



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

Mr. Chairman, Ladies and Gentlemen,

In this report I have divided my comments into two parts: general remarks about our work, our priorities and the new challenges we face after the events of 11 September; and my regular quarterly country-by-country review of recent cases we had to deal with. This part has been provided to you in written form, and I will not read it out here. Attached also is a detailed description of our project the *mobile.culture.container*.

General Remarks

The consequences of 11 September do have an effect on the work of my Office. I had the chance to talk to a lot of responsible people within our participating States during the last two months. They shared my fear that the wide attention previously given by many governments and international organisations to human rights issues, including freedom of expression, will somewhat fade into the background with the enormous challenges stemming from the common fight against criminal terrorist acts. But terror must not kill freedom in general and freedom of expression, in particular. Already worrying developments are occurring in both the East and the West, with national security matters taking priority over everything, sometimes even squeezing certain civil liberties. Therefore, I feel obliged under my mandate signed by all 55 OSCE participating States to bring to your attention my concerns.

I do not want to sound alarmist but I hope we are not too late for this discussion once these new patterns are solidified through legislative, political and other means available to governments. The fragile state of human rights in some of the OSCE members could be further undermined if the old democracies in the West and in Northern America would not set precedents, however minor they may seem, that can then be used by certain governments to stifle dissent.

I am sure, that the problematic reasons given for firing the City Editor of the *Texas City Sun* for publishing an unflattering comment about the US President, although worrying, will not weaken the solid foundation of freedom of expression in America: the country's First Amendment. There are participating States, however, where a similar action might have a chilling effect on the already heavily pressured media. If the spokesman of any of the leading Western democracies says that everybody "needs to watch what they say", that could be interpreted as a slip of the tongue but could be considered a negative example throughout the world, welcomed by some, unacceptable for others.

When the *National Union of Journalists* in Great Britain warns that at a time of crisis the "BBC goes straight into "Ministry of Information" mode," this concerns us and our work. However, the average British citizen will still have numerous sources to choose from for news. This is not the case in countries where the state broadcaster is the predominant one.

I very much agree with the recent comments made in Uzbekistan by our Chairman-in-Office, Romanian Foreign Minister Mircea Geoana that “There is no excuse for abuses of human rights.” I would like to once again underline that national security concerns and the need to combat terrorism should also not be used as excuses, although the temptation is there. The credibility of the OSCE is based, among other things, on its ability to rise to the new challenges facing us in the aftermath of the attacks of 11 September. The Third Basket should not become a hostage to the First one. [For those interested in this subject I can refer you to a very informative study recently issued by the *International Federation of Journalists on Journalism, Civil Liberties and the War on Terrorism.*]

In the current situation I see my Office, among other things, focusing on three matters:

1. Activities after 11 September

The Third **Central Asian Media Conference** will be organized by my Office together with the OSCE Centre in Almaty in a few weeks time, on 10-11 December. The focus of the conference this year will be “**Media Freedom in Times of Anti-Terrorist Conflict.**” After 11 September many governments are actively developing new approaches to their security and looking at novel ways to prevent any further attacks against the civilian populations. A public debate through pluralistic media is vital to this process and an anti-terror coalition must not jeopardize the freedom of journalists to fulfill their function. The conference intends to examine the new challenges that will arise in this situation, including protection of journalists in conflict zones and journalistic responsibility. Special attention will also be given to the opportunities for the younger generation in the media field. The two first conferences were attended by approximately one hundred journalists, experts, representatives of political parties and NGOs who shared their experiences and viewpoints. The third conference will enable the participants to discuss the progress and developments in the five countries as well as the possibilities for further cooperation in the region.

The first casualty during war time is the truth. We must assist the journalistic work, and the freedom of professional journalism – which are the basic agents of a pluralistic debate in any democracy.

As you know, in the aftermath of the attack hundreds of journalists from all over the world arrived in the Central Asian countries. In Tajikistan more than 1400 foreign journalists received accreditation in the first month after the attacks. To provide assistance to these journalists, my Office, together with the OSCE Mission in **Tajikistan**, decided to initiate an OSCE Information Hotline in Dushanbe, that is run by the OSCE Mission. During the first week following the opening of the hotline on 28 September more than 60 calls were answered on a wide range of issues, and several groups of journalists paid visits to the Mission. This OSCE initiative has been positively received in the fast growing community of international journalists in Dushanbe, as well as by the Tajik authorities. The OSCE Mission will continue to operate the information hotline for journalists as long as there is a need for it.

2. “Hate Speech”

My second priority will be monitoring and reacting to instances of “hate speech” in the media. Media NGOs have reported from both the East and the West several such cases. We should not tolerate “hate speech” in the OSCE region and expect our participating States to take action when such cases do arise. Two examples show that the problem of intolerance is being dealt with by the journalists themselves: in Poland the *Media Ethics Council*, established with the support of the *Polish Journalists Union*, criticised several media outlets

that published articles it believed to be racist and xenophobic, including even the leading dailies *Gazeta Wyborcza*, that printed a series of articles as part of a pluralistic debate including one from *Corriere Della Sera* that stirred much controversy. The *Swedish Union of Journalists* is also monitoring intolerance in the media.

3. Strengthening the Credibility of Our Organization

We continue monitoring and defending freedom of the media in the whole OSCE region, as we all like to say: from Vancouver to Vladivostok. My Office does not have any geographic priorities, any “favourite” countries. We are “geographically blind.” The OSCE participating States have all signed up to the OSCE commitments and should be accountable for adhering to them. There is no pick-and-choose, and I will make sure that any violations of the commitment to freedom of the media will be attended to in line with my mandate.

Country-by-Country Review

In **Russia** I continue to closely follow the case of Olga Kitova, a correspondent for the regional newspaper *Belgorodskaya Pravda*. I have spoken on several occasions in this forum about her plight, her fight against corruption and her court battles. She is currently on trial on several criminal charges and I await a verdict in the next few days. Her case has drawn the attention of both the Russian and the international media since it in a stark manner pointed to the problems faced by journalists in the provinces of Russia where certain officials still consider the press as part of the region’s administration and not as an independent watchdog. In Ms. Kitova’s case I received support from government officials. My Office would have liked to monitor the situation in the regions of Russia more closely, but was not able to do so because of budgetary constraints. I hope that this may be possible in 2002.

Our projects in **Ukraine** are progressing in a satisfactory manner. The Project Co-ordinator’s Office is cooperating with us on a series of regional seminars enhancing public awareness of international standards in the field of free media and improving the working relationships with the different actors who are active in the media field. This fall five seminars have already been organized, with the participation of journalists and regional authorities. Furthermore, in cooperation with the Council of Europe, the first legal review has been finalized as an answer to the request by the Ukrainian authorities. This first review is focusing on all the laws related to broadcasting. A follow-up seminar is planned for 18 December, where the experts and the authorities have a chance to discuss the recommendations in detail. Two further reviews will be finalized in the next few weeks.

In the Gongadze case, I will continue insisting on the need for an independent inquiry into the disappearance and subsequent murder of journalist and editor Georgiy Gongadze. I believe that such an inquiry, to be credible, must involve international experts, including criminal investigators. I urge the Ukrainian Government to initiate such an investigation.

Having closely followed media developments before, during and after the 9 September presidential elections in **Belarus**, I observed with great concern the increasing pressure put on the independent media. Here are only two examples of censorship and intimidation of independent media which took place during the electoral campaign:

- On 17 August 400,000 copies of a special issue of the independent newspaper *Nasha Svaboda* were confiscated at the private publishing house *Magic* in Minsk by police from the Committee for Financial Investigation for “inaccuracies in *Magic*’s financial accounts.” This confiscated special issue contained information about Vladimir Goncharik, the single democratic opposition candidate in the elections, as well as some

latest public opinion polls. A few days later I wrote a letter to the Belarusian Foreign Minister in which I called on the Belarus Government to cease its unending, problematic treatment of the independent press in Belarus and to release the *Nasha Svaboda* special issue.

- On 27 August the Hrodna Regional Prosecutor filed a lawsuit against the private newspaper *Pahonya* for accusations of libel against President Lukashenko. Eventually the State Committee for the Press had to drop the lawsuit seeing no legal basis for action. Soon after the elections, however, prosecutors in Hrodna seized a print run of some 8,000 copies of *Pahonya* and have launched a new trial against the newspaper.

My conclusions coincide with those drawn by the OSCE/ODIHR Limited Election Observation Mission in its final report on Belarus 9 September presidential election, which *i.a.* stated that:

“there were fundamental flaws in the electoral process, some of which are specific to the political situation in Belarus, including a campaign of intimidation directed against independent media, highly biased State-controlled media and censorship against the independent print media.”

Most recently, the chairman of Russia’s Central Election Commission Aleksandr Veshnyakov said in an interview to *strana.ru*, and I agree with this statement as well, that the Belarus election was *“far from being an example to Russia and other countries that have embarked on the path to democracy.”*

Finally, I regret to have to tell the Permanent Council that Belarusian authorities for the second time without giving any reason denied a visa to my senior adviser who was invited to take part in a 30 October conference in Minsk organised by *Deutsche Welle* on freedom of the media in Belarus. Despite public statements by the Belarusian authorities that the country wishes closer co-operation with European institutions, including the OSCE, a regrettable action such as this one is not a positive sign. Nevertheless, my Office will continue its efforts to find ways to improve our co-operation with Belarus in order to assist the authorities and civil society in promoting freedom of media in that country.

One of the cases that caused concern for my Office earlier this fall was that of Mr. Shukhrat Babadjanov, the Director of *ALC TV* in **Uzbekistan**. I have spoken about *ALC TV* before, as this independent television station has been closed down several times by officials and has had long-standing licensing problems with the authorities. By the end of June 2001 *ALC TV* was again refused a license. Furthermore, a criminal case was opened against Mr. Babadjanov in August, based on an alleged forgery of a recommendation letter to become a member of the Union of Artists of Uzbekistan. As Mr. Babadjanov felt threatened by the developments, he left the country in August.

An on-going project in **Tajikistan** is the working group drafting a new media law. This is a six-month project related to our legal fund, organized with the cooperation of the OSCE Mission and *Internews*. The 15 member working group, consisting of Tajik legal experts, parliamentarians, leaders of political parties, and NGO representatives, has already organized its first three meetings. The public will be kept up to date of the drafting process through articles in local media.

The political crisis in **Georgia** which led President Shevardnadze to dismiss his entire government on 1 November after a raid by Security Ministry officers on the country’s leading independent television station sparked public demonstrations and is an example of

what may happen to a society which does not allow for the necessary corrective function of public criticism.

The television station, *Rustavi-2*, has often reported on alleged corruption and other violations especially by the Ministries of Security and Internal Affairs and has a strong following among Georgia viewers who came out onto the streets of Tbilisi on 30 October in support of *Rustavi-2*, apparently fearing the start of a campaign against freedom of speech. Tensions have been very high between the station and the Georgian security authorities since the July murder of one of the station's most popular news anchormen, Georgi Sanaia.

Over the past months, I have felt compelled to draw the attention of the Georgian government to the disturbing, ongoing harassment against *Rustavi-2*, which has been trying to expose corruption that continues to fester in the country and which is a matter of paramount concern to all Georgians.

President Shevardnadze has confirmed his commitment to freedom of media as one of contemporary Georgia's greatest achievements. I deeply believe that media such as *Rustavi-2* can do very much to help the country deal with its debilitating corruption. If the harassment against the media continues, history shows us that the public outcry can become more insistent and violent.

The second half of September saw a government crackdown on Azerbaijan's independent media, with more journalists in prison than at any time since independence, large fines imposed on two major independent newspapers and several newspapers closed down altogether. And I am acutely aware of the continuing difficulties independent television stations are experiencing as they try, unsuccessfully, to obtain broadcasting licenses. One more station, the regional *DMR TV*, was closed on 24 September, further reducing the already small number of independent television stations in Azerbaijan.

A few weeks after my Statement to the Permanent Council on media developments in Azerbaijan, I sent a letter to the Minister of Foreign Affairs welcoming President Aliyev's 17 October decision to release from prison two journalists and the director of the independent printing house. While encouraged by this action, I suggested that dropping the charges against these journalists and the reappearance of their newspapers, as well as a fair and just trial for those journalists remaining in prison, would be a crucial first step towards improving the media situation in Azerbaijan.

The Ambassador of the Permanent Mission of the Republic of Azerbaijan to the OSCE has sent me a letter with a list of proposals for possible cooperation with this Office. I took note of this request to develop media projects and expressed to the Ambassador my interest in assisting Azerbaijan in its commitment to the furthering of free, independent and pluralistic media. However, I underscored to him that my Office's ability to do so will depend on our receiving the modest budget increases we have requested.

I have spoken on several occasions in this and other international fora on my concerns regarding what I call the constitutional challenge in Italy, where the Head of Government either owns or controls the majority of the country's electronic media. We have different views on this matter with the Italian Government which believes that this issue is outside my mandate. In my view, the developments in Italy are of paramount importance to this Office and may also influence unfavourably the situation in some other participating States that have recently moved on the path of democracy. I will follow the debate in the Italian parliament closely. Recently media attention was drawn to the Government's decision not to ratify a contract between *RAI* and an American partner *Crown Castle* that was willing to take a

minority stake in *Raiway*, which manages *RAI*'s TV and radio transmitter mast network. The *Financial Times*, for example, seems to suggest that *RAI* would suffer an economic loss should this contract not be signed and this could also considerably weaken its position towards its private competitors.

In the **United Kingdom** Martin O'Hagan of the *Sunday World* was killed on 28 September 2001, gunned down near his home in Northern Ireland. Mr. Martin O'Hagan, like many before him, went beyond the call of duty and paid the ultimate price – a rare case of “censorship by killing” in Western Europe. This form of “censorship” has been a concern of my Office since its establishment as dozens of journalists lost their lives in the OSCE region. Mr. O'Hagan had worked for several years for this major Sunday newspaper, specialising in investigating paramilitaries and drug Mafia. I understand from reports I received from the media and relevant non-governmental organisations that he had received a number of death threats. I have appealed to the British Government to ensure that the perpetrators of this crime are brought to justice, and I have received assurances from the Minister of State for Northern Ireland that the Government is determined to do this.

The project “*mobile.culture.container: In Defence of our Future*”

The Purpose:

The project ***mobile.culture.container: In Defence of our Future*** addresses the young generation in a post-conflict situation. With the help of contributions from the governments of participating States, it aims to abolish and prevent “hate speech,” to help young citizens 14-18 years old in cities in Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia to co-operate and take the responsibility for a stable and peaceful future. The projects’ activities change the young people’s way of thinking, prompt them to cross the boundaries that separate them and to begin the discourse of a new generation of enlightened citizens. Their vision turns away from the past and focuses on a shared future and a shared responsibility for this future. Thus school classes from Višegrad visited Goražde for the first time in years and participated in the activities of the *mobile.culture.container*.

The young people who took part in *mobile.culture.container* programmes continue some of them: In Osijek a youth parliament was formed based on the European Youth Declaration. In Čačak a first editorial office for a school newspaper was founded, and an Info-Club was set up with an Internet café, a library and a reading room with magazines and newspapers. At the technical secondary school in Čačak a computer room was up for the first time, finally allowing pupils access to this new technology and appropriate technical vocational training. In Goražde a youth newspaper was established in collaboration with the local cultural centre.

The situation after 11 September showed the impact this project has had: the participants were not overwhelmed by ethnic hatred, but got together to discuss the situation, possible reactions and future developments in a very rational and responsible way.

The *mobile.culture.container*:

The *mobile.culture.container* is composed of 16 containers, housing, for example, a peace library, an Internet café and a video laboratory. These containers are assembled in a circle with a diameter of 25 metres and are covered with a cantilevered awning. This forms in the centre of each town a place for young people to meet, a place to examine issues, to take part in a wide variety of workshops and a venue for events.

In a short period of time - starting with the sensation caused by the arrival of the *mobile.culture.container* and its spectacular construction - it develops into a focal point for the young people in each of the towns.

The Route:

After its official opening in Tuzla, Bosnia and Herzegovina, in spring 2001, the *mobile.culture.container* travelled on to Osijek, Croatia, Čačak in the Federal Republic of Yugoslavia and to Goražde, also in Bosnia and Herzegovina, from where it went into its winter quarters last weekend. In each town, it stayed for five weeks at a time. It will be visiting six more towns in Bosnia and Herzegovina, the Federal Republic of Yugoslavia and the former Yugoslav Republic of Macedonia from March 2002 onwards.

The Program:

In each town, the program starts with group brainstormings about the personal, political, economic and technological future after the devastating wars of the nineties. The discussions

revolve around themes such as tradition and European integration and democratisation, how to counter ethnic hatred, chauvinism and racism.

These issues will then be developed upon in workshops. In a small video laboratory young people are asked to create a script about the future and to make short films which they then edit. During the winter break the project's film team will produce these videos into a film documentary of their work. In a photo workshop called "Mine is the City," the young people make profile shots of different citizens from their town and then combine these faces to become their town's "face." The program produces improvised plays, has a literature and a radio workshop, a comic workshop; the young people learn to produce their own newspaper.

A stage and basic stage technology provide for evenings with discussions, films or music. The project has held discussion evenings for over 300 guests on literature, current events like the terror attacks in autumn 2001, women's rights, corruption, regional economic co-operation such as between Goražde and the surrounding majority Serb-populated towns. In almost every town in 2001 there was a Europe Day where detailed information was provided about the European Union and the prospects arising from integration. In Serbia there were speakers from Croatia.

The music events in the *mobile.culture.container* likewise contribute to overcoming ethnic rejection. In Osijek in Croatia there were very successful performances by bands from Vukovar. In Čačak in Serbia a band played for an enthusiastic audience from Tuzla that is predominantly Bosnian and Goražde was visited for the first time by a band from nearby Srpsko Goražde.

With the support of a private sponsor the *mobile.culture.container* will set up editorial offices for another ten school newspapers during its tour of 2002 and will build up a network between them.

A young pupil from Goražde, a place tragically known as a result of the past war, said: "We all learned during the war that everyone must look after themselves. In the future we have to change that and learn something new and we still find this very difficult." The *mobile.culture.container* takes up this aspiration for the future and contributes to the development of a peaceful civil society.