



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Special Report

Handling of the media during political demonstrations

Observations and Recommendations

This Special Report is the third in a series issued by the Office of the OSCE Representative on Freedom of the Media that seeks to offer clarification about problematic aspects and best practices of the framework for the media in the OSCE area.

The first two reports, issued in October 2006 and March 2007, examined the function of journalists' accreditation and the issue of registration of the print media.

This Special Report examines the treatment of journalists by law enforcement officials during political demonstrations.

There have been a number of instances recently where journalists have received particularly harsh treatment at the hands of law-enforcers while covering public demonstrations. This has highlighted the need to clarify the *modus operandi* of both law-enforcement agencies and journalists at all public events, in order that the media is able to provide coverage without hindrance.

The OSCE participating States have committed to freedom of expression and freedom of assembly and have guaranteed to create the conditions whereby journalists are able to work without legal or administrative obstacles¹. Particularly, they “condemn all attacks on and harassment of journalists and will endeavour to hold those directly responsible for such attacks and harassment accountable.”² In addition, the ODIHR *Guidelines on Freedom of Peaceful Assembly* clarifies the role of the media.³

Recent conflicts in connection with public demonstrations touch on both freedom of expression issues and those related to freedom of assembly. But safe reporting on demonstrations is demanded not only by freedom of the media and free flow of information principles: uninhibited reporting on demonstrations is as much a part of the right to free assembly as the demonstrations are themselves the exercise of the right to free speech.

¹ Copenhagen Meeting Of The Conference On The Human Dimension Of The CSCE (June 1990) (7.8)

² Towards a Genuine Partnership in a new era (CSCE Summit, Budapest) Chapter VIII, Human Dimension Tolerance and non-discrimination.

³ “Journalists have an important role to play in providing independent coverage of public assemblies. As such, they must be distinguished from participants and be given as much access as possible by the authorities.” Section A ‘Implementing legislation on Freedom of Peaceful Assembly’ (9) p17.

Both law-enforcers and journalists have special responsibilities at a public demonstration. Law-enforcers are responsible for ensuring that citizens can exercise their right to peaceful assembly, for protecting the rights of journalists to cover the event regardless of its legal status, and for curbing the spread of violence by peaceful means. Journalists carry the responsibility to be clearly identified as such, to report without taking measures to inflame the situation, and should not become involved in the demonstration itself.

This report examines some of the issues that have become a recurring problem in the OSCE area and proposes recommendations to improve the handling of the press in similar circumstances in the future.

Responsibilities of the authorities and law enforcement agencies

Law-enforcers have a constitutional responsibility not to prevent or obstruct the work of journalists during public demonstrations, and journalists have a right to expect fair and restrained treatment by the police. This flows from the role of law-enforcers as the guarantor of public order, including the right to free flow of information, and their responsibility for ensuring the right to freedom of assembly.

There are of course practical considerations. The police have to distinguish between journalists and demonstrators at a time when the emotions of large crowds are running high. Therefore, there needs to be a mechanism whereby the police can quickly assess who should have access.

The solution found in **Belgium** is linked to the National Press Card. According to the Law of 30 December 1963, journalists recognised by the national union are issued with a press card, which gives the journalists maximum access to any public space, including demonstrations. On the back of the press card, it is stated: "The authorities are requested to give the owner of this card all facilities in as far as they are compatible with the needs of public order and traffic."



Belgium Press Card (front)



Belgium Press Card (back)

On presentation of the card, journalists can expect to be granted access to the demonstration area in order to cover the event.

However, even on presentation of their credentials, this right of access is not always given to journalists. Disregard for the role of both journalists and law-enforcers at the time of a demonstration has led to overzealous policing and resulted in physical attacks on journalists. For example, this year:

- During the so-called “Marches of the Discontented”, organized by an opposition alliance on 3 March 2007 in St. Petersburg, on 24 March in Nizhny Novgorod, and on 15 April in Moscow, **Russia**, the media reported that several Russian and foreign journalists were

detained or beaten in each instance, despite some of them wearing a bright jacket identifying them as journalists.

- On 12-14 April, four cases of journalists being beaten during demonstrations in Bishkek, **Kyrgyzstan** were recorded in a joint statement by four leading media NGOs in Kyrgyzstan.
- On 28 April in Tallinn, **Estonia**, two Russian journalists covering demonstrations against the transfer of a war memorial reported that police beat them about the head with police batons when they resisted seizure of their reporting equipment.
- On 1 May in Istanbul, **Turkey**, journalist groups reported the use of tear gas and other forms of violence by law-enforcers to restrain demonstrators and journalists.
- On 2 May in Los Angeles, **USA**, officers from the Los Angeles Police Department beat several TV journalists with batons during an immigrants' rally.

Examples from earlier years:

- On 2 March 2006 in Minsk, **Belarus**, in the run-up to the presidential elections, domestic and foreign journalists seeking to cover the detention of an opposition candidate, were beaten and detained by riot police; some of them were hospitalized with minor injuries and police also confiscated their cameras.
- On 11 October and 26 November 2005 in Baku, **Azerbaijan**, dozens of journalists fell victim to police assaults during demonstrations. The journalists were wearing bright jackets identifying them as members of the press.

In a letter to the Office of RFoM from the Russian authorities dated 7 June 2007, it is stated that as none of the journalists detained during recent demonstrations have filed official complaints to the police, further investigations cannot be opened. Regrettably then, it appears that Russian law-enforcers will not be held accountable for any acts of violence against journalists during the recent political demonstrations.

A statement made in April by the Press Office of the Russian Ministry of the Interior pledges to improve the police handling of journalists during such events in the future.

“Unsanctioned” Demonstrations

International standards commit States not to place any restrictions “on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”⁴

So while the very notion of an ‘**unsanctioned demonstration**’ is sometimes viewed as an anomaly, there are legitimate reasons that the authorities can refuse the use of certain locations, either on the grounds of security or disruption to public transport.

⁴ International Covenant on Civil and Political Rights, article 21. See also ECHR, Article 11 ‘Freedom of assembly and association’.

However, the very fact that a mass demonstration takes place - whether it be sanctioned or unsanctioned - is certainly newsworthy, is of public interest and therefore, journalists should be protected by the same rights as if they were covering any other public event.

In responding to their treatment of journalists during these public events, governments have sometimes tried to explain away a disproportionate reaction of law-enforcers against journalists and demonstrators by citing the 'unsanctioned' nature of the demonstration.

For example, in a recent public statement by the Director of the Department for Public Relations of the Russian Ministry of Interior, commenting on the conduct of the police during demonstrations in Moscow, St Petersburg and Nizhny Novgorod, he referred to the *unauthorised* nature of the wave of recent demonstrations.⁵

The media is impartial to the circumstances under which an event takes place, be it planned or spontaneous. Simply, it is their duty as media professionals to provide coverage and should be afforded the same privileges by the police as if the demonstration were 'sanctioned'.

1. Law-enforcement officials have a constitutional responsibility not to prevent or obstruct the work of journalists during public demonstrations. Journalists have a right to expect fair and restrained treatment by the police.

2. Senior officials responsible for police conduct have a duty to ensure that officers are adequately trained about the role and function of journalists and particularly their role during a demonstration. In the event of an over-reaction from the police, the issue of police behaviour vis-à-vis journalists should be dealt with separately, regardless of whether the demonstration was sanctioned or not. A swift and adequate response from senior police officials is necessary to ensure that such an over-reaction is not repeated in the future and should send a strong signal that such behaviour will not be tolerated.

Accreditation to cover political demonstrations

The issue of journalists' accreditation for public demonstrations has also been raised recently, particularly in the context of unsanctioned demonstrations⁶. The RFoM Special Report on "Accreditation for Journalists in the OSCE area" clarifies the conditions under which it is necessary for journalists to obtain accreditation:

"The accreditation system was designed to allow journalists access to specific venues with limited space as well as access to certain 'closed zones', including war zones and places deemed dangerous, or sealed off by the authorities for safety reasons. It also allows journalists to participate in official events and visits."⁷

Accreditation is required therefore only when access is necessarily restricted, such as access to the press gallery in a parliament building. In a public place, such as a town square, space is not limited and therefore there is no requirement for special accreditation.

⁵ Press briefing by the Head of Public Relations of the Ministry of Internal Affairs, 21 April 2007.

⁶ Ibid

⁷ http://www.osce.org/documents/rfm/2006/10/21826_en.pdf

3. There is no need for special accreditation to cover demonstrations except under circumstances where resources, such as time and space at certain events, are limited. Journalists who decide to cover ‘unsanctioned demonstrations’ should be afforded the same respect and protection by the police as those afforded to them during other public events.

Respect for printed material and equipment

Naturally, the personal equipment of journalists should be respected at all times. Confiscation of the tools of their trade, such as cameras or recording equipment is a criminal offence and is rather like switching off the microphone of the main speaker of a sanctioned demonstration. If police break or smash equipment deliberately, this should be considered a criminal offence and those responsible should be held accountable.

The Office of RFoM has also recorded a number of cases where printed material has been directly confiscated by the authorities immediately prior to a mass demonstration. For example:

- In Bishkek, **Kyrgyzstan**, on 11 April, in accordance with a confiscation warrant from the Prosecutor’s Office, the latest editions of four main opposition newspapers were seized, as well as printing plates and electronic files.
- In Samara, **Russia** on 11 May, one week prior to the ‘March of the Discontented’ demonstration planned for 18 May, media groups reported a police raid on the local bureau of the independent newspaper *Novaya Gazeta*, during which computers and financial records were seized. At least two other large seizures of the opposition newspaper ‘March of the Discontented’ reportedly took place prior to similar demonstrations on 20 March and 30 April in Nizhny Novgorod and St Petersburg.

4. Wilful attempts to confiscate, damage or break journalists’ equipment in an attempt to silence reporting is a criminal offence and those responsible should be held accountable under the law. Confiscation by the authorities of printed material, footage, sound clips or other reportage is an act of direct censorship and as such is a practice prohibited by international standards. The role, function, responsibilities and rights of the media should be integral to the training curriculum for law-enforcers whose duties include crowd management.

Responsibilities of journalists

The ODIHR *Guidelines on Peaceful Assembly* summarise the responsibilities of journalists:

“Journalists have an important role to play in providing independent coverage of public assemblies. As such, they must be distinguished from participants and be given as much access as possible by the authorities. In order to avoid confusion and facilitate such access, it may be necessary to require journalists and other media personnel to be clearly identifiable, by wearing for instance fluorescent bibs.”⁸

⁸ Section B Human Rights Monitors, Media and Other stakeholders, (168, p 75)

This photograph shows one mechanism by which a journalist can identify themselves. The jacket allows journalists to distinguish him/herself from other demonstrators and allows law-enforcement agencies to respond adequately to journalists' requests. The Russian-based "Centre for Journalists in Extreme Situations" distributes such jackets to journalists in Russia. When journalists are clearly identified, the likelihood that they will be caught up in the actual demonstration is significantly reduced.



“Press”

Case Study: Police-run training courses for journalists in France

Starting in 2006, the *Gendarmerie Nationale*, the French police force with a military status, has held special training sessions for journalists. The goal is to introduce journalists to security activities and public order enforcement measures during a demonstration, as well as crowd control mechanisms and crowd behaviour schemes through both theoretical courses and role-playing exercises.

The training courses, which last for four days, are attended by approximately 15 participants representing major French media outlets and TV broadcasters and are held in the National Gendarmerie Training Centre in Saint Astier.

Such training courses help to increase mutual understanding between journalists and public order officers and therefore diminish risks of accident in the course of a demonstration due to lack of discernment or judgement.

Ideally, the form of identification should be negotiated and agreed between journalists associations and law enforcement agencies, in order that both sides know and recognise the agreed emblem.

The role of journalists is to *report* on the event, it is not to become personally *involved* in it. If a journalist is politically active, on the day of a political rally, he or she must choose in what capacity to attend, *either* as a demonstrator *or* as a journalist.

Efforts are underway by the Press Emblem Campaign (<http://www.presseblem.ch/>) founded in June 2004 by a group of international journalists based in Geneva, to strengthen the legal protection and safety of journalists around the world. One of the aims of the organisation is to gain international recognition for an emblem that identifies media workers, similar in principle to the Red Cross emblem for medical workers.

National level efforts to introduce standards that differentiate journalists from demonstrators, and therefore offer a level of protection to journalists in conflict situations, should be also welcomed.

5. Journalists should identify themselves clearly as such, should restrain from becoming involved in the action of the demonstration and should report objectively on the unfolding events, particularly during a live broadcast or webcast. Journalists' unions should agree on an acceptable method of identification with law enforcement agencies and take the necessary steps to communicate this requirement to media workers. Journalists should take adequate steps to inform and educate themselves about police measures that will be taken in case of a riot.

Conclusion

In three earlier Special Reports on conflict coverage, the Office of the RFoM has examined the role and the handling of the media in violent situations in Andijan (2005), Beslan (2004) and Kosovo (2004). The recommendations therein are relevant to the issues raised in this report and should be read in conjunction with the recommendations in this Special Report.⁹

As was the case in Beslan and Kosovo, reports of direct attacks on journalists by demonstrators themselves are, unfortunately, not uncommon. For example:

- In Paris in November 2005, violent attacks on at least five French and foreign journalists took place during urban riots.
- In Belgrade in March 2006 a camera crew from B92 was physically attacked while reporting on the death of Slobodan Milosovic from outside the Sveti Sava hospital.
- In Novi Pazar, in April 2007 a Glas Javnosti journalist was attacked while trying to photograph a column of mourners carrying the body of Ismail Prentic.
- On 9 October 2005 during an opposition rally in Baku, Azerbaijan, unidentified individuals physically attacked and injured a Zerkalo journalist even though he was clearly identified by a blue Press jacket.

It is the role of the police to ensure that key civil rights such as personal security and freedom of movements are afforded to all citizens, including journalists. In three of the four cases mentioned above, journalists reported that assistance had been offered by the police and that their intervention had prevented an escalation of violence.

Unfortunately, attacks on journalists continue within the OSCE area. RFoM continues to receive reports about journalists who have been physically attacked in connection with their professional duties. One such example is the attack on the Kyrgyz journalist Kairat Birimkulov of the State TeleRadio Company on 16 March, who was severely beaten and hospitalised as result of his injuries.

6. Both law enforcement agencies and media workers have the responsibility to act according to a code of conduct, which should be reinforced by police chiefs and chief editors in training. Police chiefs can assist by ensuring that staff officers are informed of the role and function of journalists. They should also take direct action when officers overstep the boundaries of these duties. Media workers can assist by remaining outside the action of the demonstration and clearly identifying themselves as journalists.

⁹ http://www.osce.org/documents/rfm/2005/03/15195_en.pdf (Andjian)
http://www.osce.org/documents/rfm/2004/04/2695_en.pdf (Kosovo)
http://www.osce.org/documents/rfm/2004/09/3586_en.pdf (Beslan)

Summary of Recommendations

1. Law-enforcement officials have a constitutional responsibility not to prevent or obstruct the work of journalists during public demonstrations. Journalists have a right to expect fair and restrained treatment by the police.
2. Senior officials responsible for police conduct have a duty to ensure that officers are adequately trained about the role and function of journalists and particularly their role during a demonstration. In the event of an over-reaction from the police, the issue of police behaviour vis-à-vis journalists should be dealt with separately, regardless of whether the demonstration was sanctioned or not. A swift and adequate response from senior police officials is necessary to ensure that such an over-reaction is not repeated in the future and should send a strong signal that such behaviour will not be tolerated.
3. There is no need for special accreditation to cover demonstrations except under circumstances where resources, such as time and space at certain events, are limited. Journalists who decide to cover ‘unsanctioned demonstrations’ should be afforded the same respect and protection by the police as those afforded to them during other public events.
4. Wilful attempts to confiscate, damage or break journalists’ equipment in an attempt to silence reporting is a criminal offence and those responsible should be held accountable under the law. Confiscation by the authorities of printed material, footage, sound clips or other reportage is an act of direct censorship and as such is a practice prohibited by international standards. The role, function, responsibilities and rights of the media should be integral to the training curriculum for law-enforcers whose duties include crowd management.
5. Journalists should identify themselves clearly as such, should refrain from becoming involved in the action of the demonstration and should report objectively on the unfolding events, particularly during a live broadcast or webcast. Journalists’ unions should agree on an acceptable method of identification with law enforcement agencies and take the necessary steps to communicate this requirement to media workers. Journalists should take adequate steps to inform and educate themselves about police measures that will be taken in case of a riot.
6. Both law enforcement agencies and media workers have the responsibility to act according to a code of conduct, which should be reinforced by police chiefs and chief editors in training. Police chiefs can assist by ensuring that staff officers are informed of the role and function of journalists. They should also take direct action when officers overstep the boundaries of these duties. Media workers can assist by remaining outside the action of the demonstration and clearly identifying themselves as journalists.