



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

Report to the Permanent Council

Vienna, 25 November 1999

Mr. Chairman, Ladies and Gentlemen,

Coming back from the Summit in Istanbul, I would like to underline that my Office is satisfied with the commitments in the Summit documents. In particular, I am referring to the positive commitment in the European Security Charter "to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information". This will be a good basis for our future work.

Another general comment: free media and responsible journalism are common requirements for any democracy throughout the OSCE area. James D. Wolfensohn, the President of the World Bank, said the other day: "A free press is not a luxury. A free press is at the absolute core of equitable development, because if you cannot enfranchise poor people, if they do not have a right to expression, if there is no searchlight on corruption and inequitable practices, you cannot build the public consensus needed to bring about change." Wolfensohn's point, and one I have repeatedly returned to over the past two years, is that we need a free press to fight corruption, that development is inevitably tied to the ability of a free press to expose issues. Freedom of expression is not only a fundamental human right in and of itself, but it has ramifications for economic development as well.

Freedom of expression and public debate are also essential for reconciliation in any post conflict situation, Turkey being no exception. I would like to mention here the case of the Turkish book titled *Mehmedin Kitabı*. The book contains interviews with soldiers who fought in the Southeast and was well received by the public. However, it was banned in June upon request from the Turkish Armed Forces. The editor, Nadire Mater, will go on trial tomorrow for "insulting the military" according to article 159 of the Turkish Penal Code and face 1 to 6 years in prison. I believe that this is not a right step in a process of reconciliation.

Let me now brief you on our main activities during the past three months since my last report.

In late October, my Office organised together with the OSCE Centre in Bishkek and the Union of Kyrgyz Journalists the first-ever regional conference on "The Media in Central Asia: the Present and the Future." The Government of Kyrgyzstan, which remains in the forefront in the region in its commitment to democracy and a free media, hosted the conference. I would like to express our great appreciation to the OSCE Chairman-in-Office and the Government of the United States for their generous contributions to the funding of this conference.

Nearly two hundred representatives from Kyrgyzstan, Kazakstan, Uzbekistan and Tajikistan attended the opening session, and nearly eighty of them participated actively in the whole conference held in Bishkek. We noted with regret however that the Government of Turkmenistan refused permission to allow a delegation to attend the conference.

The conference was a successful attempt to generate regional cooperation on freedom of the media issues and galvanize an exchange of views between like-minded journalists from the four Central Asian Republics represented. President Akaev confirmed to me in Istanbul that the conference helped in developing freedom of expression in the region and

commended our Office for a very productive cooperative effort. One of the results of the meeting was the signing of a document between the participating countries at the conference for an exchange of information among themselves, the precursor, perhaps, to a more formal news agency for Central Asia.

A major result was the commitment to hold such a conference on an annual basis at different sites in Central Asia. Seizing on the desire to institutionalize such meetings, Kazakstan media representatives have offered to host a similar conference next year. We hope that the government of Kazakstan will support this important project.

Another prominent issue was the favorable reception by all participants to this Office's initiative of a Media Fund for Central Asia. This fund, as I have noted previously, would enable my Office, in close collaboration with the OSCE Centres, to assist struggling independent media with small project grants of assistance for such elements as newsprint, paper, computers, and so forth.

Often the quick disbursement of several thousand dollars can make the difference between the survival of going out of business. Therefore, we ask the Permanent Council to give us the ability to work closely with the OSCE Centres in Central Asia to fund these valuable projects.

Let me finally inform you that the independent school newspapers which my Office has initiated in Tashkent and in Almaty after my visit to Central Asia in May have had a successful start. Liceum Life, an independent school magazine in Tashkent, and School Matters, a magazine of school no. 159 in Almaty, are now being published and newsprint will be provided also in the year 2000.

We have continued to monitor developments in the Federal Republic of Yugoslavia (FRY). Recently I wrote to the Contact Group raising my concerns with the never-ending campaign by the Belgrade regime against independent media. I have noted numerous cases where media were being subjected to harassment, which is in contradiction to the major political developments in Europe since the fall of the Berlin Wall the tenth anniversary of which we just celebrated.

Most of these actions were taken under the Serbian Law on Public Information. On 25 June, I appealed to all OSCE Foreign Ministers to bring about a repeal of this Law. The Law, which I once described as a "declaration of war" against independent journalists, is still in force. Now it is aggressively used against those who are trying to bring change to their country. I reiterate my call for us to join together to continue to highlight the necessity to bring about a repeal of this draconian Law.

I would also like to stress that no progress is being reported in the investigation, if there is one, into the 11 April murder of Slavko Curuvija, a leading independent editor.

In addition to this, my Office has received again complaints about the denial of visas to foreign journalists including, inter alia journalists from the ZDF and a delegation from the International Press Institute in Vienna. Such behaviour, which is not in line with basic Helsinki commitments, contributes to a climate of self-isolation. In the case of recent denials of visas, I have asked the UN Secretary General and some member-states of the OSCE to use their good offices in Belgrade in order to solve these problems.

Over the last weeks we saw two attacks against journalists in Republika Srpska. On 22 October, Zeljko Kopanja, the editor of the independent newspaper Nezavisne Novine, was seriously injured in a bomb attack and lost both legs. His newspaper recently published a series of articles on war crimes committed by Serbs against Bosniaks. On 3 November, journalist Mirko Srdic was attacked by Doboj mayor Mirko Stojcinovic. The attack followed the broadcast of a report by Srdic on local corruption. Both journalists are described by some politicians as "traitors." The "traitor syndrome" is the greatest danger to courageous and professional journalists.

The developments in the Balkans this year, but also in other OSCE regions, have confirmed our assessment that it will be necessary to look into ways and means to protect journalists in conflict areas.

After the murder of two journalists in Kosovo, on 14 June, I suggested that one of the ways to protect journalists would be by clearly identifying them as media professionals. A symbol could be developed that would act as a  $\text{C}\text{E}$ Sign of Protection<sup>1</sup> for journalists, just as the Red Cross signifies to the military a medical facility.

On 22 September my Office, together with the non-governmental organization Freedom Forum, held a round table in London on protection of journalists in conflict areas.

The debate ended up focusing on the broader aspects of protecting journalists.

Participants agreed that one of the ways to protect journalists was by ensuring that alleged killers would be brought to justice either through national courts or through an international one, along the lines of the International Criminal Tribunal in The Hague.

My Office will continue looking for new ways that could be utilized to ensure the safety and security of media professionals, and I plan to continue the debate we started in London. I would like to use this opportunity to announce that in the year 2000 my Office plans to invite OSCE Participating States to take part in this discussion. I hope that together we will be able to develop a joint OSCE approach in trying to solve this important problem. It is my view that more media organizations should follow the example of the BBC in organizing special courses for journalists travelling to conflict areas. These should be specific courses tailored to the needs of media professionals and not just an extension of similar courses held by the military. Here the OSCE as a regional organization can help. I would like to appeal once again to your governments: let's work on this together.

The current conflict in Russia has implications also on the work of journalists who try to cover it in Chechnya . My Office notes that in spite of severe difficulties, Russian and international journalists seem to be generally able to cover the military action as well as the humanitarian aspects of this conflict. It is very important also with regard to a political solution that a free flow of information is not impeded.

I have addressed Foreign Minister Ivanov on 4 November on a number of alleged cases of harassment of journalists covering the war in Chechnya. My Office received a prompt reply on 17 November. It stressed that all the cases dealt with "underground trips by journalists to the region." This highlights a dilemma: journalists will try to enter the area any way they can, eventually disregarding the formal requirements for such visits. Given the situation as it is now, I believe that formalities should not be the first priority of the Russian authorities, but rather the security of the journalists.

I am also aware that two journalists were killed in Chechnya: Supian Ependiyev, a correspondent with the newspaper Groznensky Rabochiy, and Ramzan Mezhdov, a freelance correspondent with the Moscow TV company TV Centre.

On a different matter: Alexander Nikitin, who was arrested in February 1996 for writing a report to the Norwegian environmental group Bellona on the Russian fleet in the Arctic Sea, is once again facing charges in a St. Petersburg Court for espionage and divulging information on state secrets. I hope that this issue will be resolved soon and in favour of freedom of expression.

The presidential elections in Ukraine are over now. As to the media situation, preliminary statements from ODIHR on the period of the election campaign seem to confirm some of our fundamental concerns on freedom of the media, which I have addressed here earlier.

One major problem with regard to ensuring freedom of media in Ukraine and elsewhere, is the widespread abuse of libel cases against media. For example, the independent weekly Zerkalo Nedeli has been sued for over 1.5 Million USD, the opposition daily Den is being sued for libel by Government officials and, in addition, harassed by numerous tax inspections.

Therefore, my Office together with the Council of Europe and with IREX/ProMedia will hold a round table on free media and libel legislation in Ukraine, in Kiev, on 2-3

December. It will be attended by representatives from all the three branches of the government of Ukraine, by journalists, and by local and international experts including those from the Council of Europe. The objective of this meeting is to discuss the libel issue and to develop concrete recommendations on ways to bring this situation into compliance with OSCE commitments and European standards. We have taken into account the Government's basic commitment to undertake reforms with respect to adhering to European standards and, in particular, earlier initiatives of the Government, the Supreme Court and Parliament for improvement on the libel cases. The timing of this round table after the presidential elections should add to a productive debate and operational conclusions, which will be made known to you in due course.

The Istanbul Summit declaration stressed the necessity of removing all remaining obstacles to a real political dialogue between the Government and the opposition in Belarus including also respect for rule of law and freedom of the media. My Office welcomes the beginning of a dialogue between Government and opposition in Minsk under the auspices of the OSCE Advisory and Monitoring Group which has led in early November to the renewal of licenses revoked earlier under the Press Law as well as to a promising first agreement on the access of opposition to state controlled media.

However we learned in Istanbul that this agreement on access to state media is again threatened by President Lukashenko's apparently negative attitude towards the opening of the state media to the opposition. The opposition, on the other hand, views this agreement as a conciliatory ploy by the Government prior to the summit. I have therefore urged those involved in the political dialogue and in particular the Government to pursue this issue in an open and public debate instead of hindering the process, which has just started.

As you know, my Office has outlined our concerns on the abuse of libel laws, on the de facto censorship through warnings according to the Press Law, and on a number of presidential decrees in the PC here as well as in Minsk. We hope that the beginning of a political dialogue will also contribute to solving some of the structural problems of media freedom in Belarus and we are ready to provide the appropriate support. In this regard, upon a request of the Foreign Minister of Belarus in August, we have already made available to the Government a number of model laws and other relevant expertise on the transformation of state media into public media and on the existing legal framework in Belarus.

Let me now conclude my report by two announcements: Later today, on the occasion of the a Seminar, organized by Article 19 in London , I shall meet the UN Special Rapporteur on Freedom of Opinion and Expression, and the OAS Special Rapporteur on Freedom of Expression. I hope we will be able to agree on certain joint approaches and activities that will help strengthen freedom of expression throughout the world.

On 30 November, my Office will present a publication here in Vienna entitled "Defense of the Future." The book, available now in Serbo-Croatian and German, contains a number of articles from journalists of the former Yugoslavia on the perspectives of creating stability and democracy in the Balkans. The Serbo-Croat edition will be presented in Sarajevo in early December. The English version will be available to you also in early December.