



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

Report to the Permanent Council

Vienna, 30 March 2000

Madame Chairperson, Ladies and Gentlemen,

In my first quarterly report to the Permanent Council this year, I will cover our main activities since December 1999. And as last year, at the end of March, I would like to present to you again our Yearbook that covers our main themes and activities since February 1999.

But first of all, two remarks on current issues:

I am concerned about developments in Kyrgyzstan last week. One journalist of Res Publika newspaper was arrested for some days after covering a peaceful demonstration in Bishkek. Vash Advocat has seized publication as the tax inspection authorities have frozen its accounts. The state-owned distribution network has refused to distribute three newspapers. These developments are disturbing in the election context as all papers in question were involved in election coverage.

On Belarus: More than 30 journalists, both Belarusian and international were arrested during the opposition-staged demonstration in Minsk on 25 March. The police did not express the reason for detention. Some of the journalists have been illegally searched, some lost their film and other equipment, and none were permitted to inform relatives or employers about their detention. This type of action is totally unacceptable in an OSCE participating State and must be condemned in the strongest terms. It endangers, once more, the political and social dialogue in Belarus about elections in the course of this year. I have asked the Foreign Minister to ensure that the journalists remaining in custody should be immediately released.

Now on our work during the past four months:

We have continued not only to monitor the situation in the Federal Republic of Yugoslavia, but have also actively intervened in Belgrade and informed the OSCE member States again and again on our concern about the use and misuse of the Law on Public Information of 1998. When this law was adopted in 1998, we called it a declaration of war against journalists - a definition, which is true until today.

The media repression has not only be going on, but the Belgrade regime now seems to have started the final onslaught against those few independent media that continued to inform the public about the real situation in the country. This move is an attempt to cut off all independent sources of information in the run up to several elections scheduled in 2000.

(As to the details of Belgrade's action, I will not read them out here now to save time. You shall find them in the written form of my report.)

On 10 February, Serbian Deputy Prime Minister, Vojislav Seselj, accused journalists in the involvement in the murder of Pavle Bulatovic, Yugoslav Defence Minister. Seselj is a leading member of a Government, which claims to be democratically elected. He threatened independent journalists with types of revenge, which would also include physical attacks. To my knowledge, this extremism is the most radical public declaration of war by a member of Government against free journalists in a European country since 1945.

In line with this threat, Yugoslav Telecommunications Minister, Ivan Markovic, announced at the end of February that legal action would be taken against radio and television stations which have failed to meet their obligations to the State. The basis of this action is the Serbian Law on Public Information.

On 6 March, five men in police uniforms took transmission equipment from the Studio B and Radio B292 facility in Belgrade. Radio Boom 92 in Pozarevac was closed on 8 March under the pretext that it had been refused a frequency licence. Radio Tir and Nemanja TV in Cuprija were shut down by Federal telecommunications inspectors on 9 March. Police also seized in March the transmitter of the opposition-run Radio and Television Pozega. On 17 March, transmission equipment had been removed from Radio and Television Kraljevo.

Large fines were levied on independent media. For example, Vecernje Novosti was fined 150,000 Dinars on 24 February, Studio B was fined on 7 March 450,000 Dinars, Magazine Srpska - 450,000 Dinars on 10 March. Danas, a leading independent daily, was fined on several occasions. Among some of the more bizarre methods of repression, Belgrade trade inspectors ordered the dailies Blic and Glas Javnosti to reduce their cover prices by 25 percent. Blic informed its readers that because of this order, the newspaper has started making losses. Glas Javnosti saw this measure as destroying the newspaper through economic means.

In a move to protect one of the few independent broadcasters in Serbia, the Belgrade City Assembly, as the proprietor of Studio B, paid the Yugoslav Ministry of Telecommunications almost half a million German Deutschmarks in fees for "temporary frequency use."

Recently, Aidan White, the Secretary-General of the International Federation of Journalists, was refused a visa to visit Belgrade. The same happened to me in 1998. In other acts of intimidation, police in Bajina Basta prevented people from taking part in an official ceremony organised by the Committee for Defence of the Media established recently by Radio and Television Bajina Basta.

These are only some of the cases that I wanted to draw your attention to. The list of those suffering from harassment and intimidation by the Government in Belgrade is getting longer every day. We cannot allow this country in Europe to fall back into the worst days of totalitarianism when both the Federal and Serbian Information Ministers are quoted on national television calling independent journalists "traitors," "the worst kind of people," and "servants of the US State Department."

If we want the few remnants of democracy to survive in Serbia, we should immediately take action as an international organisation and through our bilateral relations with Belgrade to try to ease the pressure on the independent media. This includes support to those demonstrators who defend the independent media against State action. The war against them is on and the gloves are off.

Last week one of my Advisers took part in the Second Szeged Meeting on the Role of the Media and the Local Governments in the Implementation of the Stability Pact. This meeting was attended by dozens of representatives of independent media from Serbia. All of them are in dire straits; they urgently need financial and moral support. As one participant stressed, the current regime in Belgrade was out to destroy all independent voices that were still there.

On 16 and 17 March, I took part in a unique meeting in Montenegro dedicated to Truth, Responsibility and Reconciliation. As far as I know, this was a première on the Balkans. Writers, journalists and intellectuals mostly from Belgrade came together to discuss in public a theme which is essential for all future initiatives on peace and stability and democratic societies. About two years ago Veran Matic and others had started to look into this important issue, and he had asked me and others to provide reference texts, which were important to the debates in Germany after 1945. Public debates on truth, responsibility and reconciliation took place later in Chile and in South Africa. In Montenegro, the other day, I was impressed by the openness and the intellectual sincerity of the journalists from Belgrade in our discussions on such challenges and on the historic

examples of overcoming hate speech and feelings of revenge. I believe that these are essential for peace and cooperation in our OSCE region.

In early February, I visited Kosovo to address the conference on "Ten years of War and Conflict in the Balkans". The appalling practice of hate speech in the local Albanian-language media which I have mentioned has not yet vanished from the pages of newspapers and from the air waves. Nor has the radically one-sided media information the Serb citizens in the enclaves had been receiving. The Decree on Hate Speech issued by the UN Civilian Administrator is an important step, but has so far little impact. Local judges seem to be afraid to go against the KLA. On the positive side, I would like to commend the Mission for its outstanding work in establishing the delivery of two independent Belgrade dailies, Blic and Danas, to the Serbian enclaves in Kosovo. This is important, since for the first time in months people in the enclaves have access to other information rather than just to the mouthpieces of Slobodan Milosevic. This project is not cheap and currently the Mission only has enough money to continue the distribution until early June. I urge the OSCE Participating States to support this programme financially.

( We are pleased to announce that with the support of the OSCE Mission, the Children's books in Albanian are currently being distributed to schools in Kosovo).

As to the Russian Federation and to the military activity in Chechnya in particular, it has become clear that the repercussions of this conflict had their effects on the media. One case we all know very well - the plight of Andrei Babitsky, the Radio Liberty correspondent in Chechnya. My Office has intervened on his behalf in January, and I have appreciated the quick responses from the Russian Government to my interventions and, eventually, the release of Mr. Babitsky. Although free, he is still under criminal investigation on charges of allegedly "supporting an illegal armed group." I have asked the Russian Government to drop all charges against Babitsky for humanitarian reasons and to allow him, like all other journalists, to work freely.

I am concerned with the warning issued by the Russian Government this month, that journalists who quote Chechen rebel leaders will be liable for prosecution under anti-terrorist legislation. According to Russian media, the Press Ministry was closely watching about 50 media sources that have been suspected of extremist views and propaganda, the Press Minister's first deputy, Mikhail Seslavinsky, told the press. This statement was made on Tuesday, 14 February, after a session of the Presidential Commission for Confronting Political Extremism. Seslavinsky said that from now on interviews with Chechen terrorist leaders, on air or printed, would be regarded as a violation of the law called "On fighting with terrorism." Aslan Maskhadov and Shamil Basayev are among those who are not allowed to be interviewed (quoted from [www.lenta.ru](http://www.lenta.ru)). On 16 March, Izvestia printed a short interview given to Interfax by Sergei Sobyenin, Chairman of the Committee for Constitutional Legislation of the Federation Council, who stressed that this prohibition did not violate freedom of expression (Izvestia, 16 March, p. 3). Although similar legislation existed in the United Kingdom in the eighties (Section 31 of the Broadcasting Act), I do not believe that these regulations, although up to now not enforced, are helpful to a healthy public debate on issues of concern to the citizens of Russia. With regard to this particular challenge, I addressed the OSCE Parliamentary Assembly here in Vienna in January stressing the challenges all democracies face in times of their own participation in warfare.

In this context, I refer to a report issued by the Committee to Protect Journalists in New York on 16 March. This NGO stresses that "throughout the conflict, virtually all Russian media have demonised Chechens and highlighted Russian military successes. At the same time they have downplayed the destruction of villages and cities, the plight of refugees, and allegations of brutality and torture by Russian troops. Independent Russian journalists worry that with so many of their colleagues accepting the role of adjunct government flacks, the hard won freedoms of the post-Soviet era could be in jeopardy." There are notable exceptions to the rule, such as, for example, Novaya Gazeta, Noviy Izvestia, and, to a certain extent, Izvestia and Itogi magazine, but their voices, I am afraid, are lost among the many editions and programmes that cover the activities in Chechnya in a one-sided manner. I urge the Russian Government to support pluralism in all challenging situations like issues of national security and separatism, the traitor syndrome being used against journalists seems to be the most effective instrument. A look at Europe's history in the past century shows that the traitor syndrome is one of the most dangerous traps for a democratic country facing its problems.

My Office has also focused on media development and media freedom in Ukraine. One of the reasons for this intensive cooperation is the vital importance of this country to the further development of cultural and political co-operation in this part of Europe. We therefore took note of Foreign Minister Tarasyuk's comprehensive speech at the Permanent Council two weeks ago in which he briefly mentioned the human dimension and democratisation issues (not the media), when he said "Ukraine continues to demonstrate in its domestic policies adherence to democratic values and economic progress thus consolidating internal stability."

In early December 1999, my Office held a major roundtable on libel issues in Kiev in a fruitful co-operation with the Government of Ukraine, the Council of Europe and IREX/ProMedia. This roundtable was based on our assessment that the abuse of libel suits by politicians of all political groupings is a serious obstacle to free media and independent journalism. It was meant to lead to concrete conclusions and recommendations to the Government on how to address this problem. We have distributed these conclusions and recommendations here in Vienna (FOM.GAL/23/99 of 9 December) as well as in Ukraine. I have also submitted them to Foreign Minister Tarasyuk in a letter of 15 December 1999. We have asked the Government since then to follow up on our recommendations, but so far without any concrete answers. Earlier this month, we suggested to the Government to consider the implementation of these recommendations as an OSCE project in Ukraine. This has also been discussed with the OSCE Project Co-ordinator.

From this roundtable we concluded together with the Council of Europe that abuse of libel suits was basically not a problem of the existing laws, but a problem of proper application by the courts of domestic law in compliance with the European standards. The courts are unaware of the international law relevant to media, such as the case law provided by the European Court on Human Rights in Strasburg which for example, requires politicians and officials to be more tolerant about criticism by media than an ordinary person. In addition, there is still a lack of non-partisan rule of law and independence of the judiciary, which becomes quite obvious in a number of media cases.

Whereas on the positive side, we have to state that censorship was abolished in Ukraine, that the legal basis for media issues can be considered to be generally adequate in Ukraine, and that media pluralism exists to a certain extent, current practices of the executive at all levels still include arbitrary action against critical media. The role of free and independent media as a fourth power and counterpart of Government in a democracy has not yet gained ground in Ukraine. Therefore, efforts should be undertaken by the Government to enhance public awareness on relevant European standards of the OSCE and the Council of Europe. The Government should also ensure that the executive takes no arbitrary action against media. Furthermore, the Government and other public officials should provide greater access to information, as such transparency would improve the quality of media coverage on official activities.

The roundtable took place after the presidential elections and the forming of a new Government committed to undertake substantial internal reforms with a view to further integration into Euro-Transatlantic structures. Referring again to the Foreign Minister Tarasyuk's speech here two weeks ago, we cannot assess today, to which extent the Government of Ukraine is interested in directly addressing and improving media freedom.

Apart from the fact that we have not received any reply on our recommendations of December on the libel issue, there has been no progress either on a number of cases. One of them, the case of the Crimean newspaper Chernomorskaya Zarya has been mentioned already several times in the OSCE since March 1999. This newspaper has been faced with nearly 20 lawsuits as well as eviction attempts, resulting from its opposition to the local government. The newspaper has been forced to close down recently. Furthermore, the husband of the newspaper's Editor-in-Chief Irina Khrol, has recently been detained on alleged bribery charges. We have asked the Government of Ukraine several times to take prompt action in this case. Yesterday, we received a first reply on this matter which answers our questions partially. However, the Editor-in-Chief has asked us to help her seek political asylum because of the unbearable situation she has found herself in.

Last week, a major newspaper Silski Vesti appealed to me after being accused of failing to pay taxes, the freezing of its bank accounts and criminal charges being brought up against

the Chief Editor. The newspaper sees this action in context with critical coverage of the referendum. We have asked the Government to comment on this case.

A final word on our country report distributed earlier this month. We have taken note of the remarks of the delegation of Ukraine last week, both of the contents and of the rhetoric. Today, I have reacted to the general criticism of our report. Regarding all the concrete details, we provide a point by point answer in writing today.

I repeat: we would like to cooperate with the Government on a number of substantial and structural issues on the basis of its commitment to European values.

In February, my Office conducted another assessment visit to Albania. It seems that free media are now arguably the greatest accomplishment of the changes in post-communist Albania. Albanians can read or listen to the entire very pluralistic spectrum of news and opinion. As far as we could find out, at present no newspapers get closed down, and intimidation of journalists has diminished. But journalistically there is a serious problem: The downside of this media freedom is that the media in Albania is an arm of politics, and politics is everywhere, leading to the conclusion that Albania might well have one the most politicized media in Europe. Nearly every newspaper or electronic media outlet has its political affiliation, whether they are direct arms of the parties, or tools of owners who have their own inevitable political agenda.

We have made several specific suggestions to the Foreign Minister of Albania regarding the difficult transition of State Television to Public Television and the continuing need for equality and fairness in broadcasting in this new experiment of Public Television. Most notably, however, we look forward to seeing the Albanian media relinquish at least some of its political agenda and begin to concern itself with the serious journalistic tasks. We hope to work with Albanian media and NGOs to promote the concept of "Civic Journalism". To this end, my Office is in the process of arranging a seminar on Civic Journalism for the Albanian media, which I would hope to attend. Working closely with the OSCE Presence in Albania, we hope this conference might take place in the month of May.

I am getting to our agenda for the next months:

In the framework of the Stability Pact, we shall organize a regional meeting on the role of media in conflict prevention, and more specifically on the hate speech problem and lessons learnt over the past years in South East Europe. Our Office, the Council of Europe and the OSCE Mission to Bosnia will organize this meeting in late September in Bosnia.

In the near future, we shall publish the first report on the "Intergovernmental organisations and media reform in Slovenia, Croatia, Bosnia and Herzegovina, FYR of Macedonia and Kosovo." It was written by the British expert Mark Thompson. The European Commission to which I would like to express thanks mainly funded it.

Building on the success of last year's first Media Conference in Bishkek, my Office is working with the OSCE Mission in Dushanbe to arrange a second conference in the autumn of this year. We hope that this conference will be as successful as the first one and that it will help to institutionalize the concept of regional media co-operation in Central Asia.

Apart from hate speech and media freedom, the two other structural themes of my Office throughout this year will be the protection of journalists in wartime and conflict zones and the role and risks of journalists fighting corruption.

I have addressed these themes also in my reports to the Foreign Affairs Committees of the Irish and the German Parliament in Dublin and in Berlin. And I will do so next week in Washington where I have been invited to testify before the Helsinki Commission. Let me seize this opportunity to thank the Irish Government for its hospitality and its support during my visit end of February.

In conclusion, I would like to present to you our second Yearbook, which is in front of you.

The Yearbook will be available also in Russian in the course of this spring.