



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Reports to the Permanent Council

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My Office has been increasingly engaged in various actions during the four months which have passed since my last comprehensive report to you here in the Permanent Council. Therefore, I would like to focus on our main concerns and activities.

My Office actively monitored the media situation in the **Federal Republic of Yugoslavia (FRY)**. The Belgrade authorities continued their onslaught on freedom of expression ignoring calls from the international community to guarantee a free and open debate on issues of concern to its citizens.

Leading opposition newspapers, its editors and journalists, were singled out for regular harassment at the hands of the authorities. Using the Serbian Law on Public Information, widely condemned by journalists, experts and international organizations, independent publications were heavily fined and only recently the owner and two journalists from the daily *Dnevni Telegraph* received five-month prison terms.

Last week, Serbian authorities have started to implement the Law on Public Information against Albanian language newspapers in Kosovo. Extremely high fees were imposed on *Kosova Sot* and *Gazete Shiptare* for dubious reasons, as a result *Kosova Sot* closed down. As recently as Monday the authorities did the same to *Koha Ditore*, a well-respected Albanian-language newspaper in the region.

I have said it on several occasions: this Law was and is a declaration of war against independent media. Now, it is the war against the media in Pristina.

According to the Association of Independent Electronic Media in FRY (ANEM), the past weeks "showed a drastic peak in the ongoing wave of repression against the media in Serbia." I have continued to intervene with the Belgrade Government demanding that it rectify the current appalling situation. I am still awaiting a positive answer.

All of us have been closely watching the dramatic talks in Paris on the future of Kosovo. I do not wish to go into the details of the negotiations but would like to make a few points regarding media development in that region.

If peace is reached, I believe that it will be imperative for the main civilian implementing agency, and one assumes it will be OSCE, to establish executive authority over the media in Kosovo. The example of Bosnia and Herzegovina has shown us that only through an assertive approach can hate speech be curtailed and media pluralism established. We should not lose time in Kosovo.

That is why I have suggested that the post of a Media Commissioner be established in Kosovo, reporting directly to the OSCE Chairman-in-Office. The Media Commissioner should have full executive authority over all media related matters backed by a strong mandate. In my view, this is the only way to ensure an open and pluralistic debate on the future of Kosovo without hate speech that so often has historically distorted such debates in the region. As to the recent action of Serbian authorities against media in Kosovo, a Media Commissioner with a strong mandate would theoretically had been able to overturn this decision by the authorities.

I will now get back briefly to my visits to **Croatia and to Azerbaijan**.

On 11 February I spoke to you regarding my concerns in **Croatia**. Just to reiterate: At the meeting the OSCE Heads of Institutions had on 9 February with the Croatian Government led by Prime Minister Zlatko Matesa, I once again stressed the need for the authorities to re-consider the Law on Croatian Radio and Television (HRT). This Law as amended last year did not take into consideration some of the suggestions made by the Council of

Europe and the OSCE Mission. I am also concerned with the re-broadcasting of HRT into Bosnia and Herzegovina, where it favours one specific political party putting at a disadvantage all the other political players.

In our meeting with the Croatian Government, Prime Minister Matesa appealed to my Office to help his country in developing freedom of the media and has stressed that his government is willing to fully co-operate with my Office. This is a positive sign.

I had the opportunity to review in this forum, my visit to **Azerbaijan**, in late February, where I met with President Aliyev and other government authorities as well as attending several roundtable discussions with both print and electronic media journalists. As I noted in my report, I continue to urge the release from prison of the sole incarcerated journalist in Azerbaijan. I expect positive action to be taken in the very near future.

My Office has continued to focus on the media situation in **Ukraine**. In early March two of my advisers visited Kyiv preparing my visit to Ukraine in early May. They met with government officials, editors, parliamentarians and NGOs. I believe that we have singled out the main problem that needs to be solved as soon as possible: high libel fees issued by courts against journalists and publications.

There seems to be broad agreement between the executive and legislative branches of government that this issue needs to be dealt with urgently. In Ukraine, as in several other countries with which we deal, defamation laws are used to protect officials from public criticism especially from rivalling political groupings. High libel fees have thus become the surest way to bankruptcy for many publications which barely make ends meet during these difficult economic times. From my contacts with the Ukrainian authorities I am optimistic that through co-operation between the Government and Parliament and with the support of journalists this problem could be resolved. The Ukrainian Government's ambition to undertake reforms with a view to reaching European standards is promising. As to possible legal amendments, I believe that the Council of Europe of which Ukraine is a member could be of assistance to lawmakers and to Government.

My other concern is the overall situation regarding freedom of expression prior to the October presidential elections. While there may be no overt censorship in Ukraine, my Office receives an alarmingly high number of reports of harassment of journalists usually by over-zealous local officials. I think that the Government is capable to ensure a free media landscape at every level and I urge it to do so before the pre-election campaign period starts.

Last week I visited **Minsk** where I addressed the seminar on information society organized by the OSCE Advisory and Monitoring Group. The Seminar was another useful occasion to promote dialogue between Government officials, members of the opposition and the independent media.

In addition, I had two meetings with Government officials, with the Deputy Head of the presidential administration, Mr Pashkievitch, and with Deputy Foreign Minister, Mr Petrov. I raised with them the practice of admonitions by the State Committee for the Press against independent newspapers. These admonitions are based on Article 5 of the Law on Press which entitles the State Committee — an executive body — to check newspapers for information causing intolerance or offending the dignity of citizens and officials and for violations of numerous other regulations. This practice of checking and warning newspapers, as it is now, is nothing but a form of censorship after publication which is not in conformity with Belarussian constitutional standards, nor with OSCE and other international standards. The admonitions can lead to the loss of a newspaper's licence and eventually to its closure. I have urged the Government to reconsider this practice and to revoke recent admonitions against the six independent newspapers in February. I believe, however, that the Law on Press, and in particular Article 5, as such needs to be amended to prevent the current practice as it is now.

Furthermore, I have urged the Government once again to undertake steps in order to transform the state TV and radio into public stations. Mr Pashkievitch agreed that the transformation of state media into public media was a normal and a necessary procedure.

The Government assured me of its readiness to fully cooperate with my Office.

I am also concerned with the approval by the **Russian Parliament** of a bill that creates so-called "high councils" to protect moral standards in broadcasting. It is my understanding that many critical voices view this bill as a step back to a form of censorship. I urge President Boris Yeltsin not to sign the bill into law. Some of my concerns I will address in Moscow in April where I will take part in a conference of regional TV networks. My Office was informed about recent efforts of the **Uzbek Government** to take control over providing Internet service to the public. We understand that the only legitimate provider under this system would be a State agency. In my view this would be a violation of the principle of free flow of information.

Two final announcements now: My advisers and myself will be visiting all five of the **Central Asian republics** early next month: Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan and Tajikistan. I will, of course, report to this Council at the conclusion of our visits to this important region.

The second announcement is about our first annual **Yearbook** entitled *Freedom and Responsibility*. As you will see, this is not a standard yearbook that many of you are accustomed to and receive numerous copies of from international organizations. This is different. It not only documents our work over the past year but also provides a tribune to writers, experts and my staff to talk about freedom of expression, what it means to every one of us as individuals and to all of us as a society.