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## United States Mission to the OSCE

# Response to the Representative on Freedom of the Media

As delivered by Chargé d' Affaires Kyle Scott  
to the Permanent Council, Vienna  
July 2, 2009

Madam Chairwoman,

The United States welcomes Representative on Freedom of the Media, Miklos Haraszti, to the Permanent Council this morning.

Mr. Haraszti, we commend your unflagging commitment to media freedom throughout the OSCE region. Your current report documents events in more than twenty OSCE participating States, notes progress, but also reminds us that much still needs to be done to promote freedom of expression and to protect journalists. Your report identifies States that are taking steps forward on reforms such as defamation laws, but it also reveals disturbing cases of journalists in physical danger or imprisoned for exercising their profession.

We continue to be especially concerned by physical violence against journalists for their reporting about corruption, human rights, or other important issues. As you have often warned us, violence against media workers is the greatest threat to freedom of the press. Your report documents several such instances, which demonstrate a troubling trend also described by independent and reputable press and human rights organizations. The climate of fear is compounded when the perpetrators of these brutal attacks are not brought to justice, as is too often the case. The United States calls upon all OSCE participating States to take appropriate steps to protect journalists from physical harm, and to hold accountable those responsible for violent attacks on journalists. We urge that the issue of safety of journalists figure prominently on the agenda of human-dimension gatherings such as HDIM and other meetings where experts and interested parties can gather to suggest best practices to prevent perpetrators from getting away with acts of violence or intimidation.

In your report, you allude to an overall lack of progress in bringing to justice those responsible for physical attacks against journalists in Russia, Armenia, and Kyrgyzstan. We join you in looking forward to updates on investigations into several recent cases of violence your report noted against journalists in Georgia. You note that Russia's Union of Journalists is investigating violence against members of its profession and partnering with the State Duma Committee on Information Policy to create an investigative journalism agency in response to violence against journalists. We hope these efforts will bear fruit, as we have often expressed concern about the many unsolved cases of murdered journalists in Russia. Just this week, we were saddened to hear that journalist Vyacheslav Yaroshenko, Editor-in-Chief of *Korruptsiya i Prestupnost* passed away from injuries sustained in a brutal April

attack that many believed was connected to his work. As we applaud media workers for pursuing justice, we are reminded that the fight should not be theirs alone. Authorities are primarily responsible for investigating and prosecuting crimes when journalists are attacked or intimidated; it is also their responsibility to help create an environment in which journalists are able to conduct their work free from harm. Governmental authorities must not allow those who attack and murder journalists to evade justice.

We would also like to underscore the importance of a free press before, during and after elections. Authorities have an obligation to support and protect journalists who are covering election-related political events. We all need to take this commitment seriously.

We share your concern about other threats to media freedom. The threat of journalists' imprisonment for libel or other reasons connected with their professional work is still a reality in several OSCE-participating States. This report reminds us that public officials should be prepared to bear greater scrutiny than do ordinary citizens. We join you in welcoming the release of three imprisoned journalists in Azerbaijan. We commend President Aliyev for his April statement that prosecution for libel is out of step with European standards and that imprisonment of journalists should be avoided; we share your regret that despite the President's statement, the founder of the newspaper Ideal was imprisoned in May.

While handling defamation cases through civil, rather than criminal, codes is an important step, States must also ensure that penalties in civil suits are proportionate to the harm. Your report notes that imposition of exorbitant fines that can force a media outlet to shut down threatens media pluralism and freedom of expression. In this regard, the report cites legal action threatened against multiple media organizations by a former cabinet minister in the Slovak Republic, which could have a chilling effect on the free press there. We hope that this situation will spur the Government of the Slovak Republic to review how libel law is working with reference to its OSCE commitments to foster free and independent media. We hope that similar cases in other OSCE participating States, including the ten-fold fine increase by an appellate court of a fine levied on Tazhargan newspaper in Kazakhstan on libel grounds, will be resolved with these same commitments in mind.

Madam Chairwoman, the United States has long advocated freedom of the Internet from censorship and excessive regulation. This has been an issue for our next Chairman-in-Office, Kazakhstan, which has pledged to reform its laws to bring them better into alignment with OSCE commitments, before it begins its chairmanship. We encourage and recognize Kazakhstan's continued cooperation with RFOM, but note new restrictive Internet legislation that has been sent to President Nazarbayev for his approval. The new law would weaken freedom of expression on the Internet by equating blogs and chats with traditional media and reclassifying all Internet fora as "media outlets." We expect that Kazakhstan, as it takes the helm of the OSCE, will do what is necessary to strengthen, rather than weaken, guarantees of Internet freedom.

We also want to emphasize our strong agreement with principles for development of media freedom that RFOM has often cited: permit international broadcasters easy access to the public, ensure access to broadcasting frequencies by a diverse array of media organizations,

eschew state regulation of the profession of journalism, allow unimpeded operation of news organizations, and adopt best practices such as providing the public with secure access to official information, improve police handling of media workers at political demonstrations, and leave journalists free to develop their own voluntary codes and standards of conduct without interference by the state.

Finally, we are heartened by all the positive work performed by the Representative on Freedom of the Media and his staff. Training activities, expert help, and promotion of best practices are important contributions to equipping all participating States to meet our OSCE media-freedom commitments. Thank you, Mr. Haraszti, for your dedication and good work in promoting media freedom as a pillar of the security architecture of this region.

Thank you, Madam Chairwoman.