courts and judges cannot be justified; the judiciary play a key public role and, as such, must be subject to open public scrutiny.
- No restrictions on reporting on ongoing legal proceedings may be justified unless there is a substantial risk of serious prejudice to the fairness of those proceedings and the threat to the right to a fair trial or to the presumption of innocence outweighs the harm to freedom of expression.
- Any sanctions for reporting on legal proceedings should be applied only after a fair and public hearing by a competent, independent and impartial tribunal; the practice of summary justice being applied in cases involving criticism of judicial proceedings is unacceptable.
- Courts and judicial processes, like other public functions, are subject to the principle of maximum disclosure of information which may be overcome only where necessary to protect the right to a fair trial or the presumption of innocence.
- Judges' right to freedom of expression, and to comment on matters of public concern, should be subject only to such narrow and limited restrictions as are necessary to protect their independence and impartiality.

Commercialisation and Freedom of Expression

- Governments and public bodies should never abuse their custody over public finances to try to influence the content of media reporting; the placement of public advertising should be based on market considerations.
- Media owners have a responsibility to respect the right to freedom of expression and, in particular, editorial independence.

- The right to freedom of expression and to a diversity of information and ideas should be respected in international financial arrangements, including the upcoming round of World Trade Organisation negotiations, and by international financial institutions.

Criminal Defamation

- Criminal defamation is not a justifiable restriction on freedom of expression; all criminal defamation laws should be abolished and replaced, where necessary, with appropriate civil defamation laws.

Ambeyi Ligabo
*UN Special Rapporteur on Freedom of Opinion
and Expression*

Freimut Duve
OSCE Representative on Freedom of the Media

Eduardo Bertoni
OAS Special Rapporteur on Freedom of Expression

Projects 2002/2003

Freedom of the Media and Corruption Fourth Central Asian Media Conference

Tashkent, 26-27 September 2002

The annual *Central Asian Media Conference* was held on 26-27 September 2002 in Tashkent, Uzbekistan. The conference was organized by the OSCE Representative on Freedom of the Media, Freimut Duve, and the OSCE Centre in Tashkent in co-operation with the Open Society Institute.

For the fourth time more than 100 journalists from all five Central Asian States came together to discuss the latest developments in the media field. The vivid discussions showed again the need for this regional dialogue, especially in light of the tragic events of 11 September 2001. Many journalists affirmed that their working conditions had been deteriorating in the last year. The tendency towards repression was clear, and many cases of media harassment were reported. The critical importance of freedom of the media and the need for public debate was emphasized – especially in times of anti-terrorist conflict.

The main theme of the conference was corruption as a challenge for freedom of the media. Furthermore the relationship between religious freedom and freedom of expression was discussed.

The deliberations over the two days showed that many of the problems debated in this forum in the last years remain unresolved and therefore the concerns from the Dushanbe and Almaty Declarations were reiterated.

Tashkent Declaration on Freedom of the Media and Corruption

1. The media should be free to play its fundamental role as society's watchdog against corruption, which is a serious obstacle for all countries both East and West.
2. The media should be free to exercise their corrective function towards economic, ecological and military decisions in their countries especially with regard to investigating the growing danger of corruption.

3. Journalists from all five Central Asian States should continue the practice, started in the framework of this conference, to exchange views and co-operate, in order to better defend their interests. Solidarity among the journalistic community is imperative.
4. The international community should continue to observe closely the situation in the field of freedom of the media and support the journalists in their work.
5. Journalists should be protected while fulfilling their professional tasks, especially when covering controversial topics such as corruption in society.
6. Members of Parliament must assist in the necessary public debate on corruption.
7. Functioning independent courts should ensure that laws related to journalists are being fully and fairly implemented.

Freedom of the Media and the Internet

Workshop, Vienna, 30 November 2002

The OSCE Representative on Freedom of the Media has expressed several times his concern about the restrictions imposed on the use of the Internet in different OSCE regions. In November 2001, the OSCE Representative together with the other two international specialized mandates dealing with freedom of expression – the UN Special Rapporteur on Freedom of Opinion and Expression and the OAS Special Rapporteur on Freedom of Expression – issued a Joint Declaration *Challenges to Freedom of Expression in the New Century*. In the Declaration they stated: “The international community, as well as national governments, should actively promote universal access to the Internet, including through supporting the establishment of information communication technology (ICT) centres.” In 2002 the Representative launched a special project on *Freedom of the Media and the Internet*. This project aimed to explore and analyse the controversial issues concerning freedom of the media on the Internet, and to find ways to ensure that the Internet will remain an international vehicle of freedom of expression and freedom of the media. With the purpose to explore and analyse such controversial issues as:

the access to the Internet combined with the basic technical and ethical education; censorship; the diminishing importance of constitutional rights (international companies providing connectivity undermine the importance of some basic constitutional rights, including freedom of expression and freedom of the media, of their customers. Hence, we see a diminishing ability of governments to safeguard those rights); the stifling effect of intellectual property claims on the free debate; the effects of September 11 on the Internet,

the Representative’s Office organized a workshop with media and ICT experts. The workshop brought together the Representative’s staff members and some six media and ICT experts from the OSCE region. The results of the workshop were published in a booklet *From Quill to Cursor: Freedom of the Media in the Digital Era*, Vienna 2003.

Public Service Broadcasting: New Challenges, New Solutions

Meeting, Ljubljana, 10-11 March 2003

The meeting on *Public Service Broadcasting* in Ljubljana on 10-11 March 2003 addressed key challenges facing a modern broadcast ecology both in the EU Member States and candidate countries for accession. Case studies based on national experience provided insights into current dilemmas of the broadcasting sector: whether digital proliferation and liberalization of the media markets endanger the survival of a financially viable independent and responsible public service broadcaster. The participants were requested to express their opinions on how it is possible to sustain the “full portfolio” public service broadcasting in small to mid-size markets.

The meeting was addressed by Mr. Freimut Duve, the OSCE Representative on Freedom of the Media and Professor Jo Groebel, Director-General of the European Institute for the Media. The organizers had asked media experts and media executives from Ireland, Poland, Slovenia and Sweden to prepare case studies. The organizers also invited representatives of the Council of Europe and the European Broadcasting Union to attend the meeting.

Recommendations

Constitutional democratic societies depend on communication and more specifically on mass media. Mass media create or reflect the public agenda and take care of its distribution among the citizens. They contribute to identity, common understanding, and the necessary information for citizens in a democracy. They also shape world views and values.

A modern society must therefore guarantee that respective content is accessible for all citizens, free and uncompromised by any political, commercial or other individual interest.

While a commercial market in bigger countries may, to a certain extent, take care of this automatically, in smaller and economically volatile countries it is necessary to establish a broadcasting system providing programme and structural guarantees which cover independent information and the representation of all societal groups, as well as offer an integration platform for all. Such a system is capable of shaping the national identity, participation through culture and

education, and finally innovation in broadcasting as a cultural value. These functions cannot all be guaranteed by a commercial system; they are typically covered by public service broadcasting systems. Additionally, in some countries, the public service broadcaster may be the only major national media organization left.

They must be capable of maintaining the high level of original programme production in order to fulfil the obligations and set a standard of high quality programming for the broadcasting industry as a whole. While maintaining the clear distinctiveness from commercial broadcasters, they must be able to attract a wide audience. It is also their role to spearhead technological innovation in order to use new technologies and all suitable delivery platforms to reach the audience.

Parliaments and governments in EU candidate countries should adopt or improve existing legal and institutional frameworks for public service broadcasting to make pursuit of these goals possible. These frameworks should safeguard the independence and public accountability of public service broadcasting organizations, *inter alia*, by separating them from the civil service and removing any unwarranted interference by public authorities in their operation, and by providing for the adequate and secure financing. Legal provisions should define the public service broadcasting remit in a clear, detailed and verifiable way, setting them clearly apart from commercial broadcasting but, at the same time, making room for attractive mass appeal programming in their schedules. The range of programmes should serve all groups of society, including those neglected by commercial broadcasters, such as ethnic minorities and others. States should encourage and promote self-regulatory schemes in the area of programme standards and journalistic ethics. They should also safeguard the existence of audio-visual archives within public service broadcasting organizations as repositories of the nation's audio-visual heritage to be used by public service broadcasters for the general benefit.

Financing systems for public service broadcasting should provide for diversified sources of revenue (including licence fees, advertising, government services and own revenue) as well as for the financial transparency of public service broadcasters, including separate accounts for programming and non-public service activities, should they exist. If advertising is allowed it should be treated only as a supplementary source of revenue. Where government subsidies are provided, they should be granted on a secure, long-term basis, without infringing on the independence of public service broadcasters.

Special financial or assistance schemes should be put in place in order to enable public service broadcasters to adopt digital technology and develop new channels for digital terrestrial broadcasting.

The financial security and economic independence of public service broadcasters are necessary for their proper operation and credibility in society. It is the duty of national parliaments and governments to ensure stable and adequate financing for them. It is also their duty to promote the development of a political and civic culture which guarantees the proper environment for public service broadcasting as an emanation of civil society.

The European Union, which made democratic institutions a condition of accession, should – while respecting the principle of subsidiarity – specify more clearly what this means in relation to public service broadcasting. The European Union should treat public service broadcasting as more than just a difficult case of applying state aid rules or competition law. It should make safeguarding of public service broadcasting a crucial goal of its audio-visual policy. The principal goals of this policy should be enshrined in the new Constitutional Treaty, which secure a proper place for media pluralism and media services in the general interest in the European Community.

The assembled participants in the conference call on national parliaments and governments, on the EU, OSCE, and the Council of Europe to adopt these goals as fundamental principles of their media policies and to strive actively for their implementation. This should include international co-operation between public service broadcasters in programming exchange, co-production and training. The assembled participants also call on the EBU to continue its active involvement in this effort.

War: Images and Language Coverage of Conflicts in the Media, 1991-2003

Round Table with UNIS, Vienna , 17-18 March 2003

On 17 March 2003 a round table entitled *War: Images and Language – Coverage of Conflicts in the Media, 1991 to 2003* was held at the Diplomatic Academy, Vienna. Jointly organized by the United Nations Information Service in Vienna and the OSCE Representative on Freedom of the Media the round table brought together 15 journalists, academics and members of the Secretariat of Intergovernmental Organizations. One of the round table's focuses was on the complicated range of issues regarding the relationship between the media and conflicts.

Dean Kazoleas, Professor of Communications, Illinois State University, said the twenty-first century was one of a “public relations warfare” as a consequence of which military and governments have begun using more and more sophisticated public affairs techniques in their desire to control the impact of images and information. This makes the objectivity of the media a difficult goal to attain. But the landscape was not so bleak as the Internet and advanced satellite images now provided open access to information so that “images and events cannot be hidden from societies”.

Mark Thompson, author and consultant, Oxford University, said the information revolution affected both conflicts and the coverage of conflicts. During the nineties governments and NGOs worked together – for example, during the humanitarian interventions in Bosnia, Kosovo, East Timor and Afghanistan – to increase the attention paid to local media reform and development. The result had been a strengthening of democracy. Thompson said the impending war with Iraq appeared to be taking the media in a different direction. The Bush Administration was talking about establishing a US military controlled press in post-war Iraq which meant the Iraqi media would not be exposed to multilateral influences, such as those of the EU, OSCE, the UN, or NGOs, as in Kosovo or Bosnia.

Liam McDowall, Outreach Coordinator, International Criminal Tribunal for Yugoslavia (ICTY), said that international and domestic media exposure of crimes against humanity by the Milosevic regime, had led to the establishment of the ICTY. Yet he noted the ICTY's

very limited success to date in bringing journalists/editors in former Yugoslavia to trial for inciting hatred/genocide. In contrast the international court set up to deal with genocide cases in Rwanda had prosecuted defendants for “direct incitement to genocide” because the propaganda had been much more blatant and therefore easier to prosecute under international law.

Ruth Wodak, University of Vienna, spoke of the negative influence of the global media: the small time slots accorded to news events meant little depth to reporting prevailed. Images were presented without text, in 15 or 30 second sound bites. This resulted in very simplistic ways of tackling complex issues. The consequence: an erosion of the collective memory.

As regards verbal rhetoric, Wodak said a case in point was for example the post-Sept. 11 days with President Bush’s talk of wanting Bin Laden “Dead or Alive”, his religious crusader-type rhetoric. Such talk led to polarization rendering diplomatic negotiations very difficult; any rational course became difficult to undertake as witnessed in the current diplomatic impasse over Iraq’s disarmament, Wodak commented. The media reproduces this polarization, a polarization made more acute because of the global media’s short sound bites, she continued.

Regarding the Bush Administration’s referral to its current massive bombing threat against Iraq in the initial days of a war as “a campaign of shock and awe”, Wodak, University of Vienna, called this phrase “a euphemistic way of dealing with horrific things”. But Kazoleas said such violent rhetoric should be seen as part of a current US propaganda campaign – combined for example, with its recent dropping of 700,000 leaflets over Iraq – to induce Saddam Hussein’s military leaders to topple the dictator.

The German journalist Andreas Beer, *South West Radio* (SWR), Baden-Baden, spoke of German politicians’ use of clichés such as the “fight against terrorism”, which did not exist as a common term in the German media before September 11; now it was prevalent. German politicians used the term, even simultaneously with the words “humanitarian intervention”, as in Afghanistan. In other words, German politicians were interweaving peacekeeping and multilateral actions with the fight against terrorism.

Indeed no government wanted to use the word “war”. Instead, such phrases as “intervention”, “disarming Saddam Hussein” are used, according to Alexander Ivanko, Office of the OSCE Representative on Freedom of the Media, Vienna.

The US media, in the current Iraq build-up to war, tended to be uncritical of the US administration's policies towards Iraq, Andrew Purvis, *Time Magazine*, South-Eastern Europe correspondent believes. The media had not set the agenda. Therefore as the US and UK appears to be entering a war, the OSCE and such organizations should analyse propaganda emanating from the theatre of war rapidly. James Arbuckle, Lester B. Pearson International Peacekeeping Training Centre, Nova Scotia, pointed to the important role of disinformation in war.

As Freimut Duve, OSCE Representative on Freedom of the Media and co-chairperson of the seminar, aptly put it: "War propaganda always accompanied conflicts of the twentieth century" especially World War II. But since 1945 reductionism has prevailed, for example in the use of "Communism" vs. "Fascism". This current trend needs to be countered, and societies need to accept the different collective war experiences of other nations on the one hand, and their common values on the other. The media has an important role to play in examining these different experiences and in helping audiences hostile to one another – such as Israelis and Palestinians – bridge psychological gaps created by conflict.

Media in Multilingual Societies

Conference, Bern, 28-29 March 2003

Pointing out the constructive role media could and should play in combating discrimination, promoting tolerance and building stable peace in multilingual societies, this project conducted by the OSCE Representative on Freedom of the Media aimed to overcome prejudices and intolerance in the media against citizens who are members of certain ethnic groups.

There has been increasing recognition amongst governments and civil society of the need for a flourishing media environment in multilingual societies to ensure diversity and freedom in democracies. This project looked to a certain extent at the establishment of the necessary legislative or regulatory framework, and placed special emphasis on the practice of minority media operators and governments offering support. In many countries of the OSCE region good and innovative examples of fostering a diverse and effective media environment in multilingual societies can be found. Switzerland and Luxembourg can be taken as shining models of the way media are operating in a multilingual democratic society. In southern Serbia effective and responsible media are helping to foster a climate of tolerance among the Serbian and Albanian communities.

The project also examined the working environment for the media in some OSCE participating States, where responsible action on the part of the government would enable the media to play a decisive role in the conflict prevention field. Results from this project and from a conference held in Bern in March 2003 are published in the book *Media in Multilingual Societies*.

Freedom of the Media and the Internet

Conference, Amsterdam, 13-14 June 2003

The OSCE Representative on Freedom of the Media, Freimut Duve, organized a two-day conference titled *Freedom of the Media and the Internet*. The conference took place on 13 and 14 June 2003 in the City Hall of Amsterdam.

The conference brought together international experts including members of the European Parliament, Council of Europe, European Commission, OSCE, academia, media and a number of NGOs from Europe and the US.

The wide range of conference topics included the current problems of media freedom on the Internet; the technical and economic framework as well as the influence of code and companies; country reports from Turkey, Serbia and Montenegro, Finland, and Lithuania; the regulatory framework in the OSCE region; and technical problems and social consequences regarding the access to digital networks.

At the end of this conference the Representative on Freedom of the Media issued the Amsterdam Recommendations on Freedom of the Media and the Internet. In October 2003 a book was published: *Spreading the Word on the Internet: 16 Answers to 4 Questions*.

Amsterdam Recommendations

Freedom of the Media and the Internet

Convinced that no matter what technical means are used to channel the work of journalists to the public – be it TV, radio, newspapers or the Internet – the basic constitutional value of freedom of the media must not be questioned;

Reaffirming that this principle, which is older than most of today's media, is one that all modern European societies are committed to;

Alarmed that censorship is being imposed on the Internet and new measures are being developed to prevent the free flow of information;

Reaffirming the principles expressed in the Joint Statement by OSCE, UN and OAS in London on 20 November 2001;

Taking note of the Council of Europe Declaration on freedom of communication on the Internet from 28 May 2003;

The OSCE Representative on Freedom of the Media invited representatives from academia, media, specialized NGOs from Europe and the US as well as from the European Parliament, Council of Europe, European Commission, and OSCE to take part in a conference on "Freedom of the Media and the Internet" held 13 -14 June 2003 in Amsterdam, the Netherlands. During the conference the following recommendations, proposed by the OSCE Representative on Freedom of the Media, were made:

Access

- The Internet provides a number of different services. Some of them are still in the development phase. They serve as tools, often indispensable ones, for citizens as well as journalists and thus are important for a free media landscape. The technology as such must not be held responsible for any potential misuse. Innovation must not be hampered.
- Access to digital networks and the Internet must be fostered. Barriers at all levels, be they technical, structural or educational, must be dismantled.
- To a considerable extent the fast pace of innovation of digital networks is due to the fact that most of the basic code and software are in the public domain, free for everyone to use and enhance. This free-of-charge infrastructure is one of the key elements of freedom of expression on the Internet. Access to the public domain is important for both technical and cultural innovation and must not be endangered through the adoption of new provisions related to patent and copyright law.

Freedom of Expression

- The advantages of a vast network of online resources and the free flow of information outweigh the dangers of misusing the Internet. But criminal exploitation of the Internet cannot be tolerated. Illegal content must be prosecuted in the country of its origin but all legislative and law enforcement activity must clearly target only illegal content and not the infrastructure of the Internet itself.
- The global prosecution of criminal content, such as child pornography, must be warranted and also on the Internet all existing laws must be observed. However, the basic principle of freedom of expression must not be confined and there is no need for new legislation.

- In a modern democratic and civil society citizens themselves should make the decision on what they want to access on the Internet. The right to disseminate and to receive information is a basic human right. All mechanisms for filtering or blocking content are not acceptable.
- Any means of censorship that are unacceptable within the “classic media” must not be used for online media. New forms of censorship must not be developed.

Education

- Computer and Internet literacy must be fostered in order to strengthen the technical understanding of the importance of software and code. This is necessary so as to keep open a window of opportunity for defining the future role of the Internet and its place in civil society.
- Internet literacy must be a primary educational goal in school; training courses should also be set up for adults. Special training of journalists should be introduced in order to facilitate their ability to deal with online content and to ensure a high standard of professional journalism.

Professional Journalism

- More and more people are able to share their views with a widening audience through the Internet without resorting to “classic media”. Privacy of communication between individuals must be respected. The infrastructure of the Internet is used for many different purposes and any relevant regulatory bodies must be aware of that.
- Journalism is changing in the digital era and new media forms are developing that deserve the same protection as “classic media”.
- Traditional and widely accepted values of professional journalism, acknowledging the responsibility of journalists, should be fostered so as to guarantee a free and responsible media in the digital era.

Principles for Guaranteeing Editorial Independence

Round Table, Berlin, 16 July 2003

On 16 July 2003 The Representative on Freedom of the Media organized a small round table on how to guarantee editorial independence. His Office proposed the following principles:

Principles for Guaranteeing Editorial Independence Proposed by the OSCE Representative on Freedom of the Media

Over the past years, foreign companies have started investing in the media in the emerging democracies. In several countries, foreign ownership is generally high with control exercised over the majority of the print media. In the history of Europe's constitutional culture media play an important and indispensable role for the development of our democracies. The role and therefore the responsibility of the owners of journalistic media go far beyond other market oriented industrial products. In some Western democracies this difference is marked by special tax allowances. These are the reasons why the OSCE Representative on Freedom of the Media is monitoring the situation closely. In general he does not get involved in cases where foreign ownership of media is in line with domestic legislation. However, potential reasons for concern exist, especially regarding the editorial policies of the journalistic media in light of the often fragile state of democracy and rule of law. On the other hand freedom of the media can be strengthened by investments in the media.

The OSCE Representative on Freedom of the Media has approached media companies with international business interests asking them to agree to observe the following principles:

- The ownership structure of all journalistic media, including those that are partly or solely owned by foreign investors, must be known by the public.
- On the editorial independence of the journalistic media, a common code of conduct should be reached between the staff and the board of directors on basic journalistic principles.

- This common code of conduct shall at least contain the following principles:
 - standing up for human rights;
 - standing up for the fundamental democratic rights, the parliamentary system and international understanding, as laid down in the United Nations Charter;
 - fighting totalitarian activities of any political tendency;
 - fighting any nationalist or racial discrimination.
- Any institutional political affiliation of a journalistic medium should be clearly and publicly stated.
- Should cases of the dismissal of editors-in-chief be controversial, they could be brought before the OSCE Representative on Freedom of the Media who would, upon request by one of the parties involved, act as arbitrator. This role would be limited to journalistic matters. He or she would speak out in favour or against the dismissal on the basis of the journalistic principles referred to in the mandate¹. This, however, shall not affect the right to dismiss the editor-in-chief for serious non-journalistic reasons. Furthermore, it shall not exclude the ordinary jurisdiction.
- Where a company holds more than one title, it commits itself to safeguarding journalistic independence and plurality as a contribution to democratization and to strengthening freedom of the media.

¹ “The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council recommending further action where appropriate.”

Media in Multicultural and Multilingual Societies

Fifth Central Asian Media Conference

Bishkek, 17-18 September 2003

The *Fifth Central Asian Media Conference* organized by the OSCE Representative on Freedom of the Media Freimut Duve and the OSCE Centre in Bishkek in co-operation with CIMERA was held on 17-18 September in Bishkek, Kyrgyzstan. The 120 participants included journalists from four of the Central Asia countries, government officials, Members of Parliament and the civil society, among others. Unfortunately, no participants from Turkmenistan were able to attend the conference.

The importance of remaining critical towards negative developments in all countries rather than making comparisons between them was underlined during the discussions.

The participants noted that the issues and problems highlighted in the previous declarations from the conferences in Bishkek 1999, Dushanbe 2000, Almaty 2001 and Tashkent 2002 still remain valid and of utmost concern to the media professionals. Above all the current global fight against terrorist criminals should not be used as a pretext to hamper civil liberties. The following conclusions were stressed during the debates:

Bishkek Declaration

1. The media should be able to exercise its corrective function towards the economic interests and activities of politicians and their families without any legal or other consequences. This is essential for the future success of the countries' economic development.
2. Governments should ensure that citizens as members of the different linguistic and cultural groups represented in the society have the right and the opportunity to freely express their views and preserve their language and culture via media.
3. The media should be free to play its constructive role in combating discrimination, promoting understanding and building stable peace in multicultural and multilingual societies. Hate speech must not be used to advocate and provoke violence.

4. Governments should ensure broad access for journalists to sources of information of public relevance. Governments should prevent and resolve cases of harassment by power structures of the media and journalists in Central Asia. Access should be guaranteed to state and non-state media equally.
5. Access to media for everybody should be ensured and supported. Control through printing, distribution, taxes and licences should not be used to deny and hinder access to information for the public.
6. Media councils could be set up to facilitate, mediate and solve conflicts arising from journalistic activities as an alternative to court processes. The members should be elected and operate truly independent from state structures.
7. A clear distinction should be made between journalistic activities and public relations work for power structures and businesses. The public should be able to differentiate between these two.
8. Libel should be decriminalized and insult laws that provide undue protection for public officials repealed. In cases of civil libel the fines levied on the media by courts of law should be proportionate and not have a chilling effect on investigative journalism or lead to bankruptcy.

Libel and Insult Laws: What more can be done to decriminalize libel and repeal insult laws?

*Conference with Reporters sans frontières,
Paris, 24-25 November 2003*

Objectives: To encourage and facilitate an exchange of ideas on existing libel legislation in OSCE participating States with a view to issuing recommendations on how to proceed with decriminalizing libel and repealing insult laws that provide for undue protection for public officials. The conference will be organized in partnership with Reporters sans frontières (RSF) and held in Paris, France, on 24-25 November 2003.

Background: The existence of criminal libel legislation and of so-called insult laws in several OSCE participating States has over the years hampered the work of the media, putting undue pressure on those journalists who investigate such issues as corruption, especially involving government officials. Criminal libel laws are also used to protect high-ranking civil servants and politicians from criticism where specific insult laws do not exist (which offer protection to such officials, i.e. legislation that makes it a crime to “insult” the dignity of the Head of State, Speaker of Parliament, Prime Minister, etc.)

Although criminal libel and insult legislation are still part of the criminal code in several Western European countries, it is rarely used, if ever. However, its mere existence is often referred to by those OSCE participating States among the developing democracies that impose incarceration for libel.

Freimut Duve, the OSCE Representative on Freedom of the Media, has on several occasions spoken in different fora on the need to decriminalize libel in all OSCE member countries and to repeal insult laws that provide undue protection from criticism for politicians. Some countries have followed suit; some are still actively using such legislation to silence independent media which are mostly in opposition to the current government.

A publication based on the results of the round table is envisaged.

Recommendations

The participants at the conference on *Libel and Insult Laws*, organized by the Organization for Security and Co-operation in Europe (OSCE)

Representative on Freedom of the Media and Reporters sans frontières (RSF) and held in Paris (France) on 24-25 November 2003, discussed existing libel legislation in OSCE participating States. They took into account international standards relating to freedom of expression, including Article 19 of the United Nations Universal Declaration of Human Rights and shared standards and commitments of OSCE participating States. They focused on decriminalizing libel and repealing insult laws that provide undue protection for public officials.

They agreed that overuse or misuse of libel and insult laws to protect the authorities or silence the media were clear violations of the right to free expression and to information and should be condemned.

The participants approved the following recommendations to governments/officials, legislatures, judicial bodies and funding agencies in OSCE participating States:

To governments/officials:

- Governments should support decriminalization of libel and the repeal of so-called insult laws, particularly to the extent that they provide special protection for the “honour and dignity” of public officials.
- The party claiming to have been defamed should bear the onus of bringing a defamation suit at all stages of the proceedings; public prosecutors should play no role in this process.
- Public officials, including senior government officers, should be open to more public scrutiny and criticism. They should exercise restraint in filing suits for defamation against the media and should never do so with a view to punishing the media.

To legislatures:

- Criminal libel and defamation laws should be repealed and replaced, where necessary, with appropriate civil laws.
- In cases where they are retained, the presumption of innocence should be applied.
- So-called insult laws, particularly those that provide undue protection for public officials, should be repealed.
- Civil defamation laws should be amended, as necessary, to conform to the following principles:
 - only physical or legal persons should be allowed to institute

defamation suits, not public or governmental bodies;

- State symbols and other objects (such as flags, religious symbols) should not be protected by defamation laws;
- proof of truth should be a complete defence in a defamation case;
- in cases involving statements on matters of public interest, defamation defendants should benefit from a defence of reasonable publication where, in all the circumstances, it was reasonable to disseminate the statement, even if it later proves to be inaccurate; and
- reasonable ceilings should be introduced for defamation penalties, based on the current economic situation in each country.

To judicial bodies:

- The scope of what is considered to be defamatory should be interpreted narrowly and, to the extent possible, restricted to statements of fact and not opinions.
- Where libel is still a criminal offence, the presumption of innocence should be applied so that the party bringing the case has to prove all of the elements of the offence, including that the statements are false, that they were made with knowledge of falsity or reckless disregard for the truth and that they were made with an intention to cause harm.
- Where libel is still a criminal offence, courts should refrain from imposing prison sentences, including suspended ones.
- Non-pecuniary remedies, including self-regulatory remedies, should, to the extent that they redress the harm done, be preferred over financial penalties.
- Any financial penalties should be proportionate, taking into account any self-regulatory or non-pecuniary remedies, and refer to demonstrable damages only, not punitive damages.
- Defamation laws should not be used to bankrupt the media.

To funding agencies:

- Funding agencies, in providing aid to OSCE participating States, must take into account the attitude of regimes that crack down on freedom of expression, notably through the misuse of libel.

Visits and Interventions

March 2002 – October 2003¹

Visits of the Representative

- 6-9 September 2002 visit to Tel Aviv
- November 2002 visit to Washington
- June 2003 farewell visit to London
- September 2003 farewell visit to Moscow
- October 2003 farewell visit to New York and Washington
- November 2003 farewell visit to Paris

The Office of the Representative on Freedom of the Media visited or corresponded with the following governments of the OSCE participating States:

Armenia

Visits

- 7-10 June 2003, visit of senior adviser Alexander Ivanko to attend a meeting of OSCE press and information assistants and to meet with Armenian broadcasting officials.

Interventions

- 3 April 2002 to Foreign Minister Vardan Oskanyan on the failure of the independent TV station A1+ to be granted through a tender process run by the National Commission on TV and Radio the frequency on which A1+ has been broadcasting since 1996.
- 31 December 2002 to Foreign Minister Vardan Oskanyan on the murder of journalist Tigran Nagdalyan, head of Armenia's Public Television and Radio.
- 2 May 2003 to Foreign Minister Vardan Oskanyan on the assault upon Mher Ghalechian, a journalist for the opposition newspaper, *Chorrord Iskhanutyan*.
- 2 July 2003 to Foreign Minister Vardan Oskanyan about the debate on libel in Armenia.

¹ This is a selected list of our activities during the year.

Azerbaijan

Visits

- 27-29 November 2003 visit by research officer Ana Karlsreiter to meet with Ministry of Foreign Affairs officials and Azerbaijani journalists.

Interventions

- 9 July 2002 to President Heydar Aliyev on concern about apparent return to state control envisaged in draft law "On TV and Radio Broadcasting".
- 6 December 2002 to Foreign Minister Vilayat Gouliyev on defamatory campaign against non-state media launched by the official press and the use of government-controlled courts to harass non-state media by means of defamation suits.
- 7 May 2003 to Foreign Minister Vilayat Gouliyev on a violent attack on the opposition daily *Yeni Musavat*.
- 24 September 2003 to Foreign Minister Vilayat Gouliyev on physical attacks by police on independent and opposition journalists covering pre-election rallies in Masaly and the detention of two journalists in Leknoran.
- 17 October 2003 to Foreign Minister Vilayat Gouliyev concerning severe beating of journalists in Baku following the presidential elections and reports that journalists throughout Azerbaijan were prevented from covering the elections and were subject to beatings and insults.

Belarus

Interventions

- 9 April 2003 to Foreign Minister Mikhail Khvostov about cases of harassment of journalists and non-government media, including the criminal libel case against *Pahonya's* editor-in-chief Nikolai Markevich and journalist Pavel Mozheiko.
- 21 November 2003 to Foreign Minister Mikhail Khvostov regarding the discovery in Belarus of the body of Mikhailo Kolomiets, head of the Ukrainian news agency *Ukrainski Novyny*.
- 30 May 2003 to Foreign Minister Sergei Martynov on the three-month suspension of publication of the independent newspapers *Belaruskaya Delovaya Gazeta (BDG)* and *BDG-For Internal Use Only*.

Bulgaria

Interventions

- 21 May 2002 to the Minister of Foreign Affairs H.E. Solomon Passy asking for more information on the case of Katja Kasabova, who was sentenced by the Burgas district court for libel after she published several articles on corruption in the Bulgarian Educational System.
- 26 June 2003 to the Minister of Foreign Affairs H.E. Solomon Passy asking for assessment of the results of a study published by Article 19 investigating the number of law suits brought against media and journalists in the country.

Czech Republic

Interventions

- 29 July 2002 to the Minister of Foreign Affairs H.E. Jan Kavan asking for additional information on the alleged conspiracy to murder the well-known journalist Sabina Slonkova.

Georgia

Interventions

- 24 April 2003 to Foreign Minister Irakli Menagarishvili on the criminal inquiry into the investigative news programme *60 Minutes* of the independent television station *Rustavi 2* and about the latter's \$4.6 million criminal libel lawsuit.
- 2 July 2003 to Foreign Minister Irakli Menagarishvili on sections of the draft Criminal Code of Georgia that deal with defamation and insult.

Hungary

Interventions

- 21 January 2002 to the Minister of Foreign Affairs H.E. Dr. Janos Martonyi asking for clarification in two cases: The newspaper *Magyar Nemzet* has published a list with names of foreign correspondents who had commented critically on Hungary. The management of the public broadcaster has taken the programme *Beszéljék meg!* off the air.

Kazakhstan

Interventions

- 5 March 2002 to Foreign Minister Tokayev on the following: *Vremja Po, Respublika – Delovoye Obozreniye* and *SolDat* have for some time not been able to find publishers willing to print them. A political talk show led by Ms. Gulzhan Ergalieva on *Channel 31* was taken off the air in February 2002. Furthermore, the *Tan Channel* was taken off the air on 4 March 2002.
- 17 July 2002 to Foreign Minister Tokayev on Sergei Duvanov who was charged with criminal libel based on a corruption article on President Nazarbayev.
- 2 August 2002 to Foreign Minister Tokayev on the unclear circumstances surrounding the death of the daughter of Lira Bayseitova, editor of *Respublika 2000*.
- 31 August 2002 to Foreign Minister Tokayev on the beating of Sergei Duvanov.
- 28 October 2002 to Foreign Minister Tokayev on the arrest of Sergei Duvanov on rape charges.
- 20 November 2002 to Foreign Minister Tokayev on the hit-and-run car accident resulting in the death of the opposition journalist Nuri Muftakh (co-founder of *Respublika 2000*).
- 18 December 2002 to Foreign Minister Tokayev on the observation of Duvanov's trial.
- 3 March 2003 to Foreign Minister Tokayev on the observation of Duvanov's appeals process.
- 17 April 2003 to Foreign Minister Tokayev regarding the fact that websites of opposition politicians and media had been blocked.
- 24 April 2003 to Foreign Minister Tokayev on the physical attack of Maxim Yeroshin, editor of *Rabat*, on 16 April after writing on corruption.
- 7 July 2003 to Foreign Minister Tokayev concerning the fact that the Zhambyl Oblast Administration for Information and Public Accord has on 10 June 2003 sent a request to all heads of media outlets in that region to provide information (e.g. political sympathies and antipathies of the media outlet as well as of its individual journalists and names of persons and structures having a direct or indirect influence on the media outlet).
- 22 July 2003 to Foreign Minister Tokayev concerning *SOLDAT* which was closed by the economic court for unclarities in its founding documentation.

Kyrgyzstan

Visits

- 17-18 September 2003, *Fifth Central Asian Media Conference*, Bishkek.

Interventions

- 22 January 2002 to Foreign Minister Imanaliev on the refusal by the state printing house Uchkun to print *Moya Stolitsa-Novosti* for 19 January.
- 8 January 2003 to Foreign Minister Aitmatov on the 13 lawsuits against the newspaper *Moya Stolitsa* in 2002 and the fact that senior officials accused the newspaper of “presenting a distorted picture of the political situation in the country” and of “an anti-Kyrgyz bias”.
- 29 May 2003 to President Akayev on the confiscation of *Moya Stolitsa*'s property and the latest edition of the newspaper as a result of unpaid fines.

Latvia

Interventions

- 13 March 2002 to the Minister of Foreign Affairs asking for more information on the non-extension of the licence of the radio station *Biznes & Baltia*.

Poland

Interventions

- 18 April 2002 to the Minister of Foreign Affairs Wlodimierz Cimoszewicz raising concern about some provisions of the new draft of the Broadcast Law.
- 7 March 2002 to the Minister of Foreign Affairs Wlodimierz Cimoszewicz expressing concern over the charges brought against three members of the managing board of *Presspublica*.
- 23 April 2002 to the Minister of Foreign Affairs Wlodimierz Cimoszewicz expressing concern over the new draft Broadcast Law, which if passed would have serious negative consequences for the independent media groups in Poland.

Russian Federation

Visits

- 15-16 September 2003, visit to Moscow of Freimut Duve, accompanied by senior adviser Diana Moxhay, to present a book on the 1962 *Der Spiegel* affair, the attack on media freedom in Germany, and to meet with senior officials at the Ministry of Foreign Affairs and with Russian journalists.

Interventions

- 13 March 2002 to Foreign Minister Igor Ivanov on the death of journalist Natalya Skryl of the regional newspaper *Nashe Vremya*, on two cases of libel against Moscow independent newspaper *Novaya Gazeta* and on the assassination attempt in Sochi against a *Novaya Gazeta* journalist, Sergei Solovkin and his wife.
- 3 May 2002 to Minister of Press, TV and Radio Broadcasting Mikhail Lesin on the 29 April killing in Togliatti of Valeriy Ivanov, a leading journalist and editor of *Tolyatinskoye Obozreniye*.
- 5 June 2002 to Foreign Minister Igor Ivanov on the denial of a Russian visa to a senior staff member to participate in a conference organized by the Russian Union of Journalists on *The Independence of the News Media in Post-Communist Countries*.
- 2 July 2002 to President Vladimir Putin appealing for a pardon for environmental journalist, Grigory Pasko, who is accused of treason.
- 15 July 2002 to Foreign Minister Igor Ivanov on environmental journalist Grigory Pasko.
- 20 November 2002 to Foreign Minister Igor Ivanov on the terror attack in Moscow and its consequences for Russian journalists.
- 23 June 2003 to Minister of Press, TV and Radio Broadcasting Mikhail Lesin on the dissolution by the Russian Government of TVS, Russia's last remaining private television company with a national reach.
- 14 July 2003 to Foreign Minister Igor Ivanov about Konstantin Sterledev and Konstantin Bakharev, journalists of the Perm regional daily newspaper *Zvezda*, accused of divulging state secrets.
- 26 August 2003 to Foreign Minister Igor Ivanov on the sentencing of journalist German Galkin, publisher of *Rabochaya Gazeta* and deputy editor of *Vecherny Chelyabinsk*, to one year in a labour camp on charges of criminal defamation.
- 1 October 2003 to Deputy Foreign Minister Vladimir Chizhov and to Interior Minister Boris Gryzlov about Russian journalist Olga Kitova of the regional newspaper *Belgorodskaya Pravda*.

Slovak Republic

Interventions

- 24 April 2002 to the Minister of Foreign Affairs H.E. Eduard Kukan expressing concern over criminal charges against Denisa Havrlova for “insulting” a public official.

Tajikistan

Visits

- 16-17 December 2002, OSCE Round Table on Media Legislation.

Interventions

- 25 June 2002 to Foreign Minister Nazarov expressing appreciation that all criminal charges against Atovulloev had been dropped, and that he should also be able to return and continue journalistic work.
- 17 July 2002 to Foreign Minister Nazarov on the fact that the only independent radio station in Dushanbe *Asia+* did not receive a licence.
- 28 January 2003 to Foreign Minister Nazarov forwarding recommendations from the December conference on media laws and encouraging starting the amendment process.
- 17 April 2003 to Foreign Minister Nazarov on the problems that TV/radio *Jahon* has had with its broadcast licence since 2001.
- 15 May 2003 to Foreign Minister Nazarov on the blocking of *Charogi Ruz*'s newly-launched website.

Turkmenistan

Interventions

- 29 April 2002 to Foreign Minister Meredov on the confiscation of the print-run of Moscow-based newspaper *Komsomolskaya Pravda* because of an article criticizing conditions in Turkmenistan. Access to the newspaper's website has been blocked. Since early 2002 other websites have been blocked as well (*Vremya Novostei*, *Yevraziya*, *TsentrAziya*, *Deutsche Welle*, *Erkin Turkmenistan*, *Gundogar*).
- 27 May 2002 to Foreign Minister Meredov requesting draft laws on media which are in preparation and offering assistance in bringing them in line with international commitments.

Uzbekistan

Visits

- 26-27 September 2002, *Fourth Central Asian Media Conference*, Tashkent.

Interventions

- 16 October 2002 to Foreign Minister Kamilov on a Kyrgyz journalist who was beaten up by Uzbek border guards when returning from the *Fourth Central Asian Media Conference*.
- 19 November 2002 to Foreign Minister Kamilov urging reconsideration of accreditation refusal to Igor Rotar, the Central Asia correspondent of *Keston News Service*.
- 27 February 2003 to Foreign Minister Kamilov requesting more information about four journalists:
 - Opposition journalist Ergash Bobojanov was arrested on 17 February and charged with criminal defamation, revealing state secrets and making death threats.
 - Gayrat Mehliboev, a reporter on religious issues for the newspapers *Khuriyat* and *Mokhiyat*, was sentenced on 18 February 2003 to seven years in prison for supporting the banned Hizb-ut-Tahrir Islamic group and thereby undermining the constitutional order.
 - Tokhtomurad Toshev, the editor-in-chief of the newspaper *Adolat* was arrested in his office on 20 February on unspecified charges.
 - Oleg Sarapulov, an independent Internet journalist, was detained on 22 February. A criminal investigation has been opened against him for the alleged support of Hizb-ut-Tahrir and the overthrow of the constitutional structure.
- 3 June 2003 to Foreign Minister Safayev on Mr. Ruslan Sharipov, Mr. Azamat Mamankulov and Mr. Oleg Sarapulov, all independent journalists, who have been arrested and charged for homosexual acts.
- 1 September 2003 to Foreign Minister Safayev on Mr. Ruslan Sharipov who was sentenced to 5 years in prison, and urging investigation into alleged threats and mistreatment in prison and the attack against his public defender.

**The Office participated in the following OSCE
and other international meetings and conferences:**

OSCE meetings:

- Human Dimension Implementation Meeting, Warsaw 9-20 September 2002
- Heads of Missions' Meeting, Vienna, 14 January 2003
- First Annual Security Review Conference, 24-25 June 2003
- Human Dimension Implementation Meeting, Warsaw 6-16 October 2003
- Regional Heads of Missions Meeting, Bishkek, 15-16 September 2003
- Human Dimension Implementation Meeting, Warsaw 6-17 October 2003

Other international meetings and conferences:

- *Security of Journalists in War Zones*, seminar, Center for Journalism in Extreme Situations of the Russian Union of Journalists, Moscow, 12-14 February 2002
- Committee on Human Rights and Humanitarian Aid, Deutscher Bundestag, Berlin, 22 February 2002
- *Media, Conflict and Terrorism*, DSE conference, Petersburg/Königswinter, 8 May 2002
- Public Debate on Press Freedom, Rome Journalist Association (Foreign Correspondents Platform), 16 May 2002
- Frankfurt Bookfair, Frankfurt a.M., 9-14 October 2002
- Hearing of EP Committee on Culture, European Parliament, Brussels, 12 November 2002
- *Medienmacht und Demokratie*, conference, Die Grünen/Europäische Freie Allianz, European Parliament, Brussels, 13 Nov. 2002
- *Media Challenges in Central Asia*, conference, *Radio Free Europe/Radio Liberty*, Prague, 11-12 April 2003
- *Building Media Freedom: The Spiegel Affair – An Example from Germany*, Moscow, 15 September 2003
- OSCE Cluster of Competence Annual Meeting, Graduate Institute of International Studies, Geneva, 19-20 Sept. 2003
- Frankfurt Bookfair, Frankfurt a.M., 8-13 October 2003
- *2nd Frankfurt Days on Media Law: Comparing Theory and Practice of Media Law in Central and Eastern Europe*, Foreign Media Investments in Eastern and Southeastern Europe, Danger or Opportunity for Freedom of the Press? Frankfurt a. Oder, 23-24 October 2003

Media NGOs in the OSCE Region

Note: This is a list of NGOs with which we have established contact or whose materials have proven useful to our work during the past years. However, this is not an exhaustive list of all those NGOs which are doing valuable work on freedom of media issues in the OSCE region.

For more information about the NGOs on the list please check the database of media NGOs on the website of the OSCE Representative on Freedom of the Media: **<http://www.osce.org/fom/ngo>**

Accuracy in Media (AIM)
Alternativna Informativna Mreza (AIM)
American Society of Newspaper Editors (ASNE)
Amnesty International (AI)
Andrei Sakharov Foundation (ASF)
Article 19
Association of Independent Electronic Media (ANEM)
Association of Journalists (Gazeteciler Cemiyeti)
Azerbaijan Journalists Confederation (AJK)
Balkanmedia Association
Belorussian Association of Journalists (BAJ)
Canadian Civil Liberties Association (CCLA)
Canadian Journalists for Free Expression (CJFE)
Center for Journalism in Extreme Situations of the
Russian Union of Journalists (CJES)
Central Asian and Southern Caucasus Freedom
of Expression Network (CASC Fen)
Committee to Protect Journalists (CPJ)
Commonwealth Press Union (CPU)
Cyber-Rights and Cyber-Liberties (UK) (cyber-rights.org)
Czech Helsinki Committee
Derechos Human Rights
Electronic Frontier Canada (EFC)
Electronic Frontier Finland (EFFI)
European Alliance of Press Agencies (EAPA)
European Ethnic Broadcasting Association (EEBA)
European Institute for the Media (EIM)
Fairness & Accuracy in Reporting (FAIR)
Feminists for Free Expression (FFE)
Freedom Forum
Freedom House
Glasnost Defence Foundation (GDF)
Global Internet Liberty Campaign (GILC)
Greek Helsinki Monitor (GHM)
Human Rights Centre of Azerbaijan (HRCA)
Human Rights Watch (HRW)

Independent Journalism Centre, Moldova (IJC)
Index on Censorship
International Centre for Journalists (ICFJ)
International Consortium of Investigative Journalists (ICIJ)
International Federation for Information and Documentation (FID)
International Federation of the Periodical Press (IFPP)
International Foundation for Protection of Freedom of Speech
“ADIL SOZ”
International Freedom of Expression eXchange (IFEX)
International League for Human Rights (ILHR)
International Press Institute (IPI)
Internews International
IREX – Media Development Division (IREX)
Journalist Safety Service (JSS)
Journalists’ Legal Environment Centre ERINA
Journalists’ Trade Union (JuHI)
Kuhi Nor
Media Centre Belgrade
Medienhilfe
National Freedom of Information Coalition (NFOIC)
Norwegian Forum for Freedom of Expression (NFFE)
Norwegian People’s Aid Media Office in Belgrade (NPA)
Open Society Institute Network Media Program
Soros Foundation (OSI/NMP)
Press Now
Progressive Journalists Association (Cagdas Gazeteciler dernegi)
Reporters sans frontières (RSF)
RUH Azerbaijani Committee for Protection of Journalists (RUH)
Statewatch
The International Federation of Journalists (IFJ)
The Reporters Committee for Freedom of the Press (RCFP)
Turkish Press Council (Basyn Konseyi)
Women Journalists Association of Azerbaijan
World Association of Community Radio Broadcasters (AMARC)
World Association of Newspapers (WAN)
World Press Freedom Committee (WPFC)

Books Published by The OSCE Representative on Freedom of the Media

Yearbooks

Freedom and Responsibility. Yearbook 1998/1999. Vienna 1999

Freedom and Responsibility. Yearbook 1999/2000. Vienna 2000 (also in Russian)

Freedom and Responsibility. Yearbook 2000/2001. Vienna 2001

Freedom and Responsibility. Yearbook 2001/2002. Vienna 2002 (also in Russian)

Freedom and Responsibility. Yearbook 2002/2003. Vienna 2003

In Defence of the Future

Verteidigung der Zukunft. Suche im verminten Gelände. Freimut Duve und Nenad Popovic (Hg.), (Wien-Bozen: Folio Verlag, 1999)

In Defence of the Future. Searching in the Minefield. Freimut Duve and Nenad Popovic (eds.), (Vienna-Bolzano: Folio, 2000)

Kaukasus – Verteidigung der Zukunft. 24 Autoren auf der Suche nach Frieden. Freimut Duve und Heidi Tagliavini (Hg.), (Wien-Bozen: Folio Verlag, 2001)

Caucasus – Defence of the Future: Twenty-four Writers in Search of Peace. Freimut Duve und Heidi Tagliavini (eds.), (Vienna-Bolzano: Folio, 2001)

Zashchita budushego. Kavkaz v poinskah mira. Pod redaktsiei Fraimuta Duve i Haidi Tal' iavini (Moscow: Glagol Publishing House, 2000)

Reports / Miscellaneous

Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo.

International Assistance to Media. Mark Thompson (Vienna, 2000)

U obranu Nase Buducnosti. Freimut Duve (urednik), (Zagreb: Durieux, 2001)

Freedom of Expression, Free Flow of Information, Freedom of Media. CSCE/OSCE Main provisions 1975-2001 (English/Russian), (Vienna, n.d.)

Freedom of the Media in Belarus. Public Workshop with Belarusian Journalists Vienna, 31 May 2001 (English/Russian), (Vienna, 2001)

Ya shimau voinu... Shkola vizhivaniya, Yuri Romanov, Prava Cheloveka (Moscow, 2001)

From Quill to Cursor: Freedom of the Media in the Digital Era. Papers from the Workshop on Freedom of the Media and the Internet, Vienna, 30 November 2002 (Vienna, 2003)

The Spiegel Affair (Moscow: Glagol Publishing House, 2003) (only in Russian)

Spreading the Word on the Internet. 16 Answers to 4 Questions. Reflections on Freedom of the Media and the Internet, Amsterdam Conference, June 2003. Christiane Hardy and Christian Möller (eds.), (Vienna, 2003)

Media in Multilingual Societies: Freedom and Responsibility. Ana Karlsreiter (ed.), (also in Serbian and soon in Albanian, Hungarian and Romani) (Vienna, 2003)

The Impact of Media Concentration on Professional Journalism. Johannes von Dohnanyi and Christian Möller (Vienna, 2003)

Central Asia

Mass Media in Central Asia: Present and Future. Second Regional Conference, Dushanbe 14-15 November 2000, Vienna 2001

Vtoraya regionalnaya konferentsiya "Sredstva massovoi informatsii Zetralnoi Azii: nastoyashee i budushee" Predstavitel OBSE po voprosam svobodi sredstv massovoi informatsii i muissiya OBSE v Tadjikistane, Dushanbe, 14-15 November 2000

Media Freedom in Times of Anti-Terrorist Conflict. Third Central Asian Media Conference, Almaty, 10-11 December 2001 (English/Russian), (Vienna, 2002)

The Media Situation in Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan. Five Country Reports (English/Russian), (Vienna, 2002)

Freedom of the Media and Corruption. Fourth Central Asian Media Conference, Tashkent, 26-27 September 2002, (English/Russian), (Vienna, 2003)

Central Asia - In Defence of the Future. Media in Multicultural and Multilingual Societies. Fifth Central Asian Media Conference, Bishkek 2003, (also in Russian), (Vienna, 2003).

mobile.culture.container

In Defence of our Future. Odrbrana nase buducnosti. Verteidigung unserer Zukunft, n.d.

Verteidigung unserer Zukunft.mobile.culture.container 2001. Freimut Duve, Achim Koch (Hg.), (Vienna, 2002)

Balkan – die Jugend nach dem Krieg. Verteidigung unserer Zukunft. Das Projekt mobile.culture.container. (Wien-Bozen: Folio, 2002)

In Defence of our Future. mobile.culture.container Mitrovicë/a. September/October 2002 (Mitrovicë/a, 2002)

We Are Defending Our Future. mobile.culture.container 2001-2003. Freimut Duve and Achim Koch (eds.), (Vienna, 2003)

Authors

Johannes von Dohnanyi – a German-American journalist who, for more than 25 years, has been working as a foreign and war correspondent for various newspapers, magazines and TV broadcasters. Von Dohnanyi was born in 1952 in New Haven, Conn./USA. Upon finishing his university degrees in Economics and Political Sciences he was posted in Italy, South East Asia, the Balkans and Brussels.

Milo Dor – born in Budapest, the son of a Serbian doctor. He spent his youth in Belgrade, where in 1942, after the occupation of Belgrade, he was arrested as a Resistance fighter, tortured and finally deported to Vienna. He stayed on in Vienna after the war, and became active as a writer, publisher and journalist. His publications include numerous novels, novellas, anthologies (*Shots from Sarajevo*, *The Raikov Saga*) and translations of Serbian poetry. Since the disintegration of the Socialist Federal Republic of Yugoslavia, Dor has published the collection of essays, *Farewell, Yugoslavia* (1993) and released the anthology, *To Err is Human and Patriotic: Serbian Aphorisms from the War* (1994), in which he focuses on the cruelties of the civil war, and propounds a message of peace and humanity. Milo Dor has been the recipient of numerous literary prizes.

Freimut Duve – a German politician, human rights activist, writer and journalist was elected the OSCE Representative on Freedom of the Media by the OSCE Ministerial Council in December 1997. Duve was born in 1936 in Würzburg and received his education in Modern History, Sociology, Political Science and English Literature at the University of Hamburg. He worked as an editor at the Rowohlt publishing house and was a Social Democratic member of the Bundestag (German Parliament) from 1980 to 1998, representing his city, Hamburg.

Jacqueline Godany – a freelance photojournalist and writer living and working in Vienna. She is editor of the illustrated book *Sintflut*, Czernin Verlag, 2003, and is one of the authors of *Wollen täten's schon dürfen*, Deuticke Verlag, 2003, published by Hans-Peter Martin. She has been working for the news agency *Reuters*, the *Austrian Press Agency* and various magazines and newspapers. She has been monitoring the changes in the working conditions for journalists for about two years.

Christiane Hardy – studied in the USA and at the University of Heidelberg, Germany. She was a publisher at Van Gennep and Querido's publishing in Amsterdam. She joined the Office of the Representative on Freedom of the Media as a senior adviser in 2002.

Jaap de Hoop Scheffer – Minister of Foreign Affairs of the Netherlands and Chairman-in-Office of the OSCE 2003. From January 2004 he will be Secretary General of NATO.

Alexander Ivanko – a former Russian journalist who worked for the daily *Izvestia*, a leading Moscow newspaper, from 1984 to 1994. From 1994 to 1998 he was posted as the United Nations Spokesman in Bosnia and Herzegovina. He joined the Office of the OSCE Representative on Freedom of the Media as an adviser in October 1998.

Andrey Kalikh – programme manager at the Center for the Development of Democracy and Human Rights in Moscow. He studied Political History and Economics at Perm University. From 1995 to 2001 Kalikh was programme manager at the human rights foundation Memorial in the Ural NGO support centre in Perm. In 2002 he was project manager at the German-Russian Exchange Society in Berlin. From 2002 to 2003 he was an intern in the Office of the OSCE Representative on Freedom of the Media.

Ana Karlsreiter – holds a Ph.D. in Political Sciences, History of South and South-East Europe and Slavic Philology from Ludwig-Maximilians-University, Munich Germany. She is currently a research officer at the Office of the OSCE Representative on Freedom of the Media.

Hans J. Kleinsteuber – professor of Political Science/Comparative Government and Journalism at Hamburg University since 1982. He is head of the Research Centre for Media and Politics at the Institute for Political Science. Prof. Kleinsteuber is a member of the group "Cyberdemocracy" in COST A 14/EU and curator of the association <politik-digital.de/europa-digital.de>. His recent publications include: *Information Superhighway in the US* (1996); *Information Highway in Hamburg* (1997); and *Recent Trends in US-Media* (2001).

Achim Koch – was a teacher, stage manager and designer, and a commercial and technical director of international dance and theatre festivals. He was executive director of the Defence of our Future fund that organized the mobile.culture.container project until July 2003.

Christian Möller – a project assistant in the Office of the OSCE Representative on Freedom of the Media. Before that he had worked from 1999 for the *Unabhängige Landesanstalt für das Rundfunkwesen* (ULR) in Kiel, one of Germany’s federal media authorities. He holds an M.A. in Media Studies, German Language and Public Law from Christian Albrechts University, Kiel and is currently working on his doctoral thesis on the effects of technical innovation on freedom of expression on the Internet.

Felipe Rodriquez – founded XS4ALL in 1993, and acted as its CEO until 1997. He also founded the Dutch ISP association in 1995, and acted as its chair until 1997. He has been at the centre of the legal debate over censorship and Internet service provider issues in Europe and the world. He currently works as a board member for a number of companies and organizations.

Karin Spaink – a freelance writer who has published eight books and hundreds of articles and newspaper columns. Her main subjects are information technology, politics, health, and language. She is on the board of various freedom of speech and civil liberties organizations. Some of her work can be found at <http://www.spaink.net>. Spaink was an external adviser for the OSCE Representative on Freedom of the Media on Internet matters in 2002-2003.

Hanna Vuokko – a human rights and international law expert with postgraduate degrees from universities in Finland and the USA. She has worked as the Human Dimension Officer at the OSCE Mission to Ukraine in Crimea and taught human rights and humanitarian law at Åbo Akademi University in Finland. She joined the Office of the Representative on Freedom of the Media in July 1999.

Jutta Wolke – a senior diplomat in the German Foreign Service. She studied in Münster (Germany), Bristol (England), Williamsburg, Virginia (USA), Bologna (Italy) and Washington D.C. and has an M.A.I.A (Arts and International Affairs) from the Johns Hopkins University’s Paul Nitze School of Advanced International Studies. She joined the Office of the OSCE Representative on Freedom of the Media in August 2001.

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