



United States Mission to the OSCE
Response to the Russian Federation
Regarding U.S. Department of Defense
Law of War Manual

As delivered by Ambassador Daniel B. Baer
to the Permanent Council, Vienna
September 10, 2015

Unfortunately, it was only this morning that the Russian delegation told us that it intended to raise concerns with the U.S. Department of Defense Law of War Manual. We received a copy of their statement as the Permanent Council began, so I'd like to reserve the right to return to this issue at a later time.

However, colleagues won't be surprised that I take issue with the factual basis of some of what our distinguished Russian colleague has just raised. But for colleagues that are interested in the issue, Reporters Without Borders has released a letter that they have written to the Secretary of Defense last month. The New York Times and the Denver Post, among other U.S. newspapers, have had opinion pieces and editorials on this topic, and I would refer you to those for a sense of some of the discussion that is ongoing.

Again, while reserving the right of reply, I want to make four brief points today.

First, a primary purpose of the Department of Defense's Law of War Manual is to help ensure the U.S. military's adherence to international law.

Second, the U.S. strongly supports press freedoms and the vital work that journalists perform. Freedom of the press is part of our constitution, and for most Americans it is an essential bedrock of our political and our civic identity. While we certainly continue to strive for constant improvement and the building of a more perfect union, the United States' reputation as a champion of freedom of expression and press freedom, domestically and internationally, is well-established.

Third, the Department of Defense is engaging with media personnel to try to understand the different concerns that have been expressed, and to clarify misunderstandings. For my part, I commit to seek a meeting with Representative on Freedom of the Media (RFoM), Dunja Mijatović, to discuss the issue and to seek her views.

Finally, fourth, we welcome more generally the work of the OSCE Office of the Representative on Freedom of the Media to draw attention to the fact that safety of journalists should be a concern for all participating States, and that journalists are especially vulnerable in times of conflict. And we welcome the Chairmanship's leadership on this issue by circulating a draft Ministerial Decision on the safety of journalists, and we look forward to further discussions and the eventual adoption of a decision on this topic.

Thank you, Mr. Chair.