



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

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Regular Report to the Permanent Council

Mr. Chairman, Ladies and Gentlemen,

This is my third regular report to the Permanent Council this year. I begin my quarterly statement with condolences on the occasion of yet another murder of a journalist in the OSCE region. Unfortunately, it is becoming a recurring feature, actually this is the third time in a row.

A British reporter died in Ingushetia in the Russian Federation. Journalist and cameraman Roddy Scott was working for the *Frontline Freelance Television Agency*. There are conflicting reports as to the circumstances of his death. On this sad occasion I ask the British delegation to forward my condolences to the family and friends of the deceased. For your information the death toll among media staff this year is already more than 50 world-wide, according to the *International Federation of Journalists*.

Usually, before raising a case in my quarterly report I address it directly with the government concerned or under "current issues" in this forum. However, the deeply shocking nature of the violent attack against a group of journalists in **Georgia** compelled me to speak out on this matter today. I received information on this case just last week.

On 27 September about 30 Georgian police officers took part in a violent attack on a popular, independent television station in the western town of Zugdidi. The break-in took place a few hours after the *Odishi* station had broadcast criticism of the local police force, specifically a *Rustavi-2* report which detailed an assault by police officers on demonstrators. During the attack, the police beat several journalists and destroyed video and computer equipment. Eyewitnesses said the attackers included local senior police officers. After the attack on the *Odishi* station, four policemen went to the home of journalist Ema Gogokhia, a regional correspondent for the independent station *Rustavi-2*, and threatened to kill her entire family. Not finding her at home, the police officers beat her mother and 10-year-old son and attempted to kidnap the boy. Neighbours intervened and prevented the kidnapping but heard the police officers warn that if a story Gogokhia was working on was aired, they would send the mother her daughter's severed head and that her body would never be found.

I understand that President Eduard Shevardnadze has requested an investigation into this vicious attack against press freedom. I support an urgent and thorough investigation into this matter.

Now on some of our activities: I would like to inform you here orally on the issues we dealt with in Central Asia, Ukraine and Moldova. The written part of the report, which I will not read out, provides you with an overview of cases my Office has monitored in our participating States as well as of our other projects.

The **Fourth Central Asian Media Conference**, held on 26-27 September in Tashkent, was again, as the previous conferences, a successful and productive event. The interaction between the one hundred journalists from the region created possibilities for furthering co-operation among them. We will be presenting new project proposals in the near future that we hope will be received favourably by potential funders.

However, the frank discussions during the sessions showed the seriousness of the media situation in the region. Numerous examples were presented to illustrate the grave problems. In the Central Asian countries, all of them being participating States of a community, the OSCE, that describes itself as a family of democracies, the tendency towards oppression is very clear. My Office has dealt with many cases of media harassment in the region. I do not expect the situation to change dramatically for the better in the nearest future.

The state of affairs in Turkmenistan is still the most alarming: one of practically total control has deteriorated even further with subscriptions to foreign newspapers not having been delivered since mid-July as well as the shutting down of cable transmissions.

Some positive developments have been noted recently, most notably the dropping of criminal charges against the Tajik journalist Dododjon Atovulloev and the issuing of licenses to three independent radio stations in Dushanbe, Tajikistan, as well as the banning of official censorship in Uzbekistan. However, I encourage the five Central Asian States to do more, much more, to ensure that they are fully in line with relevant OSCE commitments their governments had signed.

The first task must be to guarantee the physical safety of journalists who are being harassed and attacked in the region at a frightening frequency. One of the most recent cases was the beating of Sergei Duvanov, a journalist from Kazakhstan, just before his departure to the Human Dimension Implementation Meeting in Warsaw in September. Duvanov was lucky, he was able to participate both in the meeting in Warsaw as well as in our conference in Tashkent. Unfortunately there are many instances with the opposite result.

The theme of this year's conference was corruption. The sessions focused on the problems journalists' face when trying to uncover instances of corruption and what measures can be taken to improve investigative reporting. And, frankly speaking, individual examples highlighted in the presentations by journalists were appalling. And more situations are occurring regularly. On his way back home, one of the participants at the Conference was beaten up by border guards and the message given to him was to warn all journalists about the potential hazards of writing about corruption.

The fundamental role of the media as a watchdog is irreplaceable in society, especially with regard to investigating the growing danger of corruption, a serious obstacle for all States both in the East and in the West. The journalists at the conference adopted the *Tashkent Declaration on Freedom of the Media and Corruption* and my Office will be looking at ways to address this issue in the future.

The sessions at our conference confirmed the findings of the media reports my Office has issued on the five Central Asian States. Two of the reports have been discussed in this forum earlier and the three remaining ones were distributed to all the delegations a month ago. All reports provide country-specific recommendations to the governments on what can be done to improve the situation. Our Office and the OSCE field presences in the region stand ready to assist in implementing much-needed changes.

In **Ukraine** recently my Office together with the Council of Europe, the Verhovna Rada (Ukrainian Parliament) and the Ministry of Foreign Affairs conducted a seminar dealing with the review of two media-related laws. This is part of an ongoing project in Ukraine where we have provided several legal reviews with specific recommendations. However, these recommendations are still not implemented and I hope that the Verhovna Rada would once again look at them with a view of taking them on board.

I would also like to stress my continued concern with the general media situation in Ukraine. With alarm I read the comments by Nikolai Tomenko, the Head of the Parliamentary Committee on Freedom of Expression, who stressed on 1 October in a letter to President Kuchma that the "level of political censorship has substantially increased since the appointment of Victor Medvedchuk [as Head of the President's Administration.]" Tomenko and other Committee members met with my adviser two weeks ago and informed him of the many obstacles that exist for independent media. This tendency was underlined also in the *Manifest by Ukrainian Journalists on Political Censorship* signed by several media professionals on 3 October that stated that "Political censorship demeans the dignity of journalists and of the Ukrainian people."

Of especial concern to my Office is the recurring practice by the President's Administration to issue instructions to the media on how to cover different news events. My Office has been provided with a copy of one of these instructions from early September which, for example, recommends that several newsworthy items should be ignored by journalists. This practice, although officially denied, is completely unacceptable in a participating State that considers itself a democracy and should be abolished.

I would also like to stress that over two years have passed since the disappearance and subsequent murder of Ukrainian editor and journalist Georgiy Gongadze. This case is well known so I will not go into the details, just to reiterate: I am still waiting for a comprehensive report on where the investigation stands and when can we expect progress in bringing to justice the perpetrators of this crime.

Moldova. In September my Office conducted an assessment visit to this country. Although this OSCE participating State still enjoys relative freedom of expression, certain recent tendencies raise concerns. One of the major issues is the newly adopted law on transforming the state company *Teleradio Moldova* into a public broadcaster. Both the Council of Europe and my Office are concerned that its provisions leave room for political influence on the editorial policy of *Teleradio Moldova*. I understand that several statements were made by parliamentarians that they would look into changing the provisions regulating the appointment of the broadcaster's Administrative Council, a major concern.

A general remark: in my previous statement I spoke at length about the situation in Armenia, today I am raising Moldova. During my tenure as the OSCE Representative on Freedom of the Media both these countries were considered the "poster boys" for freedom of expression in the former Soviet Union. Now it is clear that certain worrying developments initiated by the authorities are encroaching on this basic human right. A tendency all too clear in some other participating States and one that needs to be reversed. Here, once again, I appeal to the governments to ensure full adherence with OSCE commitments in the media field that you have signed. And I mean full compliance and not just a pick and choose approach that seems to be the current tendency.

Thank you.

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In **Armenia** at the request of the OSCE Office in Yerevan my Office commissioned a review of the draft Law of the Republic of Armenia on Mass Media of 30 April 2002. In the view of our experts, this draft represents an improvement on the 1991 Press Law – for example, by protecting confidential sources. However, in other respects it fails to conform to international standards regarding the right to freedom of expression. For example, its definition of mass media is so broad as to encompass Internet users and low-circulation pamphlets, it establishes broad restrictions on freedom of expression on grounds of privacy and "secrecy," and the provisions on naming and registration of mass media are ambiguous. These comments have been passed to the Ministry of Justice and I hope that our concerns would be taken into consideration.

I would also like to remind this forum that in my last quarterly report I raised the situation around the TV company *AI+* and *Noyan Tapan*. My Office has been informed by the OSCE Office in Yerevan and by the Chairman of the National Committee on Radio and Television that a new tender for frequencies will be held on 15 October 2002. It is not clear yet whether *AI+* will participate. In the meantime, *Sharm TV* company--the winner of the competition--has not started its regular broadcasts in apparent breach of the commitments it had entered into at the time of the tender in March.

In **Belarus**: 7 July marked the second anniversary of the disappearance at Minsk airport of the young Belarusian cameraman, Dmitri Zavadsky, who was working at the time for the Russian television channel *ORT*. I issued a press release that once again expressed my dismay that, after two years, many questions about the missing journalist have gone unanswered. I called upon the Belarusian authorities, to permit an independent inquiry to conclusively identify all responsible parties involved in the disappearance of Dmitri Zavadsky.

During this period I have continued to speak out and express my concern about the disturbing and unacceptable practice in Belarus of prosecuting journalists in criminal courts for what they write. At the end of June two Belarusian journalists, Nikolai Markevich and Pavel Mozheiko, faced criminal charges for allegedly having insulted President Aleksandr Lukashenko during last September's presidential campaign. Most recently in mid-September, a third Belarusian journalist, Viktor Ivashkevich, the Editor-in-chief of the Belarusian independent newspaper *Rabochy (the Worker)*, was sentenced to two years of "restricted freedom" on the same charge.

Once again, I call upon the Belarusian authorities to overturn the verdicts on the three journalists and to repeal criminal libel laws in Belarus. I underscore my firm belief that OSCE heads of state should not receive undue protection from media reporting on their activities.

On **Croatia**: The OSCE Mission has been asked by the Croatian Ministry of European Integration for expert assistance to align Croatian broadcasting media legislation with European standards. My Office has responded by identifying a reputable expert and in co-operation with the Mission to Croatia organised a visit. However, this visit was postponed because the material the expert would be reviewing was not available. I hope this material will be available on the occasion of the experts' next visit in a few weeks time. I would like to recall that Croatia has long committed to reform its media legislation in particular the Law on HRT and to include international/CoE recommendations.

In the **Federal Republic of Yugoslavia**, according to all media analysts, for the first time ever, a Serbian election campaign enjoyed fair and balanced reporting by the media, both

private and public. In particular, the OSCE-supported *RTS* was recognised as having provided the best coverage among the electronic media, confirmed by its ratings, exceptionally high, on the night of the counting, very welcome news, indeed.

All of you are aware of a project that I initiated in 2001 and that operates in the framework of the Stability Pact for south-eastern Europe: the *mobile.culture.container*. During the past six weeks the *mobile.culture.container* was in Kosovo in Mitrovica where it brought together young people from the region to discuss the future of this post-conflict area. Now the *mobile.culture.container* is moving to Novi Pazar in FRY.

In Central Europe we are concerned about the media situation in **Romania**. In Romania I welcomed the fact that with an Emergency Government Order of 23 May the Romanian Government has initiated reform of the defamation provisions contained in the Penal Code. The Order has been approved now by the Chamber of Deputies and reduces sanctions in the Penal Code for libel or for insulting public officials on duty. However, the changes provided by the Order are not enough: even with the reduced criminal penalties for insult and defamation the possibility remains that individuals could be sent to prison for simply expressing their views.

We are also very concerned about the fate of Josif Bebe Costinas, an investigative reporter for the daily *Timisoara*, who has been missing since 7 June 2002. Costinas has published articles on sensitive subjects, like the alleged continued presence of the former "Securitate" secret police, and was working on a book about illegal business activities in Timisoara. I fear therefore, that his disappearance could be linked to his professional activities. I am also concerned about the intimidation campaign against Silvia Vranceanu Nichita, a correspondent of the daily *Evenimentul Zilei*. She wrote a critical article about the ruling Social-Democratic Party's local leaders in the town of Focsani and became since then a target of pressure.

In **Russia** I am paying closer attention to the media situation outside the capital and with dismay learned of the grave state of affairs in, for example, the southern city of Penza. Several NGOs are reporting on a series of attacks against the media, describing it as "unprecedented," that has left one publishing house employee dead, another abducted and at least eight journalists attacked and threatened in the last six weeks.

Igor Salikov, director of information security at the *Propoganda* publishing house, was shot dead outside his home in Arbekov, a town near Penza, on 20 September. Shortly before his death, Salikov had been involved in preparing articles which focused on corruption by local officials for *Moskovskiy Komsomolets v Penze*.

On 25 September, investigative reporter Alexander Kizlov was seriously injured after being beaten with iron bars by two youths. He had recently written articles critical of Penza's mayor for several newspapers, including the Moscow daily *Izvestia*.

In its review of press freedom in Russia last year, the *International Press Institute* said regional media in Russia enjoy little freedom and operate under immense pressure from local authorities. Abuses of media freedom in the regions range from thinly veiled threats to libel suits to violent assaults on journalists.

On several occasions I have spoken on the dismal state of affairs in the regions and my Office has championed one specific case, that of Belgorod reporter Olga Kitova. I will continue monitoring media freedom in the regions, especially the situation around

investigative journalism into cases of corruption, an issue that I deem extremely important throughout the OSCE region.