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AT THE MEETING OF THE OSCE PERMANENT COUNCIL**

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**Regarding freedom of the media in the countries of the European Union  
and the United States of America**

Mr. Chairperson,

For objective reasons it is extremely difficult to sketch in a single statement a comprehensive picture of the situation as regards freedom of the media throughout the region of the European Union. For that reason, permit me today to focus on only a few countries.

Let us first take Sweden, which, as you may be aware, was a pioneer in this area. A law regulating the activities of the media was adopted as long ago as the eighteenth century. Today also our Scandinavian colleagues like to portray themselves as outspoken defenders of the rights of journalists throughout the world: virtually no media outlet or politician is embarrassed, for example, to present a distorted account of the circumstances surrounding the murder of the journalist Anna Politkovskaya or of other Russian human rights activists.

On the other hand, regarding the fact that the Chechen guerrilla Mohammed Uspaev, who stands accused of kidnapping and murdering the ITAR-TASS journalist Vladimir Yatsina, is living quietly in that country, the local press observes total silence. In defence of this man the Swedish Government has stood up "like a rock", ignoring the ruling of its own Supreme Court on the extradition of this criminal to Russia, which means that this subject has become "taboo". What is this if not an indication that the Swedish media are operating either on the instructions of the authorities or in line with an inherent readiness to display solidarity with any decisions or steps taken at a higher level that have an anti-Russian thrust? The evidence is clear that on the whole political motives prevail over legal values, and shows how easy it is in that country to apply double standards.

To a large degree, political factors also explain the overt activity over several years on Swedish territory of the Internet site of the Chechen terrorists, *Kavkaz-tsentr* (Caucasus Centre), which has been registered as one of the country's media outlets. The question arises: would the Swedish authorities make it possible for even Al-Qaida to freely broadcast in their country, praising its past exploits in New York or London and calling for new bloody acts?

A further example of so-called press “freedom”. While criticizing the legislative bodies of other countries for measures aimed at bringing order to the activities of the media, the Swedish authorities, where necessary, themselves introduce restrictions on their own press despite the efforts of media workers to protest. For example, on 1 January 2009 there came into force in Sweden a law that allows the National Defence Radio Establishment (FRA), without the prior permission of the judicial authorities, to monitor telephone calls and to view e-mails, faxes and text messages.

Let us now consider another European Union country, this time the Czech Republic. On 5 February 2009, the Chamber of Deputies of the Czech Parliament passed an amendment to the Criminal Code according to which punishment (up to ten years’ imprisonment) has been introduced for the publication in the media of monitored telephone calls wiretapped in legitimate cases by the police. The responsibility for publishing material of this kind is placed both on the person carrying out the journalistic inquiries and on the persons representing him or her: police officers, prosecutors or lawyers. That amendment also contains a new provision dealing with the publication of information on persons guilty of, or accomplices to, crimes up to the moment when the court hands down its verdict. It is not surprising that the Union of Journalists of the Czech Republic has branded this amendment as “an inadmissible assault on freedom of speech”. Incidentally, I might mention that the previous OSCE Representative on Freedom of the Media drew attention to this legislative provision, calling on the President of the Czech Republic to veto it.

In Poland, in September 2008, a ruling of the Constitutional Tribunal retained a legislative provision calling for the mandatory authorization of interviews before they are published. Journalists who disregard this rule may face criminal charges and punishment in the form of imprisonment or fines. In no other democratic country will one find such provisions directly violating freedom of speech, for the fact is that in Poland a person may be punished for having written the simple truth, from which his respondent subsequently distances himself. As a consequence, the courts do not consider the case on its merits but merely check to see that the formality of obtaining authorization has been satisfied.

In April 2009, the reporter Wiktor Bater, a well-known figure in Poland, was dismissed from his job with State television. According to what he has said, he was found guilty of an attempt to bring to the audience’s attention a point of view regarding the events of August 2008 in South Ossetia that differed from the “official line”.

In autumn 2009, there was a great fuss over the wiretapping by the Polish Internal Security Agency of conversations involving the journalists Cezar Gmyza and Bogdan Rymanowski.

In 2007, the journalist P. Kharchuk, working for the newspaper *Gazeta wyborcza*, was brutally beaten for, it was said, an article he had written regarding the connections of one of the highest prelates of the Catholic Church with the counter-intelligence agency of socialist Poland.

In Poland the articles of the Criminal Code that provide for imprisonment as a punishment for defamation continue to remain in force.

Permit me a few words about the country chairing our Organization, namely Lithuania. As far as Lithuanian legislation having to do with the media is concerned, those

laws do in fact guarantee the basic rights of journalists and the freedom to express opinions and disseminate information. In practice, however, the situation is altogether different. Over the 20 years of Lithuania's independence there have been two highly publicized cases involving the murder of journalists, one of them being that of Mr. Vitas Lingys, one of the founders of the influential newspaper *Respublika*, in October 1993, and the other being that of Mr. Viktoras Kapočius, a well-known photo correspondent of the country's most important newspaper *Lietuvos rytas*, in December 2007. The authorities were not inclined to cite political motives as an explanation for what happened, although many media representatives and experts linked the murders with these journalists' professional activities.

The local press and also the Parliament of the Republic of Lithuania have repeatedly raised the question of the surveillance of media representatives, of pressure being brought to bear on them by the Department of State Security (DSS) and of restrictions on their professional rights.

The most vivid example of intervention in the activities of the media by the structures in the country authorized to use force can be seen in the unprecedented action by the DSS in withdrawing from circulation an issue of the newspaper *Laisvas laikrasis* and in arresting its editor-in-chief, Mr. Aurimas Drižius, in September 2006 on the eve of the publication of an issue in which it was planned to publish material on corruption among local politicians. At that time, the illegality of this action was proven and Mr. Drižius even won his case against the DSS.

In November 2008, Mr. K. Pernus, a well-known political scientist in the country, publicly claimed that he had been pressured by the DSS following a series of critical articles regarding Lithuanian foreign policy.

Regarding violations of media freedom in the United States, we have already spoken of that matter on two occasions last year. Nevertheless, we cannot but draw attention to the situation having to do with the detention in the United States of staff of the television channel *Russia Today* in November 2010. As you may be aware, a correspondent of that channel, Kaelyn Forde, and the cameraman, Jon Conway, were arrested when they reported on a demonstration at the Fort Benning military base in the state of Georgia. Despite the fact that they had violated no law and were merely carrying out their professional duties, the police used violence against them, handcuffed them and threw them into jail together with common criminals under the charge of "participation in an illegal assembly" and "resisting authority".

The Ministry of Foreign Affairs of Russia has already commented in detail on this incident and has drawn attention to the fact that what happened represents a clear violation by the United States of its international commitments in the area of respect for freedom of speech and assembly. The arrest of these journalists was met with indignation in the international human rights and media community. Ms. Dunja Mijatović, the OSCE Representative on Freedom of the Media, has also commented on this issue.

It is a matter of concern that our interventions with the United States Department of State on this incident have gone unanswered. The absence of a reaction from Washington is in clear disharmony with America's claims to leadership in the area of freedom of speech and freedom of the media. This silence is all the more strange when one considers how quickly the State Department reacts to violations of journalists' rights in other countries.

All these examples represent merely a sample of the information available on violations of media freedom in European Union countries and the United States. We intend to return to this subject in the future. We are also counting on Ms. Mijatović, the distinguished OSCE Representative on Freedom of the Media, to give us her considered assessment of these troubling trends.

Thank you for your attention.