



Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Freimut Duve

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Report to the Permanent Council

Mr. Chairman, Ladies and Gentleman,

This is my last report to the Permanent Council before the summer break. First of all, I would like to thank the OSCE participating States for **extending my mandate** for a second term. My office will continue focusing on freedom of the media in the OSCE region: from Vancouver to Vladivostok, as well as more actively becoming involved in media-related projects.

The recommendations from the Supplementary Human Dimension Meeting on Freedom of Expression in March 2001 included a number of requests for my office for additional activities and the extension of current ones. Many of these recommendations are focused on more assistance to the participating States and the OSCE field presences in media matters. These proposals have also been reiterated in the Permanent Council on several occasions. To be able to respond to these requests my office is in the process of developing an approach which will **broaden our project activities**. We will welcome a discussion on this matter after recess. However, the effective implementation of this plan of increased assistance and project activities will require additional human and other resources for the Office in 2002 as has been proposed in the draft budget.

On 31 May my office and the OSCE Advisory and Monitoring Group organised a Public Workshop in Vienna on Freedom of Media in **Belarus**. This successful program brought together journalists, governmental experts and international NGOs. Among the topics were: *Structural Problems of Independent Media, Information Security Policies and State Authorities, the upcoming Presidential Elections and Support for the Independence of the Media*. I urged the journalists to play a role in building the future of their European country and was satisfied with the frank and constructive exchange of views which took place between governmental and non-governmental media, something that rarely happens in Belarus at the current time. I encouraged further such contacts and hope to be able to make a visit myself to Belarus in the pre-election period. My Office is currently putting together a brochure of the various presentations which were made at the Workshop. I would like to express my gratitude to the Governments of the United Kingdom and of the Netherlands for their generous financial support for the Workshop.

Once again I would like to stress that Dmitry Zavadsky, a cameraman for the Russian television channel *ORT*, who had gone missing in Minsk last July, is still not accounted for. This case has drawn world-wide publicity and pressure. However, the Belarus authorities have not been able to provide the public with any coherent answers on the fate of Zavadsky.

On the night of 17 July, a burglary took place at the offices of *Dyen*, a leading Belarusian independent newspaper. The robbers took the hard drives of three computers containing material prepared for a special edition on the “disappearances” of several opposition politicians and the journalist Dmitri Zavadsky. The burglary might be connected with *Dyen's* recent investigative journalism on these disappearances, because the burglars left more expensive computer equipment untouched. Both Article 19 and the Belarusian Association of Journalists (BAJ) have condemned this burglary.

One of my senior advisers made an assessment visit to **Azerbaijan** on 18 – 20 June to obtain first-hand information about the media situation which has been of concern to the OSCE. An intensive exchange of views took place with journalists, government officials and media NGOs and produced evidence to the fact that there is a dedicated corps of journalists in the country and a degree of active debate on some of the key issues which affect the future of journalism in Azerbaijan.

Although newspaper journalists informed my adviser that direct political pressure and the number of lawsuits against them have decreased somewhat, I am concerned that there are still a number of violations against the freedom of the media in the country. This was confirmed by a report issued 6 July from the *RUH Committee for the Protection of Journalists' Rights* which said that violations were registered in connection with 70 media representatives over the first six months of 2001: journalists were threatened, reporters were taken to police, and many journalists were subjected to physical pressure by the police.

During my adviser's visit, journalists reported also other types of pressure which negatively impact on their ability to work, what I call *structural censorship*: the high price of newsprint, distribution problems and insufficient access to information. Many newspaper journalists are also concerned about the president's recent decision to switch to the Latin script by 1 August 2001. They fear that the majority of independent publications will most probably have to close down as a result of this decree, simply because the majority of readers are not ready to use the new script, and their publications will end up unsold and unread.

The electronic media faces serious obstacles such as the essential issue of licensing and frequencies, and the very existence of most radio and TV stations is precarious. And this is a dramatic challenge for freedom of expression, because most people in Azerbaijan turn to electronic media for their news, in the capital and in the regions. It was precisely to address this concern that the OSCE Representative on Freedom of the Media and the OSCE Office in Baku in cooperation with *Internews* organized a two day round table in June on the Law on Broadcasting resulting in recommendations for new draft regulation for Azerbaijani television and radio companies. I strongly recommend that these results be taken very seriously and be implemented in the final Law on Broadcasting.

The Azeri Government officials assured us that they are aware of the many problems the media are facing, that they understand the importance of freedom of the media for the democratic future of their country and that they want to fulfil their OSCE commitments in this area. We are continuing to watch closely the developments concerning media in Azerbaijan.

The constitutional challenges to media freedom in **Italy** – a member country of the EU. I have raised some of my concerns on several occasions related to the concentration of control of TV media in the hands of a democratically elected government. The result of the announced separation of the influence of Silvio Berlusconi on private TV-media from his obligations as Prime Minister will have an impact on the work of my office in all the participating States. As I have underlined before, a good and acceptable solution in Italy

could become an important example in the future of how to disentangle government control and the independence of media for all participating States. An unacceptable half-way solution, which might be interpreted as a hidden non-separation, might allow leaders in some of the newly emerging democracies to misuse the example of an EU member so as to insist on at least partially controlling the media. I will continue monitoring this situation.

My office continues to focus on developments in **Ukraine**. On the positive side, I am currently finalising together with the Council of Europe, the OSCE Project Co-ordinator and the Verhovna Rada a list of draft media legislation to be reviewed by international experts. I also plan to conduct several public awareness campaigns on international standards and freedom of expression, and not only in Kiev but also in the provinces where these standards are less known.

The case of Georgiy Gongadze. I am still awaiting results from the investigation into his murder. As I had been recommending all along, foreign experts have been brought in to assist in the autopsy of the body. However, those who had committed this crime are still at large with time passing by. I once again would like to stress the need for a thorough investigation to be completed as soon as possible. Gongadze is not forgotten, this year Gongadze posthumously received the *OSCE Prize for Journalism and Democracy*.

On 7 July, Ihor Aleksandrov, the director of *TOR* television station in Slavyansk, died after being attacked by unknown persons four days earlier, I spoke about this case last week. Another case that has been reported to me concerns the owner of a media holding company *Avers* in Lutsk. Oleg Velichko was beaten badly last week, the police do not exclude that he was attacked because of his professional work.

The **Federal Republic of Yugoslavia**. I have issued a statement regarding the murder of Milan Pantic, a reporter for *Vecernje Novosti* daily, who was killed in the Central Serbian town Jagodina. He wrote extensively on crime and corruption. I understand that the authorities are doing everything possible to investigate this crime. I also continue to follow the debate around the Telecommunications Law and the future re-licensing of electronic media where the OSCE Mission together with the Council of Europe are very active.

Many of you know about the long-term project I initiated in south-eastern Europe called *In Defence of Our Future: mobile.culture.container*. This travelling library—community house was officially launched in Tuzla on 6 June with many international and local dignitaries present. Already it is bringing young people of different ethnicity together to discuss their common future. Currently, the *mobile.culture.container* is being set up in Osijek, Croatia.

Media investigating corruption. I have discussed this issue last year with journalists in Prague. This is a major challenge in many countries. Just recently I have come across two very disturbing cases. One in **Georgia** where the staff of *60 Minutes*, a highly respected and popular investigative programme on *Rustavi-2* television, has been under pressure. A recent programme has been taken off the air, a first in its two years of existence. I have also been informed that there is a campaign underway in newspapers and on state television discrediting *60 Minutes*, accusing it of “terrorising” the nation and “harassing” public opinion. There are even calls to “punish” the staff of this programme.

Another case is that of Olga Kitova in **Russia** which again I discussed last week. There is a new and worrying development this week: on Monday the Belgorod regional legislature, of which Kitova is a deputy, agreed to the transfer of her case to court for prosecution, effectively lifting her immunity. The session was closed and no journalists were allowed to

attend. This decision again puts Kitova into a more difficult situation than before and I urge the Russian authorities to get more actively involved in this case.

One of the projects I am currently exploring deals with **protection of journalists in conflict areas**. I am planning to organise together with the *Russian Union of Journalists* a training seminar in Moscow later this year on how to work in a conflict-ridden zone. The training will be conducted by experienced Russian journalists who have spent the last decade covering conflicts. I also plan to publish a booklet in Russian on how to behave in a war zone written by an experienced Russian cameraman. My office has approached the governments of the United States and Norway soliciting funding for this project. I would like to use this opportunity to appeal to the other participating States to support this seminar which will involve first of all journalists from the provinces, who rarely have the possibility to receive such training.

My Office has been quite active in the last months concerning the **legal fund** giving assistance in legal media matters to the OSCE field presences. In June, a legal expert participated in a round table on broadcast licensing organised by the OSCE Office in Baku. The recommendations from this round table were shared the following week with a Council of Europe conference dealing with the broadcasting law. We have also assisted the OSCE Centre in Bishkek and its field office in Osh in a project where journalists can receive legal expertise from a local lawyer on matters relating to the media law. And finally, together with the OSCE Mission to Tajikistan, a working group has been convened with the task of drafting a new media law. We are currently considering further proposals from the field presences.

We have also started outlining activities for the fall 2001. The Supplementary Meeting recommended further attention to the connection between **media and minorities**. I am interested in formulating practical guidelines for the daily work of my Office for our monitoring and assistance functions in this area. I would be interested in developing guidelines through best practice examples and based on relevant international standards. To begin this process, a first expert round table will be organised in the fall to explore the international standards and commitments that exist on the relationship between minorities and the media and suggest best practice examples.

As we have seen over the past months in several central and east European countries, one of the issues faced by the new democracies is how to transform a government broadcaster into a **public service utility**. We have seen the difficulties of doing so in the Czech Republic, in Hungary, in Bulgaria. The same problems are currently being tackled in the Federal Republic of Yugoslavia. This matter is not fully resolved in Azerbaijan, Ukraine, Russia, Belarus. The list does not end there. One of the projects I am looking at is trying to bring together broadcast managers from the new democracies together with managers from such established public service broadcasters as the *BBC* to discuss ways and means of how to deal with this challenge.

This was only a selected overview of my activities and future plans.

Thank you.