



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Regular Report to the Permanent Council

Introduction

During the reporting period, the free exercise of journalism continued to face several forms of intimidation. Of course, violence against media, criminalisation of critical journalism, extra-journalistic criminal charges against independent journalists, and exorbitant, in fact crushing fines seem to represent dangers of a very different nature facing media today. But they share the common effect of inducing fear and self-censorship, which keep journalists away from holding a critical mirror to society and government.

The effect of these intimidations is so imposing that only the bravest and most devoted journalists dare to resist them, at the detriment of their own safety and that of their business. The result is a radically diminishing number of independent voices.

In the past months, I visited three participating States where journalists are most exposed to such intimidations.

In **Russia** and **Kyrgyzstan**, the numbers of brutal and even murderous attacks on journalists have been the highest in the OSCE region. In Moscow and Bishkek, I urged my governmental interlocutors to publicly acknowledge the censorial, and at the same time anti-democratic, effects of such crimes. A “crime as usual-approach” will not suffice to fight violence against journalists. Only by recognizing the gravity of the challenge to freedom will such acts no longer enjoy practical impunity and will instead allow for the trust of the “penned class” to be restored in law and order. Only then will OSCE commitments that guarantee a fearless and free public discussion be complied with.

In **Azerbaijan**, the number of journalists imprisoned on different counts has again risen to the highest in the OSCE area, despite repeated yearly pardonings of those incarcerated. In Baku, I met high officials who are perfectly aware of the need to decriminalise critical journalism. An opportunity has opened now, as last week the Majlis (Parliament) has finally tabled a draft bill initiated by civil society, to drop “crimes” of defamation or insult, and relegate them to the civil-law domain.

But extra-journalistic criminalisation of individual journalists must also be halted. Dangerous methods of intimidation are highlighted by the fate of the video-bloggers Milli and Hajizade, who are now on trial for “hooliganism” instead of the provocateurs who attacked them in the first place. Similarly spurious are the “cases” of convicted editors Fatullayev and Zahidov whom I visited in prison. Law enforcement should be firmly instructed to stop framing critical journalists.

Finally, let me mention a still strong, if not growing, method of intimidation of journalists in a seemingly “lawful” and “non-criminal” way. In a number of high-profile cases in the OSCE area, public figures in high positions have pursued compensation for “moral damages” suffered from critical journalism. These cases prove the universality of the danger to freedom of discussion posed by a blind protection for personality rights, which is not balanced with a due legal protection of public criticism.

Let me direct your attention to such cases in **Italy**, where Prime Minister Silvio Berlusconi is asking for millions of euros in moral damages from two dailies over articles published in July and August. While these cases are still pending and may well be refused by the courts, I have asked the Prime Minister to drop those charges in support of the standard that public officials have to tolerate a higher threshold of criticism than private citizens.

In **Kazakhstan**, two of the country’s few opposition papers have effectively been annihilated by civil-law court decisions. The anti-media stance of those verdicts was accentuated by the immediate freezing of all assets of these papers. *Taszhargan* was obliged to pay 30 million tenge (approximately 160,000 euros), for describing the agricultural policies of a Parliamentarian with unfavourable adjectives. *Respublika - delovoye obozrenie* was obliged to pay approximately 280,000 euros. The paper’s production was immediately halted and the printing house where it was produced was shut down. The fines were imposed over critical articles about a bank, the crisis of which was divulged unabatedly in the economy sections of the global press.

In the **Russian Federation**, on 6 October, a first-instance court has substantially reduced the amount of the compensation that Ramzan Kadyrov, the president of the Chechen Republic, had originally asked for in damages to his “honor and dignity”. Even the seemingly low amount of 70,000 rubles (1,600 euros) that the *Memorial* human rights center and its chairperson, Oleg Orlov, recipient of this year’s Sakharov Prize for Freedom of Thought, have to pay is still a punishment for exercising his basic right. In July 2009, Orlov publicly pointed to Kadyrov’s political responsibility for the abduction and assassination of Memorial worker Natalya Estemirova (and for other similar tragedies). This court ruling demonstrates the need for a reform of laws and practice, so that they protect, rather than hinder the expression of critical opinions on political leaders.

Please note the update on the new, criminal proceedings against Oleg Orlov, in the section: *Issues raised with the Participating States*.

One could further cite misuse of civil-law defamation in the OSCE region. In **Montenegro**, over the last years, public figures have demanded about 12 million euros in compensation for defamation and emotional pain from three publications - the dailies Dan, Vijesti and the weekly Monitor. Although in most cases the courts did award smaller amounts of damages than asked for, the laws, and, consequently, the political habit continues to pose a threat to the media's functioning. In **Slovakia**, the Chairman of the Supreme Court Stefan Harabin, Prime

Minister Robert Fico, and leaders of government parties, Vladimir Meciar and Jan Slota, have been awarded tens of thousand of euros, and some of these dignitaries have pressed several defamation charges.

I therefore ask the participating States to adhere to the standards that balance the protection of personality rights with the protection of press freedoms. Our Office stands ready to assist when called upon. Intimidation of journalists has to cede in all its shapes and forms.

Issues Raised with the Participating States

Armenia

My Office is monitoring the court proceedings against Nikol Pashinian, the editor-in-chief of the opposition *Haykakan Zhamanak (Armenian Times)* newspaper. Pashinian, whose trial began on 20 October in Yerevan, is accused of provoking “mass riots” and “defying representatives of the state authority” in the immediate aftermath of the February 2008 presidential election. The charges brought against Pashinian carry a jail sentence of four to ten years.

Azerbaijan

On 14 July, I wrote to the authorities to express my concern about two cases of persecution of critically-minded media workers in Azerbaijan, stemming from questionable criminal charges. In the first case, on 10 July, Emin Abdullayev (Milli), an *ANTV Online TV* blogger and coordinator of the youth organization *Alumni Network*, along with Adnan Hajizade, a video blogger, were sent to a two-month pre-trial detention based on charges of hooliganism. The second case is that of Mahal Ismayiloglu, a columnist with *Yeni Musavat* newspaper and former editor-in-chief of *Khalg* newspaper. On 1 July, the journalist received a two-year suspended sentence. He was found guilty of violent behaviour towards the maid of his neighbour, who is a senior Interior Ministry official.

On 10 September, in Baku, after studying the case of the bloggers, I expressed hope that they would be released soon. Their case demonstrates that law enforcement officials have not yet given up forging accusations against critical media workers. Milli and Hajizade were attacked and injured by provocateurs during their video-team’s meeting. Nevertheless, following their complaint to the police about the incident, it was them that were arrested for hooliganism.

I visited the imprisoned journalists Eynulla Fatullayev and Ganimat Zahidov. This was my second prison visit of the country’s two well known independent editors who are serving 8,5 and 4-year prison sentences, on invented charges such as “defamation of honor of a village”, and “hooliganism”.

On 12 October, I wrote to the authorities of Azerbaijan to express my concern over two new criminal defamation trials in Azerbaijan, in which five journalists had been convicted, two of which were imprisoned. The targeted journalists are Sardar Alibayli, Faramaz Allahverdiyev and Ramiz Tagiyev of *Nota* newspaper, and Zahid Azamat and Natig Mukhtarly of *Fanat.az*

website. As a result of these convictions, the number of imprisoned journalists has reached five persons, the largest number in the OSCE region.

On 13 October, a draft “Law of the Republic of Azerbaijan on Defamation” was introduced into Parliament. I hope that it will decriminalize speech offenses. I also hope that the law enforcement authorities will be forbidden from criminalizing journalism based on “extra-journalistic” charges.

As I stressed in meetings with officials during my September visit in Baku, for the sake of improving pluralism, BBC, Radio Free Europe and Voice of America should be allowed to resume broadcasting on FM waves. Also, several restrictive amendments to media legislation that have been recently passed should be reversed.

See also the section on visits.

Italy

On 18 September, I appealed to Prime Minister Berlusconi to drop two civil libel lawsuits amounting to three million euros that he had initiated against journalists of the dailies *La Repubblica* and *L’Unità* over their continued posting of questions and a series of stories related to the Prime Minister's conduct. I reminded him that the European Court of Human Rights had held on numerous occasions that public officials should tolerate a higher level of criticism than ordinary citizens and that the public’s right to know inevitably includes the media’s right to pose questions which are in the public interest.

On 22 September, the Italian Delegation to the OSCE Parliamentary Assembly assured me that there exists a high degree of freedom and pluralism in Italy, and that the judiciary would handle the case impartially and independently of any outside influence.

Kazakhstan

I was disappointed to learn that **on 10 July 2009**, President Nazarbaev signed the Law “On Amendments to Some Legislative Acts of the Republic of Kazakhstan concerning Information and Communication Networks”. My Office and I personally have put extensive effort into preventing the adoption of this restrictive piece of legislation, which contradicts OSCE media commitments, and comes at a sensitive time when similar legislation is considered in other participating States. I view the adoption of this law as a backwards step in the process of democratisation of Kazakhstan’s media governance.

On 11 August, I wrote to the Kazakh authorities to express my disappointment over the three-year imprisonment sentence handed down to Ramazan Yesergepov, the editor of *Alma-Ata Info*, on 8 August 2009. In a trial held behind closed doors, Mr. Yesergepov was sentenced for disclosing internal documents of the Kazakh National Security Committee (KNB) in an article published in *Alma-Ata Info* on 21 November that criticized KNB actions against a company. Criminalising civilians or journalists for breach of secrecy deprives the public of important information, and leaves investigative journalism without an important tool: the revealing of possible wrongdoings of the authorities. Sanctions for breaches of secrecy may only be applied against officials whose duty it is to protect the confidentiality of

information. Media workers acting in the public interest must be exempt from such charges. The law and the procedure must provide for a public-interest defence. I was disappointed to learn that on 22 October a higher Kazakh court upheld the original three-year jail sentence for the journalist.

On 21 August, I was disappointed to learn that the Supreme Court of Kazakhstan upheld the ruling of the Almaty city court, to pay compensation amounting to 30 million tenge (appr. 160,000 euros) to Romin Madinov, a member of the Kazakhstan Parliament. The newspaper *Taszhargan* had been sued by Madinov after the newspaper published an article critical of Madinov's role in agricultural policies.

On 22 September, I criticized the actions of the authorities against one of Kazakhstan's few independent newspapers. The authorities seized all copies of the independent weekly *Respublika - delovoye obozrenie*, a newspaper often subjected to legal harassment in the past, and froze the paper's accounts ahead of its appeal in a defamation case. The 18 September confiscation occurred just before the deadline for appealing against the ruling of the Medeu district court. Its original decision of 9 September held that the owner of the newspaper, the publisher, and the editor-in-chief must pay 280,000 euros in compensation for "moral damages". The article in question covered the state's involvement in the rescuing of BTA bank and triggered a public debate on the future of the bank. On 15 September, before the seizure of the paper by the authorities, I wrote to Foreign Minister, Kanat Saudabayev, to protest the Medeu court decision against *Respublika*.

Kometa S, the only printing house that had agreed to publish the newly registered successor of *Respublika*, was also shut down following a raid by the financial police and tax authorities.

Kyrgyzstan

On 14 July, I wrote to the Kyrgyz authorities about the death of Almaz Tashiev, a 32-year old freelance journalist from the Osh province. Mr Tashiev died on 12 July from injuries he suffered after a physical attack by several police officers on 4 July in Jangy Bazar, Nookat district, Osh province.

I was informed by Foreign Minister Sarbaev **on 24 August**, and by officials during my visit in Bishkek in October, that the authorities launched an investigation and arrested the perpetrators of this crime. They were identified as officials from the Nookat district police department, the very authority that is mandated to ensure the safety of citizens.

Regrettably, as I mentioned earlier in my reports to the Permanent Council, Kyrgyzstan's journalists have recently endured an upsurge of brutal attacks. This is the sixth physical assault against a media worker this year. I call for resolute action to ensure safety of journalists by the highest authorities of the Kyrgyz Republic. Swift and thorough investigations into all cases of violent attacks against media workers should be conducted to restore an intimidation-free atmosphere for public discourse.

On 16 July, I received a response from the Kyrgyz authorities to my inquiry concerning cases of violence against journalists. The authorities informed me that official investigations were launched in three cases. In the case of the murder of Alisher Saipov, there are several leads being investigated by the police. Concerning the attempted murder on 3 March of

Syrdak Abdylgaev, a journalist with the newspaper *Reporter-Bishkek*, the investigation is ongoing. With regard to the robbery of two employees of the newspaper *Moskovskiy Komsomolets*, the investigation established that the crime was not related to the professional activities of the journalists.

On 14 August, the above-mentioned Syrgak Abdylgaev left Kyrgyzstan. On 3 March, the journalist was stabbed and beaten by four unidentified men. Those responsible for the attack were not apprehended, and the journalist was reportedly threatened with further intimidation, which subsequently made him leave the country.

The former Yugoslav Republic of Macedonia

On 19 October 2009, I sent a letter to Minister of Justice, Mihajlo Manevski, commenting on the amendments to the “Law on Free Access to Information of Public Character”. I commended the initiative of the Ministry to limit access to draft documents possessed by public bodies, according to international standards. At the same time, I disagreed with the proposal not to empower the Commission for the Protection of Free Access to Information with the ability to impose sanctions on information holders for failure to release information. I believe that the Commission’s decisions may become a good and quick alternative to court verdicts. I invite the Government to use my Office’s capacity to prepare a legal review of the proposed law.

Lithuania

On 3 September 2009, I sent a letter to Arūnas Valinskas, Speaker of the Lithuanian Parliament, and Vygaudas Ušackas, Minister of Foreign Affairs of Lithuania, expressing my concern about the amendments to the “Law on the Protection of Minors against Detrimental Effect of Public Information” adopted on 14 July.

The amendments introduced dubious, vague, and even discriminatory media content regulations that could be arbitrarily applied against media. For example, they outlawed public speech "agitating for homosexual, bisexual and polygamous relations" as well as "portrayal of physical or psychological violence", "promoting bad eating, sanitary and physical passivity habits" and "portraying mockery of a person".

During my **21 October** meeting with the Lithuanian Minister of Foreign Affairs, Vygaudas Ušackas, I was informed of new amendments to the Law introduced to Parliament. These amendments remove discriminatory elements from the text, but some provisions still remain vague and unnecessarily restrictive. For example, Art. 4/11 outlaws any type of public speech in which a person or a group of persons are mocked on several grounds, including their “origin, social status, language, religion, beliefs or views, or other similar grounds”. Satirical speech is outspokenly protected by the case law of the European Court of Human Rights.

I hope that Lithuania will further improve the law before it enters into force in March 2010.

Montenegro

On 6 August 2009, I joined the OSCE Mission to Montenegro in expressing concern over an alleged attack on 5 August against the deputy editor-in-chief of the daily *Vijesti*, Mihailo Jovic, and photographer Boris Pejovic by the Mayor of Podgorica and his son.

On 16 September, I commended the Montenegrin authorities for having initiated amendments to the “Law on Electronic Communication”, clarifying the role and function of the country’s broadcast regulator. This welcome move comes one year after the adoption of the law, which initially did not specify the broadcast licensing procedure nor the competences of the broadcast regulator. That omission has halted the licensing process.

Additionally, I advised the authorities to use the reform process to specify the appointment procedure of the tender commission in charge of allocating broadcast licenses. I cautioned that a further delay in tendering licenses might stop viable companies from entering the market, thus damaging media pluralism, which is an important OSCE commitment.

Poland

On 10 July, I wrote to President Lech Kaczynski and asked that he send the media law awaiting his signature to the Constitutional Court for review. I emphasized that the law failed to guarantee minimum financing from the state budget to balance the abolishment of the license fee. The amount would have had to be negotiated each year, which carries the danger of politicizing budget allocations. I also warned that the 35 local public-service broadcasting companies envisaged in the law could fragment and weaken the public-service branch, and lead to further commercialization of public media.

The President chose to veto the law, and in September, the Sejm accepted the objections. I look forward to the new drafting process of the law, and I offer my Office’s expertise in bringing the new version in line with standards about the financial independence of public-service broadcasting.

Russian Federation

On 12 August, I wrote to Russian Foreign Minister, Sergey Lavrov, in connection with the murder of Daghestani journalist Abdulmalik Akhmedilov, the deputy editor of the *Hakikat* newspaper, in Makhachkala on 11 August. I again asked Russian authorities to publicly acknowledge that violence against journalists and human rights activists in the Russian Federation has reached levels no longer tolerable, and to present an action plan to the public that would put an end to this human rights crisis. In the response that I received on **21 September**, I was assured that the Russian government is equally concerned by this situation.

On 16 September, I wrote the authorities to express my concern over the physical attack against Mikhail Afanasyev, the editor-in-chief of the Abakan-based *Novy Fokus* online newspaper. One month prior to the attack, a criminal investigation of defamation charges had been opened against Afanasyev over a blog entry that questioned the efficiency of rescue works following the Sayano-Shushensk dam accident. I am pleased to report that a few days ago the Abakan prosecutor’s office decided to drop the charges against Afanasyev.

In that same letter to Ambassador Azimov, I drew the attention of the Russian authorities to the recent circulation in Makhachkala (Daghestan) of death lists containing the names of several prominent journalists. As of today, the authors of those death lists have not been identified.

On 5 October, I wrote a letter to Russian Foreign Minister Sergei Lavrov to request that an end be put to the intimidation campaign launched by the pro-government Nashy youth movement against independent journalist Aleksandr Podrabinek. The campaign was launched in retaliation for an article Podrabinek wrote for the *Yezhednevny Zhurnal* online newspaper on Soviet history. Nashy demands that Podrabinek apologizes for his article, or be deported from Russia. In addition, the youth movement has filed lawsuits against a number of media outlets (*Ekho Moskvy*, *REN TV*, *Novaya Gazeta*, *polit.ru*) for alleged bias in their reporting on the Podrabinek case.

On 28 October, while still monitoring the civil-law case against Memorial chairperson Oleg Orlov, I had to protest in a letter to Minister Lavrov about the additional criminal proceedings which started the day before against Orlov. An earlier Ministry of Interior decision had rejected President Kadyrov's criminal suit regarding Orlov's critical remarks. Orlov spoke about Kadyrov's political responsibility for the climate of fear that was conducive to cases like Estemirova's. The prosecution overruled the previous decision and allowed for a criminal case to be opened. I believe that statements like Orlov's are perfectly legitimate in a democracy and should be subject neither to civil-law nor to criminal-law sanctioning.

In addition, I am monitoring the trial of the Dagestan-based *Chernovik* weekly and that of Igor Averkiyev, the head of the Perm Civil Chamber. Both *Chernovik* and Averkiyev face criminal charges for "calls to extremism" based on the comments they made in 2008 criticizing law-enforcement agencies and state policies in the Northern Caucasus region.

Finally, I am closely following a Justice Ministry proposal to amend the existing Criminal Code in a way that would severely restrict access to information through the Internet.

For details on my visit to Moscow, see the section: *Visits and Participation in Events*.

Serbia

On 18 September, I wrote to President Boris Tadić regarding the 31 August adoption of the amendments to the Public Information Law. The amendments bear the risk of curtailing media freedom in Serbia by making media registration a mandatory precondition for establishing a media outlet. In the case of non-compliance, even when unintentional, the current law can determine disproportionately high pecuniary fines and even closure of the media outlet. As the President did sign the law that contained some positive elements, my Office offered to commission a legal review over the application of OSCE commitments and international standards of media freedom in a new set of amendments. In the meantime, we will monitor the application of the new registration regime.

Spain

On **25 September**, I wrote to Ambassador Marta Betanzos Roig to convey my concerns about the legal action initiated against deputy editor-in-chief of *El Mundo*, Antonio Rubio. A few days earlier, the Madrid Prosecutor's office had demanded that Rubio be sentenced to three years in jail and barred from practising journalism for three years on charges of "discovering and revealing state secrets." The charges stem from an article Rubio wrote in the aftermath of the 2004 Madrid bombings, in which he suggested that an informer had tipped Spanish authorities about the upcoming attacks more than one year before they took place. In my letter, I pointed to international standards and recommendations issued by our Office, which stipulate that in cases of press leaks criminal prohibitions should not apply to journalists, but only to officials whose duty it is to protect confidential information.

Turkey

On **15 September**, I wrote to Foreign Minister Ahmet Davutoglu to express concern over the unprecedented amount of fines imposed on the Dogan Media Group, known to hold critical views of the government. My call followed the 2,5 billion dollar fine imposed on the Dogan Media Group on 8 September for alleged tax irregularities. Already in February, the Group was fined 500 million dollars for alleged irregularities when selling shares to a German publishing company.

Were the holding to pay these fines, the Dogan Media Group claims that they would go bankrupt.

I asked the authorities to establish a practice where maintenance of media pluralism is a governmental obligation, fines imposed on media outlets are proportionate, and the amount does not endanger the functioning of the media outlet.

On **15 October**, I received Ambassador Yusuf Buluç's reply, reassuring me of the importance Turkey attaches to media freedom, but stressing that no judgment should be passed as long as the case is not finalized. I look forward to positive developments in this case in the near future.

Ukraine

On **9 October**, I wrote to the Ukrainian authorities to express my concern about the 29 September 2009 attack against cameraman Dmitry Dokunov and reporter Olesya Klintsova of the ATV news channel in Odessa. Several unidentified men attacked the journalists when they were filming a protest rally outside of a local court that was hearing a case against ATV. I hope that the investigation into the incident will identify the perpetrators and bring them to justice swiftly. I also hope that the investigation will pursue leads on the role of the police during the attack.

United Kingdom

On 16 July, I received an answer to my letter of 10 June 2009 from Minister of Justice Jack Straw assuring me that the amendments aiming at decriminalizing defamation had the Government's full support. The Minister wrote that he hoped that abolishing criminal defamation would send a powerful message to other participating States and would promote reform. I fully agree with his assessment.

The newly released amendment to the Coroners and Justice Bill will repeal the criminal offences of sedition and seditious libel, defamatory and obscene libel in England, Wales and Northern Ireland.

However, I am concerned that the offence of blasphemous libel in Northern Ireland will remain on the books. I call on Members of Parliament to introduce further amendments in advance of the 26 October debate on the bill.

Uzbekistan

On 4 August, I was alarmed by the extremely harsh court decision against the independent journalist Dilmurod Saiid in a closed trial on 30 July in the Toylok district court in Samarkand region. The independent journalist and human rights activist was sentenced to twelve and a half years in prison for alleged extortion and forgery of documents and seals. I asked the Government to request a thorough review of Saiid's case from relevant authorities, and to ensure a fair and public trial with access to legal representation for the defendant.

Unfortunately, **on 11 September**, the Samarkand city court upheld the decision. The journalist announced that he plans to appeal to the Samarkand regional court and to the Supreme Court, if need be.

On 19 October, I received a response from the Permanent Mission of the Republic of Uzbekistan to the OSCE providing information on Saiid's case. The letter states that the court verdict has not entered into legal force, as the case is currently being prepared for the Court of Appeals. According to medical expertise, Saiid suffers from tuberculosis.

I am monitoring the case of Salidzhon Abdurakhmanov, a former Radio Liberty correspondent from Karakalpakstan, who was arrested on 7 June 2008 and sentenced to 10 years in prison. The 59-year-old father of six children was charged with drug possession, which he denied. Drugs were allegedly found in his car when he departed for the Tashkent international media freedom conference that I also participated in. On 25 March 2009, the Supreme Court of Karakalpakstan upheld Abdurakhmanov's sentence. I hope for Abdurakhmanov's release in accordance with the amnesty, which is due at the end of the year.

Projects and activities since the last report

Legal reviews

My Office has commissioned legal reviews on the amendments to the Broadcasting Code of the Republic of Moldova as well as on the draft amendments to the Media Law of the Kyrgyz Republic. I hope to submit both documents to the relevant authorities shortly.

Central Asia Media Conference

On 15-16 October, with the help of OSCE field presences, my Office held the 11th Central Asia Media Conference in Bishkek, Kyrgyzstan. The event focused on the broad challenges to journalism, including journalistic education and improving standards of accurate and ethical journalism in the region. For the first time in many years, the conference brought together media professionals and education experts from all five Central Asian countries. Particularly the participation of **Turkmenistan**, which was not present at several of the last annual Central Asia Media Conferences, was very welcome.

In the declaration on journalism education in Central Asia adopted at the Conference, the participants stressed that media freedom and pluralism should be the core values of the ongoing reforms of academic and on-job training across the region.

The event was made possible by the extra-budgetary donations of participating States. **I would like to extend my special thanks to the donors of this year's conferences: Austria, Germany, Lithuania, Sweden, Switzerland and the United States**, for helping us continue this useful tradition.

See the declaration at http://www.osce.org/fom/item_1_40796.html

Training activities

On 8-9 September, my Office jointly with the OSCE Office in **Minsk**, and with the support of the Ministry of Information and the Ministry of Foreign Affairs of Belarus, organized a training seminar on promoting ethical journalism through **media self-regulation**. Close to fifty journalists and editors from state-owned and private media outlets participated in the two-day event.

Visits and participation in events

On 16 July, my Office participated in a consultation of the creation of means to promote respect for Article 10 ECHR in the framework of the Council of Europe in Strasbourg.

On 1 September, upon the invitation of the Swedish EU presidency, I participated at a meeting in Brussels of COHOM, the EU group responsible for shaping the Union's human rights policy. The meeting was dedicated to the protection of freedom of the media.

From **7-9 September**, I visited Azerbaijan where I presented the Azerbaijani edition of the *Media Self-regulation Guidebook*, published by my Office.

I visited in prison Eynulla Fatullayev and Ganimat Zahidov, Azerbaijan's two best known independent newspaper editors who are serving long prison terms on charges such as terrorism, tax evasion and hooliganism.

During my meetings with Ali Hasanov, the head of the Public and Political Issues Department of the Presidential Administration, Mahmud Mammad-Guliyevand, Deputy Foreign Minister, and Elmira Suleymanova, Commissioner for Human Rights, I criticized the continued imprisonment of media workers in Azerbaijan on trumped-up charges. I urged the authorities to release imprisoned journalists and publicly disclose information on the state of the investigation into the 2005 murder of investigative journalist Elmar Huseynov. I was encouraged to hear that the presidential administration shares my concerns about the bloggers' case. I remain hopeful that Emin Abdullayev (Milli) and Adnan Hajizade may be released soon. I also stressed that urgent improvement was needed regarding the ban imposed earlier this year on the BBC, Radio Free Europe and Voice of America for broadcasting on FM waves, which gravely diminishes pluralism, and also regarding the new media law amendments which gave the government extended rights to interfere with the press.

From 14-15 September, my Office took part in the 2nd European Dialogue on Internet Governance in Geneva, Switzerland. The event discussed, amongst other things, ways of sustaining a multi-stakeholder approach to internet governance, and served to prepare for the Internet Governance Forum to take place from 15-18 November in Sharm-El-Sheikh, Egypt.

On 22 September, I delivered a pre-recorded video address to the 14th International Journalism Festival that took place in the Black Sea resort of Dagomys, Russia. The six-day conference, organized by the Russian Union of Journalists, brought together some 1,500 journalists from Russia and other CIS countries. In my address, I paid tribute to the heroism of Russias journalists, and called upon Russian authorities to publicly acknowledge that the serial assassinations of journalists that have been taking place in recent years are a threat to democracy.

On 27 September and on 6 October, I participated at the Human Dimension Implementation Meeting in Warsaw, Poland. On 6 October, I chaired the special day on media freedom and discussed with NGOs and governments current challenges to media freedom. The discussions illuminated that harassment, detention, violence against journalists, the chilling effect of state prosecution of investigating media professionals, the excessive fines in defamation cases, as well as the use of extremism laws pose threats to freedom of the media in the OSCE area.

On 7-9 October, I visited Moscow where I met Deputy Foreign Minister Aleksandr Grushko, and the chair of the State Duma's Committee on Information Policy, Information Technologies, and Communications, Valery Komissarov.

During the talks, I offered the Russian authorities the cooperation of my Office to tackle media freedom problems. In addition to urgent measures needed to curb violence against journalists, possible areas of cooperation include: restoring pluralism on national television channels; the licensing of independent broadcasters; and the creation of a public service channel. Reviewing of legislation that reduces media or Internet freedom, such as anti-

extremism and defamation laws, and restrictive administrative rules constitutes additional fields where joint cooperation could be envisaged. Although I have not received an answer to my offer yet, I was assured that my proposals will be studied. I remain hopeful that the Russian authorities will engage in these fields.

During my visit to Moscow, I also met a number of media professionals and human rights defenders. Among them were Oleg Orlov, the chairperson of the Memorial human rights center, Lyudmila Alekseyeva, the chair of the Moscow Helsinki Group, Sergei Kovalyov, the president of the Human Rights Institute. Lev Ponomaryov, the leader of the For Human Rights movement, Tatyana Lokshina, the deputy director of the Human Rights Watch Russia office, and Aleksei Simonov, the president of the Glasnost Defense Foundation were other human rights defenders I had conversations with. I also met *Novaya Gazeta* editor-in-chief Dmitry Muratov and independent journalist Aleskandr Podrabinek, who at the time of my visit was the target of an unrelenting intimidation campaign by the pro-government Nashy youth movement, forcing Podrabinek to go into hiding.

On 15 and 16 October, I was happy to welcome participants from all the five Central Asian countries to our annual Central Asia Media Conference in Bishkek, Kyrgyzstan.

During the visit, I also met with Kyrgyz authorities, amongst them Ruslan Kazakbaev, Kyrgyz Deputy Foreign Minister; Tamara Obozova, Deputy Minister of Culture and Information; Oksana Malevanaya, the Head of the President's Secretariat; and former Foreign Minister and current Member of Parliament Roza Otunbayeva. We discussed issues related to media legislation, the security of media workers and threats to journalism.

From 15-16 October, my Office participated in a workshop on the role and potential of the media in building a new South East Europe, jointly organized by the OSCE Mission to Bosnia and Herzegovina and the Regional Cooperation Council in Sarajevo, Bosnia and Herzegovina.

On 19-20 October, my Office addressed the Expert Workshop on Public-Private Partnerships on Engaging Media in Countering Terrorism, organized by the OSCE's Action against Terrorism Unit.

Activities confirmed for the next reporting period

On 30 October, upon the invitation of the OSCE Chairmanship, I will participate at the OSCE Ambassadors' Retreat in Krems, Austria.

On 19-20 November, I will open the 6th South Caucasus Media Conference in Tbilisi, Georgia.

On 24 and 25 November, I will visit Chisinau, Moldova to discuss the draft of the new Broadcasting Code.

On 1 and 2 December, I will attend the Ministerial Council Meeting in Athens, Greece.

- **Defamation**

Within the next reporting period, my Office plans to update the 2005 survey "Libel and insult laws: a matrix on where we stand and what we would like to achieve". In pursue of this initiative, my Office will approach the delegations with a request to provide information on changes which have occurred since we last surveyed the participating States' in 2004 and 2005. I count on open co-operation of all the Governments in this mater.