



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
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Why impunity must end, journalists' safety ensured and ethics improved

Speech by the OSCE Representative on Freedom of the Media at the European Federation of Journalist Annual Meeting, Moscow, 21 November 2014

Dear Chair of the Russian Union of Journalists Vsevolod Bogdanov,
Dear President of the International Federation of Journalists Jim Boumelha,
Dear President of the European Federation of Journalists Mogens Blicher Bjerregård,
Dear colleagues,

Thank you for the opportunity to address you here in Moscow's Central House of Journalists. You represent unions of journalists from all over Europe. We are natural allies in fighting threats to your human and professional right to exercise freedom of the media and freedom of expression.

Journalism is an important profession. It can be seen as a skill, a talent, even a passion in a way; a passion to tell the truth, to inform, to reach others, to communicate news using all platforms. So why is this passion, this profession so fiercely attacked, challenged and perceived as controversial?

Many journalists have risked their futures, have been beaten, harassed, imprisoned and too many have even made the ultimate sacrifice – of their lives – in the pursuit of telling a story, exposing the truth and acknowledging the right to be heard. They deserve our admiration for their courage to tell the truth and make our societies freer, even in circumstances where their lives, or the safety of their loved ones, are at stake.

These courageous men and women are the vanguard for free speech, freedom of expression and, ultimately, a free and democratic society.

Apart from physical harm, there are other, less visible forms of violence which can silence a journalist. There are countless situations where there are no bruises, no explosions and no lives are lost; violence that creeps in more quietly, that is impossible to point out, and thus impossible to directly address. This is psychological violence which results in psychological pain. Although less spoken about, it affects journalists every day. It can manifest itself in various ways, including intimidation, harassment or threats.

You are intimidated if you are persistently followed, or if your home or editorial office is being watched, or if you are warned against doing something you have the right to do – such as writing an article that will expose wrongdoings in society. You can be harassed in person, over the phone, or in e-mails sent to you.

All such cases have one thing in common – you do not know if, or when, these threats will become a reality. But they can make you fearful for your safety or for the safety of your loved ones.

Before I come back to the issue of safety let me briefly spell out what I, as the OSCE Representative on Freedom of the Media, do in this regard.

Incidentally it was here in Moscow where the participating States of the OSCE agreed, in 1991, to “adopt, where appropriate, all feasible measures to protect journalists engaged in dangerous professional missions, particularly in cases of armed conflict, and will co-operate to that effect. These measures will include tracing missing journalists, ascertaining their fate, providing appropriate assistance and facilitating their return to their families.”

Then in 1994 in Budapest the participating States condemned “all attacks on and harassment of journalists,” and pledged to “endeavour to hold those directly responsible for such attacks and harassment accountable.”

The safety of journalists has been the focus of my Office since it was established in 1997. My mandate calls me to “concentrate on rapid response to serious non-compliance with OSCE principles and commitments by participating States in respect of freedom of expression and free media.”

In the OSCE region or, as we like to say, from Vancouver to Vladivostok, journalists regularly face physical harassment and deadly violence for their work.

But I also think it is time to ask a broader question. What does a safe work environment for journalists mean?

In my world, it means more than ensuring journalists are not physically harmed while doing their jobs. It includes:

- Ending unfounded detention during demonstrations or other public events as we see on a regular basis in Minsk and more recently in Missouri in the United States.
- Stopping arrests and convictions on trumped-up criminal charges as is the case in Azerbaijan, where journalists already incarcerated are arrested on drug charges while in jail.
- Prohibiting attacks on media property, including vandalism and arson, such as the arson attack on the car of television journalist Genka Shikerova in Bulgaria in April and the editorial offices of the newspaper Vijesti in Montenegro in February. And
- Outlawing arbitrary police raids on editorial offices and journalists’ homes as occurred in Switzerland a year ago when police illegally searched the home of photographer Ludovic Rocchi.

I suggest to you today that all of these issues go hand-in-hand.

Unfortunately, free speech remains subject to criminal prosecution in Europe. Less than a quarter of Council of Europe member states have decriminalized defamation. I am an advocate for the full decriminalization of defamation and the fair consideration of such cases in dispute-resolution bodies or civil courts.

We all know that current efforts to provide safety and security for media are not sufficient. We can continue meetings, we can continue raising this issue, and we can continue producing papers, resolutions, saying how wonderful they are.

But what is happening in the field? How are governments fighting impunity and dealing with all these other issues that are relevant to the safety of journalists that we are discussing today? Take for example the country where the problem of safety has become most acute, Ukraine.

How can we claim to be effective when in this conflict alone hundreds of journalists have been attacked and as many as seven were killed?!

Press freedom in Ukraine has been repeatedly violated, first during Maidan events, and then again by the warring parties in Donbas. During the current confrontation, journalists have been detained, kidnapped, tortured and killed.

Throughout my term in Office, I have advocated, at international conferences and through studies and legal reviews of legislation for individual states, that specific steps must be taken to make the safety of journalists and the end of impunity, the law of the land.

In 2011 I issued, in partnership with the Lithuanian OSCE Chairmanship, the Vilnius Recommendations on the safety of journalists. Among other things, it was suggested treating violence against journalists as a direct attack on freedom of expression and to give full political support to the strengthening of media freedom by promoting safe and unimpeded conditions for journalists to perform their professional duties.

The same year my Office commissioned publication, in English, but also in Russian, of the Guidebook on Safety of Journalists written by William Horsley, to take practical steps to increase the visibility of the problem. The book, besides highlighting the gravity of the problems, also set out related international standards and the governments' responsibility to protect freedom of expression. The 2nd edition of the Guidebook was updated earlier this year.

Let me now take a look at our host country. The Committee to Protect Journalists reports that since 1992, 56 journalists have been murdered in Russia in connection with their work. The numbers are even greater when if we take the figures produced by the IFJ and the Russian Union of Journalists.

The majority of them were local journalists – there is no argument about that, reporting on politics and war, corruption and human rights. In most cases there have been no arrests, no convictions – total impunity from prosecution.

In late 2011 the Russian parliament adopted additions to Article 144 of the Criminal Code specifically to punish threats or violence against journalists as a professional group. It was recognized as a form of attack on constitutional freedoms. Violence or threats of violence exerted against journalists or their relatives became punishable by up to five years of corrective labour or up to six years in jail. Welcoming this decision I then expressed hope that it would contribute to curbing violence against journalists.

My hopes were premature. The Russian Union of Journalists claims that not a single criminal case has been initiated under this section of the criminal code since its formal enforcement.

My question today is why?

We all know that impunity leads to chilling effect and self-censorship. Self-censorship leads to avoiding risky subjects, first of all politics and crime.

Is this the reason crimes against reporters are almost never solved?

I know that it is an obligation of the state, of any modern state in the world, to prove its political will to protect journalists. The independent media are the main instrument of the public to disclose corruption, to report on violations of human rights, to promote political pluralism and stop encroachments on democracy. To prevent conspiracy theories that attacks on journalists are orchestrated by the authorities, I call on governments: show us proof of your wish to stop impunity!

Let me once again recall the names of some of the slain Russian journalists:

Akhmednabi Akhmednabiyev of Novoye Delo
Mikhail Beketov of Khimkinskaya Pravda
Gadzhimurad Kamalov of Chernovik
Natalya Estemirova, of Kavkazsky Uzel
Anastasiya Baburova of Novaya Gazeta
Magomed Yevloyev of Ingushetiya
Anna Politkovskaya of Novaya Gazeta
Vagif Kochetkov of Trud
Paul Klebnikov of Forbes Russia
Aleksii Sidorov of Tolyatinskoye Obozreniye
Yuri Shchekochikhin of Novaya Gazeta
Valery Ivanov, of Tolyatinskoye Obozreniye
Igor Domnikov of Novaya Gazeta
Larisa Yudina of Sovetskaya Kalmykia Segodnya
Nadezhda Chaikova of Obshchaya Gazeta
Vladislav Listyev of Russian Public Television (OTR)
Dmitry Kholodov of Moskovski Komsomolets

Let me now ask my Russian colleagues and hosts:

Did these noble people, who were targeted and killed because of their devotion to the truth and to independent journalism, die in vain? Were these people killed just to replace genuine, independent journalism with what is little more than a mouthpiece for political speech that feeds off the uncertainty and genuine anxiety felt among the public at large?

Does the current media landscape reflect the aspirations of those -- the majority -- in Russian journalism who yearn for an ethical professional environment where pluralism and all voices can be heard, including those that some in government would prefer remain silent or unreported?

What went wrong here?

I recall that in 2011 I came to this very hall to celebrate the 20th anniversary of the Russian law on the mass media that had a tremendous positive effect in the post-Soviet world. The

skills of Mikhail Fedotov, Yury Baturin and Vladimir Entin were recognized then as they helped to achieve in 1991 the high level of freedom in the media in Russia. I guess this time there is no cause to celebrate here, and the law is used not to promote but to oppress media freedom in Russia.

The spread of propaganda is another issue I want to touch upon. Alongside the wounds from violent attacks, this is another ugly scar on the face of modern journalism.

It is not for me as the Representative on Freedom of the Media of the OSCE to teach about the content of the media or how to write and report. But it is for me to ask such questions. I believe that it is for the national professional organizations and self-regulatory bodies to evaluate the state of journalism in Russia.

This phenomenon of today's propaganda jumps to our world straight from the worst times of the Cold War and 25 years after the fall of the Berlin Wall. History is repeating itself as a farce. Stories of conspiracy theories, tortured kids, mass graves, rapes and mail parcels with heads of insurgents fill in the screens of Russian TV, all proven by fake testimonies and videos from YouTube.

Is this if not a black page in the history of Russian journalism that recently was so proud to bring to the public, not just here but everywhere in the world, the spirit of *glasnost*? I urge that this dark period end before it destroys the very notion of your profession.

We need to offer support to the role RUJ has to play – a key role – in building professional solidarity to resist the political takeover of journalism. In its turn, RUJ should stand for the trust and respect it has earned across Europe, the trust and respect earned, in particular, by those on the list of murdered journalists who viewed their jobs as bringing news to people – not propaganda.

While saying that, I strongly disagree with those professional organizations from Ukraine and other nations that are boycotting this meeting.

I believe that in the modern world with new technologies and millions becoming involved in journalism through social networks, the weight of ensuring the ethics of the profession is located on the shoulders of the editors and other gatekeepers of the news. I call on editors and publishers, I call on governmental authorities wherever they own media outlets directly or by proxy, to stop corrupting the profession, to stop making money and to stop gaining influence on blood, hate speech and narrow-mindedness.

Russian media is in dire need of self-examination. There is a need to cleanse journalism of fear, propaganda and routine frustration. In the absence of critical journalism, democracy suffers and deliberate misinformation becomes the standard.

Despite the grave danger Anna Politkovskaya faced on a daily basis, she never relented. Her life and death are a testament to the resourcefulness and toughness of the Russian journalist and to journalism as a profession.

There is no democracy without professional, courageous and investigative journalism, and there is no future without democracy.

As is written on the website of the EFJ and IFJ, “Our job is neither to please nor to harm anyone; our job is to portray the truth with our pen...” – Albert Londres.