

**STATEMENT BY THE DELEGATION OF THE UNITED
STATES OF AMERICA**

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Session III: Implementation of Existing OSCE Commitments
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Thank you, Mr. Chairman.

The United States appreciates this opportunity to address the important subject of media freedom and the implementation by participating States of our commitments in this field. Underlying these commitments is our obligation under international law and the Helsinki Final Act to respect and protect the fundamental freedom of expression.

As I mentioned in our opening statement, the Freedom House global survey *Freedom of the Press 2013* lists three OSCE participating States – Belarus, Turkmenistan and Uzbekistan – among the worst press freedom abusers in the world. Turkmenistan is tied with North Korea for last place in the global index. A majority of the citizens in Central and Eastern Europe and Eurasia live in media environments rated “Not free” by Freedom House. So it is indeed fitting that we devote a session of this Seminar to the compelling issue of implementation of OSCE commitments.

As President Obama stated on World Press Freedom Day, May 3, the universal right of every person “to seek, receive and impart information and ideas through any media and regardless of frontiers remains in peril in far too many countries.... When journalists are intimidated, attacked, imprisoned, or disappeared, individuals begin to self-censor, fear replaces truth, and all of our societies suffer. A culture of impunity for such actions must not be allowed to persist in any country.”

Everyone, whether a member of the press or an ordinary citizen, has the inherent right to exercise freedom of expression, whether through traditional media or through new technologies. And no one should be persecuted for what they say, print, broadcast, blog, text or Tweet. We strongly support the commitments of the participating States to facilitate the free flow of opinion, ideas and information of all kinds and to improve working conditions for journalists. And we share the acute concerns expressed by the Representative on Freedom of the Media, the participating States of the European Union and others, both here in the OSCE and at the United Nations Human Rights Council, about increased attacks against and killing of journalists and media workers and the need for governments to end impunity in such cases.

According to the Committee to Protect Journalists (CPJ), the Russian Federation has had 14 cases of murdered journalists unsolved since 2003. Indeed, ninety percent of murders and violent assaults on journalists during this period have gone unsolved, creating a climate of impunity. There are often clear indications that the violence is specifically linked to the journalists' work, as in the 2012 killing of TV news anchor Kazbek Gekkiyev in Kabardino-Balkaria and the brutal beating of Mikhail Beketov in 2008, which left him incapacitated. He recently passed away.

In Ukraine, in 2012, there were reports of intimidation and violence against journalists by national and local officials, and unknown perpetrators. Vladimir Goncharenko, editor of the newspaper EKO Bezpeka (Environmental Security), held a press news conference in July 2012 on his investigation that revealed allegations of illegal dumping of 180 tons of dangerous chemical and radioactive industrial waste in the city of Kryviy Rih. The city denied the allegations of illegal dumping. Four days later, unknown assailants beat Goncharenko so severely he was hospitalized and died.

Ukraine's Foreign Minister, Leonid Kozhara, issued a statement on the eve of World Press Freedom Day that said: "Unfortunately, there are

issues of the violations of journalists' rights and security even in the OSCE zone. Many attacks on journalists remain unresolved, and perpetrators were not punished. This is unacceptable, since all journalists should have an opportunity to do their professional work without fear." We applaud Foreign Minister Kozhara for his statement and call upon the Ukrainian government and the governments of other OSCE States to conduct thorough investigations of violent attacks against journalists and to prosecute those responsible. And we commend Ukraine for making the safety of journalists a priority issue for its Chairmanship. We hope that the Chair-in-Office will consider putting forward a draft decision this year to reaffirm and advance our commitments to protecting journalists against violence and harassment.

Beyond violent attacks, the persecution of journalists for carrying out their professional activities continues in some participating States. And we see the increasing misuse or abuse of anti-terrorism, anti-extremism, or incitement laws to intimidate, harass, and prosecute journalists and civil society members for exercising their human right of freedom of expression.

In December, the Committee to Protect Journalists reported that 49 journalists were imprisoned in Turkey, more than in any other country. The high number of journalists imprisoned as well as the large number of Kurdish intellectuals and political activists in jail are a stark reminder of how anti-terror laws and their implementation can restrict speech on sensitive topics.

On May 6, Aleksandr Yarashevich, a Belarusian journalist for the Poland-based, unaccredited *Radio Ratsiya*, was sentenced to 12 days' imprisonment and blogger Dmitry Galko to ten days imprisonment for disobeying the police. The pair was walking from the detention center on Akrestsina Street, where they had met opposition activists recently released from the jail. This is Yarashevich's second imprisonment in the past two weeks: he served three days on similar charges after covering the April 26 Chernobyl march.

In 2008, Salijon Abdurakhmanov, a journalist in Uzbekistan, was sentenced to 10 years in prison on dubious drug charges. He actively investigated corruption and advocated for farmers' rights in economically depressed Karakalpakstan, and was back in the news recently because prison authorities allegedly hid him from ICRC monitors who tried to visit him.

In a number of participating States, we see the use of criminal codes to prosecute news organizations and individual journalists for alleged defamation. Russia, which decriminalized defamation as recently as December 2011, recriminalized it in July 2012. Unfortunately, on May 14 Azerbaijan's Parliament voted to expand the crimes of slander and insult to apply to information posted online. These are already crimes when they occur in public statements or in information transmitted through the media. Last year in Ukraine, a draft to reinstate defamation as a crime carrying a prison term up to five years was thankfully defeated in parliament.

In some OSCE participating States, we see imposition of often crippling civil penalties on individuals and news organizations for insult or opinion. In Kazakhstan, for example, judicial actions against journalists and media outlets, including civil and criminal libel suits filed by government officials, led to the suspension of media outlets and self-censorship.

As Secretary of State John Kerry noted on World Press Freedom Day: "Journalists are increasingly confronted by the failure of governments to protect freedom of expression, and even as technology increases the possibilities for innovative expression online, the space for free media is shrinking."

Governments within the OSCE region are restricting freedom of expression, as exercised over the Internet and other connective technologies, in a wide variety of ways. Russia's new Internet law

creates a blacklist of websites to be banned for supposedly illegal content without a court order. Kazakhstan's Ministry of Communication and Information is taking down sites posting content with which the authorities disagree, and conducting localized shutdowns of Internet and SMS messaging capabilities. Belarus and Russia are accused of targeting independent sites with distributed denial of service attacks. Uzbekistan and Turkmenistan are trying to create so-called national Internets – national barriers in cyberspace -- that would prevent their citizens from accessing the global Internet.

Russia, Tajikistan and Uzbekistan are using such terms as “information security” and “Internet management” in an attempt to justify restrictive Internet policies and measures. Belarus is harassing bloggers who criticize the government, targeting social media and stealing identifying information about their own people in order to target them for harassment. According to the Netherlands Helsinki Committee and the International Partnership for Human Rights, among others, Turkmenistan is one of the world's most hostile countries for Internet users. The International Telecommunications Union reports the Internet is only available to approximately five percent of the population in the country and, when available, it is highly censored by the Ministry of National Security. Authorities monitor citizens' e-mail and Internet activity, recording all online activities in Internet cafes and blocking access to certain supposedly sensitive websites. The Tajik government also acts as a censor, imposing restrictions on independent media without a court order, controlling access to information and closely monitoring the Internet. Often, the government shuts down websites it deems critical or threatening to the state.

The right to freedom of expression that must be respected when exercised in real space also must be respected when exercised in cyberspace. Fundamental rights do not change with new technologies. That is why we proposed the Declaration on Fundamental Freedoms in the Digital Age, and that is why we and 50 other participating States will

continue to pursue consensus on the Declaration within the OSCE until we achieve that goal.

On a positive note, Freedom House reported that the most significant improvements in our region in 2012 occurred in Georgia, where there was “increased political diversity in the television market,” and in Armenia, where “media coverage of the parliamentary elections was generally more balanced than in previous election periods, opposition parties made greater use of online media, harassment and violence against journalists declined compared with the last election year, and there was a dramatic reduction in defamation or slander complaints against journalists.”

We call on all participating States to recognize the vital role of media in advancing democratic principles, to fully implement their commitments related to media freedom, to release all imprisoned journalists and bloggers, and to take other necessary steps to create societies in which independent journalists and others exercising their right to freedom of expression can do so without fear.

Thank you, Mr. Chairman.