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## United States Mission to the OSCE

### **Response to Representative on Freedom of the Media, Miklos Haraszti**

As prepared for delivery by Chargé d'Affaires, a.i. Casey Christensen  
to the Permanent Council, Vienna  
March 4, 2010

Mr. Haraszti, it is with gratitude and praise for your service that we respond today. For the past six years you have worked tirelessly to ensure access to information and truth for our citizens in the OSCE region by working to protect the rights, safety and working conditions of journalists throughout the OSCE. We all came under your standard-bearing scrutiny as you appropriately addressed problems where they were most acute. We note that problems arise in States both East and West of Vienna. Far too many participating States across all of the OSCE area still criminalize speech, constrain media pluralism and the space for independent broadcasting, or respond to violent attacks on journalists with indifference. This reflects a lack of willingness by some governments and government officials to hear criticism from their citizens. The direction, frequency, and poignancy of your observations and interventions were, nonetheless, accurate gauges of the state of media freedom in the places under scrutiny.

The United States joins in the concerns you have expressed today. We would like to call special attention to three of the more troubling developments regarding freedom of expression generally, as well as regarding media freedom more specifically: the mortal dangers facing journalists; the criminalization of speech in the OSCE region; and the obstacles erected by governments to censor and limit pluralism and new media technologies.

We are gravely concerned about violence, sometimes deadly, used against journalists in the OSCE region. We note with particular concern the situation in Russia and in Kyrgyzstan. Last year at least eight journalists were physically assaulted in Kyrgyzstan with two of them being brutally murdered. Another Kyrgyz journalist was killed in Kazakhstan.

In the past ten years there have been more than 40 murders of journalists in Russia, with the motives in at least 22 cases being connected to the victims' work as journalists. There is a very low conviction rate in these cases, and virtually no one has been convicted for ordering such crimes. We welcome President Medvedev's stated resolve to vigorously pursue the murderers of human rights activist and journalist Natalia Estemirova. We likewise welcome reports of progress in pursuing the murderers of human rights lawyer Stanislav Markelov and Novaya Gazeta correspondent Anastasia Baburova. The most important step that can be taken to protect journalistic freedom is vigorous investigation of these unsolved cases in order to deter further acts of violence against journalists.

In another apparent case of intimidation of independent journalists, the apartment of Narodnaya Volya editor Svyatlana Kalinkina was searched by Belarusian law enforcement officers and computer equipment was seized on February 26, allegedly in connection with the investigation of a case involving the "defamation" of a high-level KGB official. This follows a similar search and seizure of equipment from the same newspaper's office on February 17, allegedly in relation to the so-called "hunters' case" involving police and other officials.

We are also concerned about the state of media freedom in Tajikistan, where three Tajik judges have brought a lawsuit seeking more than 900,000 Euro against the Asia-Plus, Farazh and Ozodagon newspapers for reprinting public accusations a lawyer brought against them. These legal proceedings come in addition to the more than 200,000 Euro in libel suits brought by Tajik government agencies against the Millat and Paykon newspapers. The lawsuits threaten to force these newspapers to cease publication. Similarly debilitating fines have been issued in cases in other OSCE participating states, illustrating a worrying trend of legal actions taken with the seeming intention to constrain independent media outlets.

We also remain concerned by the lack of airspace for independent broadcasters in a number of OSCE participating States. We are concerned over the lack of an independent national television station and transparency regarding media ownership in Georgia. In Armenia, a moratorium on new broadcast licenses has provided pretext for the continued denial of frequencies to independent frequency for A1-Plus television. In Azerbaijan, a government-imposed ban on Radio Free Europe/Radio Liberty, Voice of America, and BBC continues on FM radio stations and national television, depriving their citizens of one of the only sources of widely accessible independent information in the broadcast media.

We call on all OSCE participating States to follow the examples set recently by the UK and Ireland and immediately suspend any laws that criminalize speech, and to permit real claims of defamation to be addressed through the civil justice system only and with reasonable penalties for unlawful statements. Further defamation laws should not be used to stifle public debate or to criticize government officials.

Last month, Secretary of State Hillary Clinton delivered a seminal speech on the freedom of expression on the Internet. In it, she spoke of an “urgent need” to protect the freedoms of the digital frontier of the 21<sup>st</sup> century and called for the “freedom to connect” to global information networks an “on-ramp to modernity.” The transformation of the media away from the printed word and toward avenues made possible by technological advances requires our vigilance in order to nurture, not crush these incredible opportunities for our citizens. False claims of “security requirements” are insufficient to overcome the right of the people to know and to share information.

In closing, I want to express the deep and enduring appreciation of the government of the United States to you, Mr. Haraszti, for a job extremely well done. A resolution passed by the United States Senate on February 4, 2010, well expressed appreciation for your work, noting that you have “been a voice for those whom governments would like to silence.” We join in those voices today - around this table and, indeed, in tiny newspaper offices and from behind bloggers’ desks and from small independent TV stations, from anyone who calls himself or herself a journalist throughout the OSCE region - who wish you well always and who will miss your tireless advocacy. You have our gratitude and our assurance that we will support Dunja Mijatovic to carry on the important and challenging mandate of the Representative for Freedom of the Media.