



United States Mission to the OSCE

Response to the Regular Report of OSCE Representative on Freedom of the Media Dunja Mijatović

As delivered by Chargé d'Affaires Gary Robbins
to the Permanent Council, Vienna
June 19, 2014

The United States extends a warm welcome to OSCE Representative on Freedom of the Media Dunja Mijatović to the Permanent Council. Thank you for your comprehensive report. As you noted, journalists in the OSCE space continue to be subject to acts of violence, and we've seen that impunity for murders and other attacks is all too common. Those wishing to exercise their internationally recognized right to freedom of expression, online or in the public sphere, are under increasing threat in some participating States.

We wish to express our condolences to the family and colleagues of journalists that have been killed while covering the events in Ukraine. Most recently, two Russian journalists died while reporting in Luhansk on June 17. We deplore the abduction and harassment of journalists by pro-Russian separatists in Donetsk and Luhansk, and in Russian-occupied Crimea, and call on all sides to ensure the safety of the media.

Representative Mijatović, since your last report to this forum, the importance of your work and that of your team has multiplied. The opportunity provided by the change of government in Ukraine for significant improvements in implementation of that country's OSCE commitments to freedom of expression, including by members of the media, should not be overshadowed by the illegal actions of the Russian Federation against Ukraine's sovereignty and territorial integrity. As we have noted before, when other countries, or those they support, exercise illegal, de facto physical control over parts of another country's territory, the bear responsibility for abuses occurring in areas they control. We appreciate your thorough monitoring of the media situation in eastern and southern Ukraine. Your condemnation of kidnappings, disappearances, and other attacks on journalists, as well as takeovers of media outlets such as Ukrainian television stations by separatists, have been strong and consistent, and should be heeded by all participating States.

The United States remains deeply troubled by new laws in Russia imposing sweeping restrictions on the Internet and blogging, and giving the Prosecutor General the power to block websites containing calls for citizens to exercise their rights to freedom of peaceful assembly and association. Claims by the Russian government that these new laws are necessary to protect the public from a rash of "extremist" activity, child pornography, or "glorification of Nazism" are simply not credible. These restrictions serve to impose strict government controls on the fundamental freedoms of Russian citizens, in violation of Russia's OSCE commitments.

As Russia has constricted the exercise of freedom of expression domestically, it has also restricted media freedom under its occupation of Ukraine's Crimean peninsula. The arrests, intimidation, and harassment by the Russian Security Service and self-appointed local

officials have left the peninsula with virtually no Ukrainian or independent media outlets. Earlier this month, the Russian-installed prosecutor accused the Crimean Tatar newspaper *Avdet* of “extremist activities,” apparently for employing such accurate terms as “occupation” and “temporary occupation of Crimea” to describe Russia’s attempted annexation of the territory.

Russia also continues to carry out a virulent form of coordinated information warfare, employing state control over most media outlets to promote an echo-chamber version of events in Ukraine that distorts or ignores reality. Your April 15 communique on propaganda in times of conflict aptly highlighted the threat to freedom of expression that can result when a state manipulates the media to spread false and inflammatory propaganda.

The situation of freedom of expression in Belarus also continues to be a serious concern. Representative Mijatović, we note that your report cites multiple instances of “harassment and short-term detention of journalists” that call into question the sincerity of Belarusian officials who had assured you that the government would desist in such activities. For example, on May 17, Belarusian authorities detained freelance journalist Yawhen Skrabets, a member of the Belarusian Association of Journalists, on the charge of disorderly conduct. On May 19, authorities sentenced him to ten days in jail due to his pro-democracy activism and affiliation with Radio Racyja, a Poland-based news organization. We look forward to your return to Minsk in July and call on the Belarusian government to adhere to its OSCE commitments to freedom of expression.

We recently highlighted in the Permanent Council the deteriorating situation for civil society in Azerbaijan, notably for journalists and media outlets. The RFoM report cites actions taken by Azerbaijani authorities over the past six months that appear intended to interfere with free expression and punish critical voices. The lengthy sentences handed down to journalists Parviz Hashimli, Nijat Aliyev, Sardar Alibeyli, and blogger Rashad Ramazanov for convictions on dubious charges, and the numbers of journalists currently in prison or awaiting trial contribute to, in your words, “a climate of threat and intimidation.”

Representative Mijatović, the United States welcomes your increasing contact with the government of Turkey. We are concerned that the new Internet law still gives Turkish authorities considerable discretion to monitor internet activity and remove Internet content the government finds objectionable. We also remain concerned by the continued overly broad application of anti-terrorism laws against journalists, and the related high number of imprisoned journalists in Turkey.

Representative Mijatović, we appreciate your work with the Armenian government and are troubled by the physical assaults, detentions, and other poor treatment of journalists mentioned in your report. We also share your concern about reports that Georgian authorities have been engaging in surveillance of Rustavi 2 television. We urge Armenian and Georgian authorities to conduct fair and transparent investigations into these cases and to take steps to prevent such abuse in the future.

We are troubled by expanding threats to the freedom of expression in Central Asia, where governments appear to be cracking down on critical reporting and individual expression, particularly online. The government of Kazakhstan has blocked websites, and new laws approved in May could give prosecutors the power to shut down websites or communications networks for containing vaguely defined “extremist” rhetoric or information “harmful” to individuals, society, or the state.

We recently addressed Kyrgyzstan's new "false accusation" amendment, which re-criminalizes defamation and takes that country a step backward on its democratic path. Tajikistan has repeatedly blocked and unblocked controversial material on YouTube and other websites in an apparent effort to manipulate content and promote self-censorship. We hope that Turkmenistan's recent partial decriminalization of defamation and Ashgabat's commendable interest in hosting RFoM events signals an opening in that country, although Turkmenistan and Uzbekistan remain two of the world's most closed and repressive media environments.

Representative Mijatović, the United States also notes with concern the rising frequency of attacks on the media in the Balkans. In Montenegro, attacks on the newspaper Vijesti and its employees continue with disturbing regularity, and the government must take steps to address this problem, as well as to complete investigations of previous attacks on journalists and media outlets. We are glad that you will be visiting Montenegro soon. Bosnia and Herzegovina has also been experiencing threats to the safety of journalists, exemplified by dangerous accusations by officials of one political party that certain media outlets were serving as "foreign agents." We encourage the government of Bosnia and Herzegovina to issue you an invitation as well, and to cooperate closely with your office.

We note your report also makes an offer of expert assistance to Serbia, where a nascent and worrying trend of pressure and intimidation of Internet users is provoking debate about censorship and orchestrated attempts to silence online speech. We also express our concern regarding the attack on journalists reporting on a police raid in southern Albania on June 17. We commend the public officials that have already condemned this incident and concur with your remarks that the perpetrators must be brought to justice.

Cooperation with your team has had a positive impact in Macedonia, where the new media laws were significantly improved by an RFoM legal analysis and by your trip to Skopje in February. We remain concerned that media freedom continues to suffer from financial pressure from the Macedonian government, the largest purchaser of advertising in the country, and we encourage continued OSCE efforts on this issue. We urge other participating States in the region to also avail themselves of your assistance.

Representative Mijatović, we appreciate your efforts to reach journalists and media regulators throughout the OSCE space with timely and appropriate training workshops. We look forward to supporting financially your proposed safety of journalists workshops in Ukraine and will continue to endeavor to provide support for RFoM's media workshops in the Caucasus and Central Asia, as we have in past years.

Thank you, Mr. Chairman.