



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Freimut Duve

Report to the Permanent Council

Vienna, 5 April 2001

Mr. Chairman, Ladies and Gentlemen,

This is my first quarterly report this year covering our main activities since December 2000.

And as in the past two years in spring, I am pleased to present to you at the same time our annual report, the Yearbook 2000/2001, which is in front of you.

On our activities since the end of 2000:

Over the past four months, we have been looking into the public discussion on public service broadcasting in Central and Eastern Europe. The debate regarding Czech TV and the conflict over Bulgarian National Radio have shown that the question: who controls the public media and which organs appoint the regulative and supervising bodies is becoming of major importance to the public. In both cases I approached the Governments stressing the need to resolve the situation in line with OSCE commitments. I am glad that in the case of Czech TV the conflict was solved in a democratic and forward-looking way. In Bulgaria, journalists' protest against the appointment of a new Executive Director of Bulgarian National Radio continues and has recently led to police action against striking journalists and dismissals.

The discussion on the role of public service broadcasting has also spread to Hungary, Serbia and other countries. The topic deserves further attention. Therefore, we intend to organise a meeting on the transformation of public media in Central and Eastern Europe later this year.

On 21-26 January, I visited Tbilisi, Georgia, as well as Moscow and St. Petersburg in the Russian Federation, accompanied by the former OSCE Personal Representative to the OSCE Chairperson-in-Office for the Caucasus, Ambassador Heidi Tagliavini. The main purpose of the visit was the presentation of the OSCE Freedom of Media book, *The Caucasus: In Defence of the Future*, published in November 2000 in three languages: Russian, English and German. This volume, the second in the *In Defence of the Future* series, is a collection of essays and articles by twenty-six well-known Caucasian and Russian authors devoted to the theme of the present-day situation in the Caucasus and the search for possible ways of resolving the conflicts. In both Russia and Georgia, Ambassador Tagliavini and myself found keen interest in this unique volume, a cultural premiere which for the first time invited writers from cultures and peoples in the Caucasus to contribute to a book on the future of their region. The book has received positive critical comment in both Russia and Western Europe and was already reprinted. We have also sent copies to selected OSCE Missions and to libraries and educational institutions in Russia.

During my January trip to Russia I presented an overview on the work of my Office for the past year at a press conference at the Moscow State University School of Journalism before a group of Russian journalists, foreign correspondents, students and faculty of the School. I also had a cordial meeting with the Deputy Minister of Education and discussed that Ministry's proposed program against racism and hate speech. The Deputy Minister and I discussed several ideas for future co-operation. I have recently sent a letter to the Government following up to these meetings.

In St Petersburg, I participated in a round-table on freedom of media at the Union of Journalists, which was well attended by a large number of leading journalists from the St

Petersburg City and Leningrad regional press corps. I underscored my great respect for the accomplishments of Russian journalists over the past decade, and was pleased to see that there is considerable interest in continuing co-operation on media freedom issues, including a series of seminars for journalists of the north-west region proposed by the Russian journalists for the fall of this year.

In late February Anna Politkovskaya, a reporter for Novaya Gazeta, was detained by Russian troops at one of the checkpoints in Chechnya. I intervened with the Russian Foreign Minister, and my Office contacted Mr. Makeev from the Office of the Assistant to the Russian President about her prompt release. She was released soon afterwards and I thank the Russian authorities for their assistance in resolving this matter. However, with great concern I learned of the alleged mistreatment of Anna Politkovskaya by officers from the 119 Paratrooper Regiment who seemed to be informed that she was a bona fide journalist. According to media reports she had been physically and mentally tormented for hours, even threatened with summary execution. Her story was widely re-printed throughout Europe.

On 31 March, thousands of people gathered in Moscow to voice their concerns regarding the future of free media in Russia. This rally, organised by the Union of Journalists, showed a sense of urgency in tackling the dangers to freedom of expression that may have been emerging recently. Of major concern is the status of NTV, Russia's only non-government controlled national television channel. Without going into all the legalistic and financial aspects of the current dispute, I would like to stress that from our point of view, it is imperative that the editorial independence of NTV will continue to be ensured. As all of you have seen, NTV has been taken over in a bid by state-controlled Gazprom-Media, which immediately appointed a new board of directors and dismissed the current editor-in-chief Evgeniy Kiselev.

I have been following with great interest the media situation in Georgia. This year the "Current Media Situation in Georgia" is our special country report. It was distributed to you on 16 March and it appears also in our Yearbook.

As a new member of the Council of Europe, Azerbaijan has some specific tasks it must do in the next two years to improve its media situation, and there is a great deal to accomplish in a short period of time. In recent months, I have been very concerned to learn about great difficulties that the independent television broadcasters of Azerbaijan have had in obtaining broadcasting licenses and that by early February this year, about 50 percent of the independent broadcasters in the regions were forced to turn off their transmitters or else face criminal charges. In two letters sent in February to the Foreign Minister of Azerbaijan I raised my concern regarding the closure of two TV stations and asked for clarification of several cases in which journalists were assaulted, beaten or deprived of their identification document. I understand that the Azerbaijan Foreign Ministry is preparing a reply to my inquiries. Given the media situation in Azerbaijan and my desire to assist the country in meeting its Council of Europe tasks in the area of media freedom, I have decided to send one of my Senior Advisers to Baku toward the end of May for an assessment visit.

The media situation in Belarus continues to deteriorate, and this concerns me greatly. In January I issued the first bulletin Belarus and Freedom of the Media in order to draw attention to the media situation in that country in light of the upcoming presidential elections. On 1 January the only Minsk private TV station Channel 8 was taken off the air and its frequency was taken over by the city government-run company STV. Independent newspapers both in Minsk and in the regions are under constant pressure. There are cases of structural censorship such as the case of Brest-based independent newspaper Svobodnaya zona (Free Zone) and Mogilyov-based independent newspaper De-Fakto. Specifically I would like to underscore a case of censorship which occurred during the 18 March parliamentary by-elections' campaign, in which one of candidates was forced to remove some critical remarks from his five-minute televised address to voters in order to be allowed to appear on Belarus State Television. My Office also continued to monitor closely the negative developments around the publishing house Magic, which prints a number of independent newspapers. In January one of Magic's two printing presses was sealed off by the tax authorities following a decision of the Supreme Economic Court. The situation further worsened earlier this month as Magic lost the other printing press after

the printing press owner unilaterally cancelled the lease contract. I am also very concerned about Presidential Decree # 8, which may completely restrict any kind of foreign assistance for the struggling independent media.

At the end of April, I shall travel to Minsk at the invitation of the Belarusian Foreign Ministry and of the OSCE Advisory and Monitoring Group (AMG) to meet with government officials, journalists, and NGOs for an exchange of views on the subject of media freedom in Belarus especially during this presidential election year.

My Office has continued to look into the media situation in Ukraine. On 8 February I issued a written report to the OSCE Permanent Council on the Gongadze case based on our assessment visit to Kiev. Like others, we have recommended that the Government undertake a new and more transparent effort to investigate the case possibly including independent national and foreign experts. I understand that an FBI team is planning to visit Ukraine. We hope that results of the investigation into the Gongadze case will be soon available.

I am also looking at projects that could be implemented in Ukraine along the lines of our well-known recommendations of December 1999, on which the Government had agreed, as well as of most recent needs. At the end of March, the OSCE Project Co-ordinator suggested to me a number of such projects including the review of media legislation currently under consideration at Parliament, enhancing public awareness of European standards, assistance to improve public information. We have informed the Government of these proposals as well as of pledges for funding of two projects. We believe that they can be implemented within the next six months together with the OSCE Project Coordinator and the Council of Europe. As to the Ukrainian Government's request for assistance in training journalists, we have informed them about such possibilities with major NGOs active in this field.

This year my Office has started organizing and providing legal expertise for the OSCE Missions with the new funds received in the 2001 budget. On 8 February 2001, I have addressed a letter to all OSCE Missions and Offices asking for their needs and proposals in this respect. We have so far received a number of requests for legal advice. Following a request from the OSCE Centre in Kazakhstan, we contracted a legal expert on the draft media law in Kazakhstan in February. This first legal review compares the draft legislation with the OSCE media commitments and other international media obligations and standards and gives suggestions on "best practice" examples from other OSCE participating States. However, the media law was nevertheless passed by the Lower House of Parliament in March, including many of the problematic issues discussed in the legal review.

I share some of the concerns expressed at the 12-13 March OSCE Human Dimension meeting on Freedom of Expression, on what appears to be a worsening media situation in Kyrgyzstan. I have received information that self-censorship is becoming more prevalent, as well as the use of criminal libel laws and other bureaucratic means to harass and pressure the independent media, including the Asaba and Res Publika newspapers and the Osh regional television station. I regret these unfortunate trends in a Central Asian country which once showed great promise in the area of media freedom, and I shall continue to voice these concerns with the Government of Kyrgyzstan.

By the way, the English version of the proceedings of our second regional conference on media in Central Asia of November 2000 published by the OSCE Mission to Tajikistan and my Office is also distributed to you today.

On 10 March 2001 Vitaliy Khaytov, the chief executive of the leading Russian-language daily Estonia and the weekly Vesti Nedelya Plus, was murdered in Tallinn. I sent a letter to Foreign Minister of Estonia to add my voice to the appeals made to the Estonian Government to ensure a thorough investigation. The Ministry has promptly replied confirming their interest in bringing to justice the perpetrators of this crime.

Recent changes in the Federal Republic of Yugoslavia have substantially eased the media situation and allowed journalists to freely report on developments in their country without the threat of harassment looming over their heads. The newly established OSCE Mission

in FRY has a media mandate that my Office helped develop. In our view, the focus of the OSCE Mission should be on electronic media, since there is a need for a coherent and politically non-biased policy in the field of licensing. The Federal Ministry of Telecommunications is working on this matter and I once again urge the OSCE participating States to second to the Mission as soon as possible a qualified frequency manager to ensure the adherence of the new regulations to established international practice.

In February, my Office, together with the OSCE Mission in Croatia and the Council of Europe, held a regional conference on Free Media in Southeast Europe: the Protection of Journalists and Their Role in Reconciliation, Promoting Interethnic Peace and Preventing Conflicts in Zagreb. This conference took place in the framework of the Stability Pact. We brought together journalists and media experts from the whole region to discuss several themes, including covering corruption and war crimes. As a result, a number of recommendations have been made to governments, governmental and non-governmental organisations, and to the media. The recommendations include, inter alia, the need to promote tolerance and understanding through the media and the need to monitor and combat cases of "hate speech".

All of us have been watching with great concern the situation in the former Yugoslav Republic of Macedonia. On 27 March I issued a public statement where I noted that the media in the country showed commendable restraint in reporting and editorialising on the military developments around Tetovo. Daily newspapers demonstrated very little bravado and underlined the need for a "speeded-up political process" to deal with the concerns of ethnic Albanians. This is welcome news and I will continue monitoring the situation. On the other hand, this conflict has led to another death of a journalist-on 29 March Kerem Lawton, a reporter working for Associated Press Television News, was killed by mortar fire on the Kosovo side of the border. The same day a civilian car, carrying two AFP correspondents and clearly marked as TV was shot at. Thankfully, nobody was hurt. This once again proves that the issue of protection of journalists in conflict areas is still very relevant and my Office will continue working on this topic.

In December last year I organised a Round Table on Corruption and Journalists at Charles University in Prague to start an informed debate on this important topic. Investigative journalists and academics from Western, Central and Eastern Europe met to compare their experiences in combating corruption. They discussed effective methods of investigation as well as forms of pressure aimed at hindering journalists from disclosing cases of corruption. The participants agreed that such meeting should continue in the future. I also plan to focus on the safety of journalists combating corruption as well as to co-ordinate my activities in this field with other OSCE institutions and missions.

In mid March my Office took actively part in the Supplementary Human Dimension Meeting on freedom of expression and media. We were pleased with the many new ideas and constructive proposals that came out of the Supplementary Meeting. Many participants stressed the need for a comprehensive OSCE approach to a number of issues. Our Office shares, in particular, the interest expressed in the relationship between minorities, access to information and free media. In the past, we had already contacted the Office of the High Commissioner on National Minorities on specific cases, and we are now prepared to look into the whole scope of these issues together with our colleagues in The Hague and to prepare a meeting later this year. The Commissioner of the Council of the Baltic Sea States, Ms. Helle Degn, would be also prepared to join us in this effort.

Many suggestions coming out of the Supplementary Human Dimension Meeting were related to project work and the need also for our Office to undertake more projects. We will carefully consider the proposals and the best ways to respond to them. As a first step, on 16 March, we have turned to the Heads of OSCE Missions and Offices to identify the scope of existing media projects.

Apart from participating in the Meeting itself, we took advantage of the occasion of having so many media organisations present in Vienna and organised a very useful meeting with the NGOs.

A few words on our planned activities for the upcoming months:

As mentioned, our Office wants to focus on media and minority issues in conjunction with other institutions with a view to organizing a meeting later this year, and we shall continue to pay attention to the situation of public broadcasting in Central and Eastern Europe as a structural issue.

We shall also focus our attention on ways and means to increase our - already existing - project activities, as suggested by many delegations at the Supplementary Human Dimension Meeting. We certainly consider projects - in a broader sense - to be part of the assistance we can provide on media issues: they may include the elaboration of recommendations and expertise on media issues as well as the support of relevant activities in a given situation. While appreciating the interest expressed by many delegations who wish to see us more involved in such activities, we need to stress, on the other hand, that such project work demands considerable resources - staff resources as well as financial resources. We are planning to respond to you further on this before the summer and would welcome your comments and suggestions.

A note on a major project we have initiated within the framework of Stability Pact in Southeast Europe: the mobile.culture.container. This travelling gymnasium will be on the road this summer-starting in Tuzla and then travelling throughout the Balkan region for the next two years. The containers are currently being built in Vienna. We are grateful for their contributions, but more funds will be needed to keep the mobile.culture.container going for two years.