



United States Mission to the OSCE

Session 2

Freedom of expression, including by the media as well as protection of journalists engaged in dangerous professional missions; Address by the OSCE representative on Freedom of the Media

As prepared for delivery by U.S. Head of Delegation
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OSCE Human Dimension Implementation Meeting,
Warsaw September 23, 2014

The United States thanks the Representative on Freedom of the Media for her comprehensive and principled engagement on these issues. We are grateful for your statement today, for your reporting to the Permanent Council, and for your advocacy on behalf of freedom of expression, including freedom of expression by the media, and in defense of journalists.

Moderator, as we gather again this year in Warsaw, freedom of expression and the ability of journalists to conduct their professional activities online and offline continue to be threatened. The United States is deeply concerned about the increasing acts of violence against journalists in the OSCE space, including kidnappings, disappearances, beatings, and murders. Impunity for murders and other vicious attacks is growing.

The **Russian Federation** has constricted the exercise of freedom of expression. We are especially concerned by the recent trend in the Russian Federation of acts of violence, harassment, and intimidation carried out against individual expressions of peaceful dissent, particularly against Russia's involvement in Ukraine. In the past month, this has included at least six attacks on journalists covering the story of the bodies of Russian soldiers returning from Ukraine. We note the authorities' investigations into these attacks often do not result in prosecution.

We are also disturbed by Russia's sweeping new Internet access restrictions. The grounds on which authorities can block websites without a court order have been broadened and invoked to block access to major independent news outlets and influential blogs. Other new laws toughening punishment for "extremism" have been frequently used to constrict the exercise of freedom of expression. One of Russia's last independent TV channels, Dozhd, is less accessible to television viewers, as it has been excluded from many cable and satellite services.

The United States is particularly concerned about serious threats to journalists perpetrated by Russia-backed separatists in **eastern Ukraine** and **Russian-occupied Crimea**. Since the **Russian Federation** began its deliberate and repeated violations of Ukrainian sovereignty and territorial integrity, five journalists have been killed and hundreds more have been physically assaulted, abducted, detained, threatened, and intimidated. The vast majority of these abuses occur at the hands of the Russia-backed separatists. We commend the Ukrainian government for its pledge to investigate reports of any abuses committed by its side. Pro-Russia separatists and Russia's occupation authorities have limited freedom of expression, including by the media, in Donetsk and Luhansk oblasts and in occupied Crimea by attacking

television stations, stopping retransmission of channels, and censoring media outlets. The onslaught of propaganda inside Ukraine from outside actors is extremely troubling. Still, we were disappointed by Ukraine's decision to ban numerous Russian television stations.

The intermittent blocking of social networks and independent news websites continues to be a growing concern in **Tajikistan**, where websites are periodically blocked without a court decision. Facebook, Twitter, and news agencies such as Asia Plus and BBC have all suffered repeatedly. In June, YouTube was blocked for several months before the November 2013 presidential election. Most recently, in June, YouTube, Google's search engine, and other Google powered services became unavailable to most of the country's providers. Internet service providers also claim to have received orders from the State Communications Service to block the popular Russian social networking site Odnoklassniki in late July; service was interrupted until late August.

We are increasingly concerned about the human rights situation in **Azerbaijan**. In the past few months, authorities have launched criminal investigations of over 20 peaceful organizations, detained civil society leaders (including Leyla Yunus, Rasul Jafarov, Intigam Aliyev, and Arif Yunus), arrested others, frozen organizational and individual bank accounts, and harassed staff of organizations. We continue to urge the government of Azerbaijan to respect the universal rights of its citizens, ensure they are afforded the fair trial guarantees to which all citizens are entitled, and allow them to express their views freely in accordance with Azerbaijan's international human rights commitments and obligations.

While we welcome the release in **Turkey** this year of several journalists, including Fusum Erdogan and Bayram Namaz, others continue to languish in prisons. The intimidation of journalists by Turkish officials and the ownership structure of Turkish newspapers have a combined effect of restricting the diversity of views and promoting a climate of self-censorship. During an August campaign rally, the Prime Minister directly and harshly criticized journalist Amberin Zaman, a correspondent for THE ECONOMIST and columnist for TARAF, unleashing a smear campaign against her. Journalist Onder Aytac, who also writes for TARAF, was sentenced to ten months in jail in April for "insulting public officials" with a Tweet. In the run-up to municipal elections in Turkey in March – a time when open political discourse is essential to free and fair elections – the Turkish Government imposed bans on both Twitter and YouTube, although these bans were later overturned by Constitutional Court rulings that the government respected. More recently, the government amended the Internet law to allow it to block sites without a court order for reasons of national security. The main opposition party has appealed to the Constitutional Court to annul these changes, arguing that they further restrict Internet use in Turkey and increase the government's control of web traffic.

Moderator, in 2000, the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, and the Organization of American States Special Rapporteur on Freedom of Expression issued a joint statement on relevant international obligations and commitments. They noted that criminal defamation laws should be abolished, that public bodies should not be able to bring defamation actions, and that politicians and public officials should tolerate a greater degree of criticism – even insult. But in **Kyrgyzstan**, the President signed into law in May amendments to the criminal code making it a crime to accuse someone falsely of committing a crime “in a public statement and/or in the media.” This law is a setback for freedom of expression. Regrettably,

Kyrgyzstan is re-introducing criminal defamation or extending sentences under laws that were never repealed.

We are concerned that, shortly after the potential prison terms for defamation were lengthened in **Hungary** last November, Hungary's Tax and Customs Authority initiated a criminal defamation charge against Andras Horvath, a former tax inspector who alleged that the Tax and Customs Authority systematically covered up the results of audits. In April, the National Bank initiated a criminal defamation charge against the independent online news service Index.hu following its report on bank spending and the lack of transparency. The National Bank subsequently initiated criminal defamation charges against Peter Rona, a member of its supervisory board who had criticized some of the bank's decisions. These cases undermine the ability of individuals, civil society, and the media to voice views freely, promote transparency, combat corruption, and serve as whistleblowers. Furthermore, a new media advertising tax and procedures that subject news outlets to potential fines or suspension for "unbalanced" news coverage undermine the independence and plurality of perspectives in the media.

The criminal code in **Kazakhstan** expands the definitions of criminal defamation, and grants officials special protection. Kazakhstan had pledged to decriminalize libel and defamation in the run-up to its 2010 OSCE Chairmanship. New laws require that, during a declared "state of emergency," all broadcast and print media will be required to submit their reports for approval 24 hours in advance. Moreover, an amendment to Kazakhstan's Internet law allows officials to block Internet access to networks without a warrant, as well as to suspend cellular phone connections.

Every individual, whether a member of the media or a member of the general public, has the right to exercise freedom of expression. It is immaterial whether a person chooses to exercise this fundamental right online or offline. Human rights and fundamental freedoms do not change with new technologies. To underscore our OSCE commitment to freedom of expression, my delegation calls upon the remaining six participating States that have not yet done so to join the overwhelming majority of 51 participating States in supporting the draft Declaration on Fundamental Freedoms in the Digital Age.