

Original: ENGLISH



United States Mission to the OSCE

Response to the Report of OSCE Representative on Freedom of the Media Dunja Mijatovic

As delivered by Ambassador Ian Kelly
to the Permanent Council, Vienna
November 29, 2012

The United States once again welcomes OSCE Special Representative on Freedom of the Media Dunja Mijatovic to the Permanent Council and thanks her for her thorough report. Representative Mijatovic, we wish to express our continued appreciation to you and your office for your vital work in monitoring the performance of OSCE participating States in meeting our commitments to protect media freedom and the safety of journalists, and for the advice and assistance you provide when our performance falls short of these commitments.

Your latest report comes at a very important time for the organization as we prepare for the upcoming Ministerial Council meeting in Dublin. Two important draft decisions that pertain to the media are currently under consideration. We look forward to agreement in Dublin on both the Irish Chairmanship's decision strengthening freedom of the media, as well as the draft Declaration on Fundamental Freedoms in the Digital Age, which currently has 46 co-sponsors.

Representative Mijatovic, we are heartened by the level of trust and contact you have been able to establish with officials and media representatives in some OSCE participating States with significant issues pertaining to the media. Your increasing contact with the governments of Azerbaijan, Kazakhstan, the Russian Federation, Turkey and Turkmenistan, among others, is already paying dividends in raising awareness of individual cases and of the importance of media freedom to democratic, accountable systems of government. We hope the governments of these participating States will follow up with actions to address the issues detailed in your report, and to release all journalists imprisoned for doing their jobs and bloggers detained for exercising their basic right to freedom of expression.

The United States is deeply concerned about the treatment in Azerbaijan of Talysh-language newspaper editor Hilal Mammadov, whose arrest on the dubious combination of narcotics possession and treason charges raises questions of politically motivated prosecution, and of media activist Zaur Qurbanli, who was detained in Baku on September 28 and held for two days without access to a lawyer or to his family. He was later sentenced to 15 days in jail for "resisting police orders," and his workplace was searched by authorities and opposition pamphlets seized. This incident follows at least two similar incidents in the past few years involving social media activists.

In Belarus, independent journalists continue to be routinely subjected to harassment, intimidation, violence, and detention by authorities for their professional activities,

particularly their coverage of the efforts of democratic activists and anti-government protests. The September 19 incident cited in your report, in which international wire service reporters covering a protest rally in Minsk were physically assaulted, detained for two hours without charge, and had their video and photo images erased, is both disturbing and unfortunately emblematic of media conditions in Belarus. We renew our call upon the government of Belarus to cease harassment of those exercising their right to free expression, and to cooperate with the Office of the Representative on Freedom of the Media. A good first step would be for Belarus to accept Representative Mijatovic's offer to host a training seminar for law enforcement personnel who come into contact with the media in protest situations.

In Kazakhstan, we note with concern the November 21 petition by the office of the Almaty Chief Prosecutor asking the courts to ban at least 30 media outlets including newspapers, television stations and Internet sites suspected of "extremism." This kind of blanket accusation is an unacceptably vague reason for taking a step with such a significant impact on media freedom in Kazakhstan and beyond.

We are also concerned about reports that journalists in Tajikistan attempting to cover the fire that destroyed the Korvon market in Dushanbe on September 5 were assaulted by police and security personnel and prevented from taking pictures of the event. We echo Representative Mijatovic's call for a thorough investigation and actions to prosecute those responsible for the abuses. We are also concerned by the government's efforts to block domestic access to certain websites, including the blockage of Facebook for the second time this year. We believe the right of individuals to express their views freely is universal, whether exercised in a public square or on the internet. We urge the government of Tajikistan to respect and protect the freedom of expression and the free flow of information.

The United States shares your concern over the possible effect on media freedom of the Russian law "On the Protection of Children from Information Harmful to their Health and Development," which creates a national registry of websites containing allegedly harmful or "extremist" content, and allows authorities to close them down without a court order. We are further concerned by pending legislation in the Duma that would require media receiving 50% of their funding from abroad to register as "foreign agents." Those concerns are also shared by human rights organizations and press freedom groups.

The United States applauds your efforts to urge the governments of OSCE participating States to decriminalize defamation. We concur that the threat of criminal prosecution and disproportionate fines can have a chilling effect on media freedom and interfere with the media's essential role as a watchdog for accountability among government officials and other leaders.

Your report mentions criminal defamation cases or defamation suits initiated by government officials in Bosnia and Herzegovina, Hungary, Italy, Kazakhstan, Moldova, Poland, Serbia, and Spain, a diverse group of nations demonstrating the breadth of the problem and the importance of further action in this area. Macedonia has recently decriminalized defamation and Azerbaijan is considering doing so, which would be a welcome step toward improving the media freedom climate in that country. We regret that the Russian Federation re-criminalized defamation in July, only months after decriminalizing it. We commend the parliament of Ukraine for deciding against doing

so. We urge participating States that have not decriminalized defamation to consult with Representative Mijatovic's office on this important aspect of media freedom.

Representative Mijatovic, we are glad to support your series of media conferences and other training events. We look forward to the Internet Freedom Conference planned by your office for February 2013, and intend to facilitate the participation of U.S. experts. The United States maintains that the best means of guaranteeing the free and open Internet necessary for advancing democracy and economic growth is for governments largely to leave it alone, except in rare cases.

Once again, we thank for your comprehensive report and look forward to supporting your office as you continue to engage with us to improve the environment for freedom of expression, journalist safety, and the exchange of information throughout the region.

Thank you, Mr. Chairman.