



Freedom and Responsibility YEARBOOK 2001/2002

Vienna 2002



REPRESENTATIVE ON FREEDOM OF THE MEDIA

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The cover is a drawing entitled *Des Schreibers Hand (The Writer's Hand)* by the German author and Nobel prize laureate (1999) Günter Grass. He has kindly let our Office use this as a label for publications of the OSCE Representative on Freedom of the Media.

The drawing was created in the context of Grass's novel *Das Treffen in Telgte*, dealing with literary authors at the time of the Thirty Years War.

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Freedom and Responsibility

What We Have Done, Why We Do It–

Texts, Reports, Essays, NGOs

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Dan Mircea Geoana

Preface

The OSCE has come a long way in the last 25 years. The list of its achievements is impressive. It has become a respected and necessary player on the European political and security scene proving that it can react quickly to fast-moving events in Europe and furthermore that it can respond to the needs of its members.

Considering these facts, we were deeply honoured to perform a very responsible task, assuming the Chairmanship-in-Office of the OSCE during 2001. In keeping with Romania's desire to promote the security of the individual, I want to hope that we managed to develop more focused activity in the Human Dimension, aiming at promoting open and tolerant societies, and eliminating threats to the safety of our citizens. This is what we committed ourselves to.

The right to freedom of expression forms an essential part of OSCE commitment and it has also helped us to advance and fulfil the objectives of the OSCE during our Chairmanship. Freedom of expression has been at the very basis of a series of endeavours meant to help Romania promote the scopes of the organization, such as: ensuring the free flow of information as an essential part of good governance and the rule of law; organizing successful election processes; monitoring and handling the whole cycle of a conflict; early warning and conflict prevention; during conflict and post-conflict situations the promotion of dialogue, tolerance and peaceful conflict solution through confidence-building measures; recognition of the direct link between freedom of expression and the principle of non-discrimination as a tool to build trust and confidence among different groups in society.

Freedom of media is one of the most important accomplishments of democracy today and during the year 2001 we can say that it has been under challenge. Legal restrictions, attacks on journalists and restraints on new technologies were among the issues we had to tackle during our Chairmanship. We placed these issues in the spotlight at the special OSCE Supplementary Human Dimension meeting in Vienna on 12-13 March. State delegations, NGOs and experts explored whether Member States are living up to their commitments in this field and shared examples of best practice and successful endeavours to fully implement the OSCE high standards of respect for freedom of expression.

We have learned a very important lesson which says that even if Member States have done a lot in the field of respect for freedom of expression, we all have to understand that there are still great challenges lying ahead of us. The organization is trying to help the newly emerged democracies in building strong, law-abiding societies, and in order to achieve that total support is needed both from the governments and from the civil society and youth. They have to contribute themselves to the realization of their own pluralistic democratic societies, where freedom of expression lies at the basis of the democratic system. In this context we want to salute the initiative of the OSCE Representative on Freedom of the Media that created and developed a project called “**mobile. culture.container: In Defence of Our Future**”, aimed at bringing together young people in the post-war towns of the Balkans. Raising awareness among the young about their own role in building free societies is by all means an extraordinary endeavour.

I do not want to conclude before reminding the readers that after September 11 our immediate realities have changed. So have our priorities. Matters of national security are being discussed more often than ever before and global initiatives

against acts of terror are taken and supported worldwide. Even if the security of our nations is at risk, we must not allow our democratic gains to be placed in jeopardy and we shall continue to adhere firmly to the values of democracy and human rights.

I wish to thank Mr. Duve and his team for the excellent co-operation with the Romanian OSCE Chairmanship-in-Office during 2001 and for their efforts to observe media developments in the participating States with a view to managing potential and real crisis. I am confident that their co-operation with the OSCE Member States will continue to be the main attribute of activities aimed at guaranteeing freedom of the media and I personally encourage Mr. Duve and his team to continue this trend.

Freimut Duve

Introduction

There is almost no field in international politics which has not been touched by the global shock of September 2001.

Freedom of media was dramatically touched: criminal terrorists who claim to fulfil their “religious duties” are probably the most radical fighters against freedom of speech and journalistic freedom to write. Their friends, the Taliban, even try to utterly exclude half of the population from any non-religious communication: women are prohibited from learning to read and write. And for the other male half of the population, the written word they are allowed to read or print is precisely defined by a brutal misuse of holy bookish traditions from the rich pluralistic cultural and literary history of Islam.

The journalistic tradition of the West was also affected. Once there is a common enemy the world is reduced to two sides: good and evil. Immediately after 11 September this Office and other international institutions started to warn against interference with the freedom of professional journalism. Some American journalists somehow overcame the shock and managed to uphold pluralistic views on the event and its repercussions. Others jumped into the war scenario which often does not leave any room for differentiation.

What is (and always was) a particular challenge to the freedom of information are the dangers faced by journalists who report from wars. The tragic case of Daniel Pearl, who was brutally killed by Pakistani terrorists, was an alarming example.

The enormous difficulties for Russian and international journalists to report on the war scene in Chechnya is also of great concern to our Office.

The OSCE is facing a difficult challenge in some of the participating States which are members of the anti-terror alliance. Will this alliance result in more or less democracy and freedom of expression for these countries? In this context we heard with interest the announcement by Mr. Karimov, the President of Uzbekistan, to German Chancellor Schröder that he will try to improve the media situation in his country.

This Office will continue to look very carefully into the media reality of Central Asia. The report on Turkmenistan in this yearbook does not throw a very optimistic light on the situation.

In the countries currently undergoing transformation from a socialistic system to democracy, the media situation is particularly difficult in the provinces that lack a critical pluralistic debate. This Office has therefore looked into various cases where journalists suffered harassment because they started to write about corruption in the regions. The case of Olga Kitova from Belgorod is a dramatic one. Articles in the local newspaper on her investigations of some illegal transfers of factory ownership by members of the local government resulted in her being jailed and then hospitalized. Her case has now become known worldwide.

The OSCE Office of the Representative on Freedom of the Media does not have its gaze focused only from the West to the East. We are also closely monitoring media developments in Italy where the absolute majority of TV stations are controlled directly and indirectly by the (democratically elected) Prime Minister. As the constitutional experts we consulted confirmed, such a situation is not in line with the constitutional cultural history of Europe. I therefore appealed to the President of the European Convent, Mr. Giscard d'Estaing, to look into the issue of safeguarding media freedom from government interference.

The twenty-first century presents a new technological opportunity and a new challenge to journalistic freedom: the Internet. There are some remarks on this subject in this yearbook. My Office will discuss this challenge more thoroughly during this year and the year 2003.

I. Essays on the Effects of 11 September on the Media

Freimut Duve

The Patriotic Syndrome

Michael Massing

Talking Heads Go to War

Ahmed Rashid

A Deeper Look

Leonard Sussman

**The Press: Marksman and Target in
the War on Terrorism**

Freimut Duve

The Patriotic Syndrome

Freimut Duve visited the US at the end of October 2001. He was interviewed by Florence Amalou for *Le Monde* on 17 November 2001.

You recently said that “the state of law in the US and Europe came to an end within minutes of 11 September”. You’ve just returned from Los Angeles and Washington, do you still think the US has gone off on a “crusade”?

We’re faced with a recurrent problem. Whenever a country considers itself to be at war, freedom of expression is the first casualty. The urge to abandon plurality and debate is overwhelming. What I have just observed in the US is that debate is slowly returning, but very slowly. The media is coming to see that for over a month it has been trapped in an extreme position. Three journalists even lost their jobs for writing articles their owners and, far worse in my opinion, the advertisers – not the Government – considered “negative”. No doubt they will at some point look back with a certain self-criticism at the silence imposed on the media these last few weeks. Not a word, for instance, on the US’s former role in creating and supporting the Taliban. Even now, the majority of US journalists keep quiet on such things.

How do you explain this silence in the land of the First Amendment, where freedom of expression is more strongly protected than anywhere else?

I think journalists and media owners and directors are suffering from a “post-Vietnam patriotic syndrome”. When the US went to war in Asia and got embroiled in a disastrous conflict, they blamed their failure on the lack of public support back

home. At the time, critics of the war in the media and on the streets were highly visible and often violent, to the point that the politicians could attribute their failure out there to the battle raging within the US. On 11 September, Americans were attacked on their own territory.

One of the problems of free expression in the US press is the high concentration of ownership in the media world. There are only five or six television stations that really matter, very few newspapers. Bit by bit, journalists are allowing themselves to ask the hard questions. Take Saudi Arabia: until now, this country has never been the subject of any analysis or criticism. Debate is beginning to see the light of day, but the columnists and reporters will probably not go so far as to question US foreign policy in Latin America, for instance. Even so, they may finally end up asking themselves the question, “What did we do in Afghanistan?”

What about Europe? You’ve spoken of the “tightrope” being walked by free expression. Could you be more precise?

In Europe, too, media debate was shaken because we had to deal with a shock that was presented as having global significance, a global audience. The European media mirrored the psychological shock of the US but did not entirely suspend its critical faculties. We felt the sorrow, the pain; we expressed our friendship. But, very quickly, that generation of European journalists who had their own memories of war distanced themselves from those emotions. As a child, I myself saw the houses of my town reduced to rubble by bombs. Whole districts were destroyed; entire streets disappeared under rubble. But in the Hamburg of those days, no one had a camera.

In Europe, at the beginning, criticisms of the US riposte on Afghanistan were frowned on; but pluralism and debate soon resumed their place – even if there is still a widespread tendency to harp on the “hands off our American partner”

theme. You can also find sharp denunciations of a traitor to the allied friendship. But, in general, the European media has done better than its US counterpart in keeping people informed of events.

However, I have to make a distinction between, say, the French and German media and the media landscape in Italy, which is giving serious cause for concern. The current Prime Minister, Silvio Berlusconi, is the owner of a media group that never criticizes him: journalists keep their mouths shut. We're working on this.

On 4 October, you informed the OSCE Permanent Council on the state of affairs in Azerbaijan; and you criticize Russia constantly. To what extent is the latter responsible for what you have dubbed "the spiral of silence" in Central Asia?

During my visit to Washington, I again made my position clear: I shall continue to criticize any checks on free expression by America's new "partners" in Central Asia. Particularly when these "partners" are countries where I have serious cause for concern (such as Uzbekistan, Tajikistan, Turkmenistan and Azerbaijan).

But apart from this, Russia presents us with a problem. You must remember that Russia went to war against Chechnya with only one justification: it's war on "Islamic terrorism". It's pointless going over the fact that since 11 September it has been even easier to silence journalists writing on the Chechen situation; for the majority of Russians, it no longer merits discussion. Journalists who criticize government action there are seen as friends of the terrorists. In any case, there's no longer a single journalist down in Chechnya; all the special correspondents are in Afghanistan.

Since 12 September, I've asked people in my Office not to use the word "terrorist". It's a dangerous word: it can stigmatize anyone, whether or not that person has been tied to any

criminal act. You can point the finger at an enemy without going into details. Any imprecision encourages people to put everything into the same bag and licenses excess. The media is to some extent responsible for this; they should have described bin Laden as a criminal assassin and not gone hook, line and sinker for this “terrorism” business.

What do you think of the “reasons of state” argument as against the duty in democratic countries to keep the people informed?

Officially, the Permanent Council has let it be known that it will not allow the war on terrorism to affect the rights and freedoms of the press. It should not be used as an excuse to limit human rights. If we abandon the law, we shall be back living under Roman law. Contrary to the way many public personalities in the US have acted, we must avoid passing from legal arguments to religious ones, or moving into the territory of “reasons of state”. Wherever there is fear, arguments based on “state security” are not far behind. Personally, I would rather talk of responsibility.

Translation Judith Vidal-Hall

Michael Massing

Talking Heads Go to War

Looking for Insight, Coming up Short

The savage attacks of September 11 caused Americans from all walks to reevaluate their lives. From industry titans to mail clerks, baseball players to truck drivers, people resolved to rededicate themselves to higher purposes. Television's talking heads were no exception. With more than several thousand Americans dead and the Twin Towers turned to ash, their prurient obsession with Bill and Monica, Gary and Chandra, seemed a source of shame. In covering this perilous new era, they determined to do better, to become more serious and thoughtful. Have they?

Since September 11, I've spent countless hours in front of my TV, switching restlessly from channel to channel in search of news and enlightenment. And, in the first few days after the attack, I was impressed with – even grateful for – TV's performance. Stunned and terrified by the ferocity of the attacks, I, like so many other Americans, found in TV a source of not only information but also consolation. (A week after the attack, a friend told me of a nightmare she had in which Dan Rather was shot and her TV screen went black, causing her to awake in a panic.)

As the days passed, though, the challenge facing TV slowly changed, from helping the nation heal to helping it figure out how to respond. Marking the transition was George W. Bush's September 20 address to Congress. In it, the President essentially committed the United States not just to getting rid of Osama bin Laden but also to overthrowing the Taliban Government. This raised some pressing questions. What would it take to oust that group? Who would take their place?

What were the likely repercussions? How would the Islamic world react? Hungry for some insight, I tuned in to the post-speech commentators, a puree of journalists and pols. Alas, they seemed interested in only one thing: Bush's performance. On ABC, I saw Robert Torricelli, Rudolph Giuliani, Dianne Feinstein, and Evan Bayh – all heaping praise on the President. Larry King had Alexander Haig and Sandy Berger, Fox had Kay Bailey Hutchison and (again) Evan Bayh, and Hardball had George Pataki and (again) Robert Torricelli. "I thought it was an eloquent, powerful speech," NBC's Andrea Mitchell told Hardball's Chris Matthews. "A terrific speech," Al Hunt said on The Capital Gang, "magnificently written, forcefully delivered." As for what to do about the Taliban, Afghanistan, and the broader Islamic world, no one bothered to ask.

My frustration deepened on Sunday morning. On the various talk shows, official Washington was out in force. On NBC's Meet the Press, the lead guest was Colin Powell, followed by Tom Daschle, Trent Lott, Dennis Hastert, and Richard Gephardt – "the four most important men in the United States Congress," as host Tim Russert proudly observed. In interviewing them, Russert seemed uncharacteristically deferential, as if the scale of the disaster precluded probing questions. "Are you confident that the current Pakistani government can remain stable?" he asked Powell. Yes, Powell said, he was. Next topic. On ABC's This Week, the top guest was (again) Colin Powell. In interviewing him, Sam Donaldson was somewhat more aggressive than Russert, eliciting from the Secretary a pledge to release the evidence against Osama bin Laden – a statement that made the next day's front pages, and which the White House eventually repudiated. Otherwise, though, the show was pretty flaccid. "I can't think of any military better prepared to do it than ours," Richard Hawley, a general turned ABC news consultant, told Cokie Roberts. When she was finished with him,

Roberts introduced Jordan's King Abdullah, "a crucial ally in the Arab world." The King was interviewed by George Stephanopoulos, who kept calling him "Your Majesty". "Safe travels to the United States this week," Stephanopoulos said in closing. "Yes, sir," the King answered. "And we look forward to seeing you back in Jordan."

But what did the average Jordanian think? What were the country's columnists saying? What was the mood among students, shopkeepers, and secretaries? Reading *The New York Times*, *The Washington Post*, and *The Wall Street Journal*, I found many fine reports on the complex web of Arab attitudes toward the United States. On television's news-talk shows, though, I found mainly retired generals, former cabinet officials, counterterrorism experts, members of Congress, and professional talking heads, few of whom seemed to know much about Islam, Afghanistan, or the Middle East. The same faces kept popping up: from the Senate, Joe Biden, Chuck Hagel, Joe Lieberman, and Richard Shelby (when do these guys get any work done?); former brass like Wesley Clark and Barry McCaffrey; national security types like Sandy Berger, Tony Cordesman, Frank Gaffney, and (need I say?) Henry Kissinger.

Over and over, interviewers revealed a lack of imagination. The many thorny issues related to Saudi Arabia – its support for fundamentalism, its Government's repressive rule, America's close ties to the royal family – invariably got boiled down to one: the amount of help it could provide Washington. "Can the antiterrorism coalition really count this time on Saudi Arabia?" Mark Shields asked former Middle East diplomat Edward Walker on *The Capital Gang*. Wolf Blitzer, the host of CNN's Sunday show *Late Edition*, seemed the master of the softball question. "Is the American public prepared right now for what's supposedly going to happen?" he asked Trent Lott. Critical distance took a back seat. "In our business, we're supposed to be objective," CNN's John King observed, "but if

you look around the country, [it is] a very partisan place.” With all the flags on the air and pronouns like “we” and “us” being bandied about, it was hard to tell just where the news-casting left off and government pronouncements began.

Despite the inherent drama and fascination of the story, many of the talk shows managed to be dull. This was true even of those in the business of creating sparks. Every night, for instance, *Crossfire* offered its usual clash of left and right, but, in light of the intricate array of issues facing the United States, the format seemed unbearably constricting. On October 8, the topic was “Should the United States Target Iraq?” and sitting opposite Bill Press and Robert Novak were Edward Peck, a former ambassador to Iraq, and Bob Maginnis, a retired Army lieutenant colonel. Peck, who adamantly opposed attacking Iraq, said that the United States had “accepted responsibility for the death of 500,000 Iraqi children.” If Saddam Hussein believes “that he’s still at war with the United States, could it be the daily bombings? ...If he’s upset with us, there may be a reason for it.” Maginnis, who just as adamantly favoured action, countered, “The fact is, this man has killed his own people, the Kurds... The reason those kids have died is not because the US is bombing in the north and south.” Now this was interesting, I thought. In his indictment of the United States, Osama bin Laden had cited its policies toward Iraq, and I had seen little real discussion of this in the press. Just as Peck was about to respond, however, Novak cut him off – it was time for a commercial. When the show resumed, it was on to a new topic – “Should the United States send ground troops into Afghanistan?” – and a similarly unsatisfying discussion ensued.

In my channel surfing, I did find some bright spots. One was Ed Bradley. On two successive editions of *60 Minutes*, he offered thoughtful programmes on Arab attitudes toward America and the nature of Islam. On the latter, I had seen sev-

eral shows that seemed intent on sanitizing the religion. In one CNN segment, a Muslim cleric attempted to assure us that all jihad means is “to strive ... in whatever you’re doing.” Obviously, other Muslims see it differently. Like every world religion, Islam lends itself to many interpretations, including some extreme ones, and for journalists the task is to explain how different groups use it. Bradley, in the fifteen minutes allotted him, did a good job of explaining the rise of some of Islam’s more fanatical varieties, including the austere Wahhabi sect promoted by Saudi Arabia and taught in strict religious schools in Pakistan, where many of the Taliban studied. In an interview with four imams in New York, Bradley pointedly asked whether Muslims had a responsibility to police the more fanatic elements within Islam, and they readily agreed that they did.

On a daily basis, I derived much nourishment from The NewsHour with Jim Lehrer. Far more than most other shows, the PBS newscast sought to grapple with the region’s thorny political dimensions. On September 28, for instance, the show featured a spirited discussion on Afghan politics with Ashraf Ghani, an adjunct professor at Johns Hopkins University, and Patricia Gossman, a human rights consultant who has visited Afghanistan frequently. At a time when some reporters were filing glowing reports about the anti-Taliban Northern Alliance, Gossman and Ghani described the group’s sorry record on human rights in the period it ruled Kabul (1992 to 1996) and told how even many Taliban opponents feared its return to power. What was needed, they argued, was a broad coalition government incorporating Afghan’s many ethnic, linguistic, and geographic groups, accompanied by a bold plan to reconstruct the Afghan economy. Every night, The NewsHour seemed to offer at least one fresh segment like this, marred only by the programme’s determinedly humourless style. (Can’t those interviewers ever crack a smile?)

A programme that managed to be both informative and entertaining was CNN's Greenfield at Large. Jeff Greenfield seems as hard-boiled as any media insider, but September 11 has clearly left him rattled, and he has used his programme as a sort of tutorial on the Islamic world. His attitude toward the extremists seems to be: Okay, these people are nuts, but I need to know more about them, so please educate me. On October 8, the day after the United States began bombing Afghanistan, he spoke with Jeffrey Goldberg, who covers the Middle East for *The New Yorker*, and Fareed Zakaria, the editor of *Newsweek International* and the author of a cover story that week on "Why They Hate Us". Greenfield began by showing a half-dozen clips of George Bush declaring that America's beef is not with Islam but with terrorism. Unfortunately, Greenfield noted, the message did not seem to be getting through, and he wanted to know why. The problem, Zakaria said, was the United States's ongoing association with "regimes that are detested in the Middle East, regimes that are corrupt, tyrannical, repressive." Goldberg cited as an example Egypt, where a leading advocate of democracy is in jail for seven years, and where gays were being rounded up and put on trial in state security court.

Greenfield was sceptical: "I can ... hear people say, 'Well, if we protest the jailing of homosexuals, is this going to win over Islamic fundamentalists, who, at least in Afghanistan, punish homosexuality by torture and death?' I mean, isn't there a trap ... here?" Indeed there was, Zakaria said, but, he explained, the terrorists all come from closed societies like Egypt and Saudi Arabia, rather than from more open ones like Jordan and Morocco, and only by coming down squarely on the side of democracy, he argued, could Washington ultimately hope to contain terrorism. By the end, Greenfield did not look fully convinced, but his willingness to engage the issue was itself refreshing.

Of all the American analysts to appear on TV, none seemed more astute than Barnett Rubin. As the director of studies at the Center on International Cooperation at New York University, Rubin has devoted much of his life to studying Afghanistan and its neighbours, and whenever he appeared on the air – which, thankfully, was often – his mastery of the region showed. On October 7, for instance, as Osama bin Laden’s videotaped message was being played for the first time, Rubin was watching it with Peter Jennings in the ABC News studio, and when it was over, he offered some instant insight. “The vast majority of Muslims do not approve of blowing up the World Trade Center,” he said in his brisk, no-frills manner. But, he went on, bin Laden “linked it to what he and what many other Muslims view as US aggression against Muslims. Even though most countries are horrified by September 11, they share the views he just articulated ... To win over those sitting on the fence, the United States will have to address [those views] without appearing to be giving in to that kind of terrorism.” Every time Rubin appeared, he demonstrated the value of actually knowing something about the region – and underscored the failings of most pundits on that point.

The single most riveting show I saw was on Nightline. The subject was dissent and the place it has at a time of national crisis. In introducing the segment, Ted Koppel said, “There is no particular courage involved in telling the truth ... if you know from the outset that what you’re saying is widely accepted and almost universally applauded. You should still do it, of course, but it doesn’t require courage. It’s when you know that there will be hell to pay that telling the truth gets tough.” Koppel’s guests included Susan Sontag, who had set off a furore with her comments in *The New Yorker* about the hijackers’ courage and America’s narcissism; Tom Gutting, who lost his job with a Texas paper for writing a column

criticizing the President; and Todd Gauziano of the Heritage Foundation. After some initial bantering, Gauziano lashed out at Sontag, calling her “a very offensive writer.” “You are part of the ‘blame America first’ crowd,” he said. “Absolutely not,” Sontag replied, adding, “I believe I’m just as patriotic and against the terrorists as you are.” “Well,” Gauziano countered, “your version of patriotism is rather strange.”

Koppel asked Gauziano to specify what it was in Sontag’s article that so upset him. Gauziano was prepared: “She said that the terrorist attack ‘was a consequence of specific American alliances and actions. How many citizens are aware of the ongoing American bombing of Iraq?’” Sontag’s logic, he argued, “speaks for itself. You are [revelling] in your elitist, liberal outlook to say that we deserved this terrorist attack.”

“That’s slander,” Sontag said.

“Blame America, blame America,” Gauziano taunted her.

Overall, Gauziano came across as an obnoxious twit. But his sharp comments, and Sontag’s unflinching response, made for excellent television. And Koppel deftly used the exchange to assert that, whatever one thinks of views such as Sontag’s, it’s critical that they be aired. “There is a tendency, at times like this,” he said, “to wave the flag. There is a tendency to equate external expressions of patriotism with genuine patriotism. And sometimes, as I think you’ll agree, the expression of dissent is the highest form of patriotism.”

Alas, few TV news programmes seemed interested in dissent, or even real debate. The Sunday morning talk shows, Wolf Blitzer, The Capital Gang, Crossfire – all came across as exercises in enforced conformity. All the bad habits that TV talk shows have developed in the last few years – the arrogant shallowness, the false contentiousness, the endless hours of empty analysis and know-nothing opinion – have carried over into the current crisis.

In the end, no show more embodied these qualities than Hardball. Every night since September 11, Chris Matthews has hosted a special hour-long edition of the show, and I forced myself to watch a handful of them. Matthews projects a hard-nosed, confrontational style – he’s the scrappy guy willing to ask the tough questions – but, as I found, it’s mostly bluster. His guests all come from a narrow slice of the political establishment (calling Howard Fineman). The only non-American I recall seeing was Israel’s Consul-General in New York. Arabs and Muslims seemed not to exist. As for those guests who did appear, their views seldom diverged from Matthews’s. And Matthews’s views seemed those of a cheerleader:

“How do we get rid of Saddam Hussein?”

“If Osama bin Laden leaves Afghanistan,
does that score one for us?”

“Saudi Arabia – we always have to kiss up to them.”

Bellowing at Joe Biden, he went off on a characteristic rant: “Do you think there’s a plausible scenario whereby we go in, break up the bin Laden forces, demolish everybody in sight, probably kill everybody we get our hands on, get rid of the Taliban while we’re at it. Then the international community, it supports the Northern Alliance, the other people in that country, and the world community, through aid and development and encouragement, creates a new Government in Afghanistan? We have a nice, clean, sort of Mubarak running that place?”

“Well,” Biden stammered, “the answer is yes and no.” Clearly overwhelmed by the many complicated issues Matthews had raised, Biden struggled to offer a coherent response. Before he got very far, however, Matthews grew bored and cut him off. “How about Saddam Hussein?” he rasped. “What’s his interest in this thing?” Matthews devoted

the next forty-five seconds or so to Iraq, at which point he excused Biden for his next guest, Senator John McCain. And the process started up all over again. At one point, as he was about to raise a question that bordered on being sharp, Matthews apologized: “I don’t want to play too much the journalist here.” At that point, few viewers would mistake him for one.

On September 11, America changed forever. In the heart of TV talkland, however, it’s still September 10.

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Ahmed Rashid

A Deeper Look

Ahmed Rashid has covered Afghanistan for more than twenty years. He is currently the Pakistan, Afghanistan, and Central Asia correspondent for the *Far Eastern Economic Review* and *The Daily Telegraph* in London. He also writes for the Pakistan daily *The Nation*. In the course of his work, Rashid has witnessed some of the most important moments in recent Afghan history. He watched the coup unfold in Kabul in 1978 that began Afghanistan's disintegration. He saw Soviet tanks roll in a year later, sparking the devastating war that took a million Afghan lives. He was in Kabul when the city fell to the mujahadeen in 1992, and he witnessed the meteoric rise of the Taliban that followed. As of mid-October, Rashid's book, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, was third on *The New York Times* nonfiction bestseller list. Columbia Journalism Review interviewed him via e-mail in Pakistan.

What kinds of stories is the US press missing about the ramifications of this war? Where would you suggest American journalists need more focus?

Since the bombing started, a great deal of reporting on the US military strategy is difficult to assess because so little information is coming out of the Pentagon, and because no journalists are allowed on the Taliban side. The humanitarian crisis has been well-covered in the US media, I think.

An area of reporting that is missing is a deeper look at the failures of US policy over the past ten years in Afghanistan. The obvious facts – for example, that the CIA trained many of these Arab radicals in the 1980s during the Afghan war against the Soviets – are stated but not fully explored in the US

press. The fact that the US supported the Taliban between 1994-97 through its proxies in the region, Pakistan and Saudi Arabia, has been neglected. Because the US Government is keen not to revive bad memories and poor policies doesn't mean that the US press should follow suit. There are lessons to be learned.

How can US journalists explore the level of support for bin Laden in the Muslim world?

This is not easy at present, due to the extreme hostility being expressed by many Muslims toward the US and also the deep polarization that exists in many Muslim societies between those who support the US attack on Afghanistan and those who don't. But what has not been clearly defined, at least by the US press, are the distinctions between the groups who are angry at the US. A majority of these people are anti-US because they believe that the US walked away from Pakistan and Afghanistan during the past ten years, and because of the Palestinian issue, but that anger is not being translated into support for the Taliban and Osama bin Laden. On the other hand, there are those among the fundamentalists who are both anti-US in general and pro-Taliban in particular.

The journalistic issue is not one of just exploring support for Osama bin Laden; it's a question of understanding and explaining the deeper sense of grievance and anger.

The list of grievances of Muslims in parts of the world should be more deeply explored with an eye toward the question of how US policy has worsened or deepened the situation. At the same time, there is also very little reporting on the regimes of the surrounding countries (in Central Asia and the Gulf) which, by and large, are authoritarian and suppress their own citizens, so that the people have grievances that are directly related to the failures of their governments. Talking heads are available and ordinary people can be found for this reporting.

The sudden interest in foreign affairs, Islam, and the region by the American public is an incredible opportunity for the US media to revive foreign affairs coverage, both on TV and in print. All the US media, especially TV, have wound down foreign affairs coverage, to the extent that there are very few correspondents now who specialize in particular regions and areas of interest. But now they have a chance to restore the budget for foreign coverage. They have the public's interest. This opportunity should not be lost.

How is this crisis being portrayed in the press in Pakistan, and in other nations in the region?

Despite the war in Afghanistan, a lot of the focus is still on the India-Pakistan rivalry in these two countries, as though this is the only conflict in the world that matters. The war on terrorism has been used by both nations to score points over the other, which is disheartening.

The press in Pakistan and India (the only two countries with a free press in the entire region) is very polarized. In Pakistan, the Urdu and English press is divided equally, as is the society, between those who are very anti-American and those who support the battle against terrorism.

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Leonard Sussman

The Press: Marksman and Target in the War on Terrorism

Has terrorism – and the war on terrorism – contributed to a decline in press freedom? Some observers would say the answer is clearly yes, the press in the United States and many other countries is less free in the wake of the events of September 11 and after. As evidence, they point to controls placed by the American Government over access to the war zone in Afghanistan, to censoring of information about hundreds of detainees in the United States, and, especially, to new laws giving the State the ability to monitor electronic communications which may affect sources and content of the news media.

The evidence, in fact, has been mixed. Press reporting of the war in Afghanistan has been robust, from battlefield accounts to analyses of future strategy. Some laws adopted by democratic states have restricted access to information, but not press freedom *per se*. Some authoritarian governments have exploited the terrorism threat to reinforce their illegitimate rule.

Any discussion of the vexing questions posed by the war on terrorism must begin with a recognition that the United States, along with other countries, is in a state of war. The war on terrorism differs in important respects from previous wars. But there is no question that the United States is engaged in an armed conflict against an enemy that has demonstrated a ruthless willingness to kill civilians, has tried to gain access to weapons of mass destruction, and has fighters and agents in practically every part of the world.

Before September 11, it was not clear whether the war declared by Islamic extremists encompassed the entire globe. After 9/11 there could be no doubt. By striking at various

targets in the United States, the terrorists were announcing that they could strike at any country or any people they deemed an enemy of Islam. It was soon revealed that loosely linked Islamic terror cells existed in many countries, with the goal of launching violent attacks on political enemies, government buildings, monuments, or civilians.

In wartime, some restrictions on the press are inevitable. Journalists operating in the new, post-September 11 environment faced new challenges in both free and not-free nations. Louis D. Boccardi, president of the Associated Press, the world's largest news agency, said that the challenge for journalists was to "seek a new balance between our vigorous advocacy of open government and our understanding as responsible citizens that the nation is now in a fight in which information and openness can be weapons used against us."

Striking a balance in wartime. Seven months after 9/11 it is clear that a measure of news control has been applied in stages coinciding roughly with changing military initiatives. At the outset, Washington officials did not provide reporters advance information on military operations or allow even a select pool to accompany troops in initial forays, as was done at the cross-channel invasion in World War II.

During that war, *New York Times*' reporter William L. Laurence covered the first atomic explosion at Los Alamos in July 1945; his "top secret" report was withheld without leaks until the first bomb was dropped on Hiroshima. Laurence then flew in the B-29 that dropped the second atomic bomb on Nagasaki. In December 1943, Edward R. Murrow, dean of US broadcast reporters, described the harrowing bombing run over Berlin, and the death in that raid of two journalists. All were covering the action first-hand for Americans at home.

By contrast, in Afghanistan, journalistic access was influenced by the “lessons” of Vietnam and Watergate. These models of aggressive investigative journalism caused one Secretary of State to challenge a journalist: “Whose side are you on?” After Vietnam, the American military was more cautious in its policies with the press. There were controls on reporters at the US incursions in Grenada and Panama and the war in the Persian Gulf.

Those lessons were recalled by one journalist last September, in the immediate aftermath of the terror attacks. “I think if you know that there’s to be an invasion tomorrow, you’re obliged not to report that,” remarked the AP’s Boccardi. Other journalists, however, may not have agreed with this common sense approach.

Security was stepped up. It became more difficult to enter the Pentagon and the Congress. Nevertheless, many journalists were pleased by official government briefings, particularly those of Defense Secretary Donald Rumsfeld. He was believed to be candid and revealed tips that could be triangulated – that is, followed up elsewhere for details that filled in a broader picture. Of such top-level Pentagon spokesmen, said ABC’s Washington bureau chief Robin Sproul, “This has been the most accessible Pentagon I’ve ever experienced...for almost 20 years.” But Pentagon briefings, by definition, were second-hand coverage of a combat action.

The ground combat in Afghanistan was largely conducted by small units of commandos. Journalists could not be professionally trained to accompany them; nor could the forces that swiftly entered and left combat be expected to protect reporters accompanying them. Reporters visited aircraft carriers from which the Navy flew bombing raids, but no journalists flew on bombing missions, as they did in other wars. The press complained it was not allowed to visit the 10th Mountain Division awaiting action in Uzbekistan, nor the

Marine expeditionary units before they entered Afghanistan from ships in the Arabian Sea. The Pentagon maintained that the unusual combat operations had to be kept secret. The press were also kept from other US forces in Pakistan, Tajikistan and on the island of Diego Garcia before the military operations began.

The control exercised by US officials did not prevent journalists from reporting on numerous occasions bombing mistakes that killed civilians and friendly troops and injured some Americans. Indeed, some newspapers carried item after item on American combat operations that may have gone awry. Journalists protested when a US officer prevented the press from photographing a wounded American. The White House press briefer later apologized to Washington bureau chiefs.

The domestic US tightening. An immediate official response to the 9/11 attacks was domestic restrictions affecting journalists as well as the general public. “Ground zero”, the scene of the World Trade Center bombing, was initially cordoned off and declared a crime scene. Reporters could not roam at will, partly to protect them from falling debris, partly to avoid interference with rescue operations, and partly to restore some control to an otherwise chaotic scene of giant devastation.

Some foreign journalists and press freedom organizations saw this policy as an example of censorship. These critics accused US journalism of being caught up in a wave of patriotism or of practising self-censorship. In one extreme case, Don Emmert, a correspondent for *Agence France-Presse*, said New York was “like a police state” because the mayor’s office asked the press not to display images of firefighters recovering the bodies of their colleagues.

These criticisms were unwarranted. There was no justification in demands for access to the corpses of victims at ground zero. Terrible pictures were, indeed, made available

to television producers, but in the interest of good taste, the networks decided not to show them. Some TV stations showed people jumping from buildings, but the stations later regretted doing so.

Some changes were adopted that had modest effects on domestic journalism. Hundreds of non-citizens and some citizens were detained and interrogated, but the press was not given the names of the detainees nor the charges on which they were held. Immediately after the September 11 attacks, agents of the Federal Bureau of Investigation went to the major US Internet providers (ISPs) such as AOL to install the Carnivore program on their servers. This enabled the FBI to monitor e-mail messages, trace the trail of previous communications, and obtain stored voice mail as well as e-mail. The FBI's action was contested, but the new USA Patriot Act gave federal law enforcement officials broad authority to wiretap and monitor terrorist suspects and allow ISPs to assist without a court order. This enabled authorities to track cybercrime as well as cyber terrorism. To preserve some privacy, Congress passed a new education bill in December allowing parents to bar companies from using the Internet to collect information about their children in school.

Paralleling restrictions on journalists in the field came specific new policies by Attorney-General John Ashcroft, who cast tighter secrecy-protection rules over the decades-old Freedom of Information Act (FOIA). The FOIA process enables academics and the general public to secure government papers. Journalists use the process extensively to research investigative stories or provide greater context for current news.

Under new rules, an FOIA request can be denied merely to protect the privacy of a named individual. Previously, records could be withheld if disclosure would result in foreseeable harm. On the basis of national security, the Attorney-

General guided FOIA handlers to withhold information that might be detrimental to “institutional, commercial, and personal privacy interests.” Under this rubric many government agencies could keep secret much information that was previously available to journalists. “We can’t tell what the government is going to do,” said Anders Gyllenhaal, FOIA chairman of the American Society of Newspaper Editors. “There is a new climate in the country since September 11,” he added.

On September 25, the *Voice of America* decided to broadcast part of an interview with a Taliban leader after the State Department had initially prevented the VOA from airing it. Strong press criticism helped reverse the State Department’s decision. The Government also drew modest criticism when the Secretary of State urged US television not to cover the lengthy full delivery of Osama bin Laden’s anti-American diatribes. Instead, TV excerpted newsworthy portions of a later speech by bin Laden, and the US Secretary of State was interviewed on *Al-Jazeera*, the originating Arab station.

In February, the Department of Defense was revealed to be planning an Office of Strategic Influence that would employ disinformation – “black” or false news – for release abroad. After a week of opposition in the press, the office was shut down. Far better would be a major effort by the Agency for International Development (USAID) to encourage diverse, independent news media where state-run outlets provide the main source of information. The development of indigenous, diverse – ultimately critical – public voices can change the present rampant anti-Americanism abroad.

As with the broadcast of the VOA interview, the killing of the Office of Strategic Influence indicated that First Amendment protections could be effective even in an emergency. “This is not the time to let terrorists erode our nation’s history of open inquiry,” said Chris Peck, president of the AP’s Managing Editors Association.

The volume of information increases. By mid-December, the Pentagon relaxed some controls on information and apologized for “severe shortcomings in our preparedness to support news organizations in their efforts to cover US military operations in Afghanistan.” By January, the first reporters were permitted to accompany US Special Forces in Afghanistan. *The New York Times* sent more than a dozen reporters and photographers to combat zones. Suddenly, there was a flood of reporting but, says Sandy Johnson, the AP Washington bureau chief, mostly on the “small subjects” of the war, not the “big picture”. As a result, opinion and speculation were rife, particularly on radio and television.

Perhaps neither the White House nor the US military had yet framed the longer-term objectives. There was, however, critical reporting of civilian deaths and erroneous bombing in Afghanistan, presumably based on faulty intelligence. There was also speculation of less than explicit future objectives.

In terms of press controls, the American public was strongly supportive of military censorship. By 53 to 39 per cent, respondents told the Pew Research Center in November that it is more important for the Government to be able to censor stories it believes could threaten national security than for the media to be able to report news as it sees fit. Americans said the military should exert more control over news about the war rather than leave most decisions to the media.

Yet the public supported neither substituting propaganda for news, nor the press becoming merely a lapdog rather than a watchdog of government. Three quarters of those interviewed praised the news media for their coverage of the attacks and the war against terrorism. This was a sharp increase in support of the media, though it still reflected the public’s preference for military censorship that had been expressed during several US military forays in the past two decades.

Other responses in democratic countries. Following the attacks of September 11, many countries undertook various actions against terrorism. Some democratic nations copied US procedures by expanding or creating laws to legitimize domestic surveillance, although few resulted in any measurable decrease in press freedom.

- Canada's "Law C-36", passed in December, increased surveillance of the Internet, electronic mail, and telephone conversations. A new amendment to a defence law enabled the telecommunications security centre to intercept private communications between Canada and other countries to monitor aspects of international affairs, defence, or security.
- In November, France passed a series of laws affecting private life in the anti-terrorism era, and effectively made encryption of electronic messages an offence.
- Germany's Bundestag enacted a number of anti-terrorist laws that included the intelligence services' right to gain access to stored telecommunications data and discover the origin of e-mail and its contents.
- The Indian Cabinet approved the Prevention of Terrorism Ordinance, which specifies that journalists must give authorities full information concerning terrorist activities or face imprisonment. Courts could sentence journalists to three years in prison for not revealing sources of terrorist activities, particularly the names of terrorists and supporters they have met or interviewed. (After protests from domestic journalists as well as press freedom advocates, these provisions were withdrawn from the version of the anti-terrorism bill currently being considered.)
- In the United Kingdom, where Prime Minister Tony Blair was the first to stand beside the United States in the war on terrorism, the police were given added power to monitor the Internet, electronic mail, and telephone conversations.

The Prime Minister's spokesman declared that news media "must not put on an even level the Taliban's web of lies and the [anti-terrorist] coalition's declarations."

Press-freedom advocates may express some concern over the global electronic summit planned for December 2003 because of the new interest in monitoring Internet content. The International Telecommunications Union (ITU), the world's oldest intergovernmental organization, will run the conference. In the past, the ITU has been the regulatory agency that negotiated consensual agreements to assign telephonic, broadcast, and satellite sites on the spectrum. Never before has it delved into the content of messages. Press freedom advocates fear that next year's summit could break that hands-off tradition.

Other measures. In the aftermath of the September attacks, some non-democratic countries quickly exploited the anti-terrorism climate to further harass their own journalists. In the past, these countries never needed such a rationale to deal harshly with domestic or foreign news media. Some now cited the threat of terrorism as justification for policies of repression.

- Local journalists in Indonesia attacked an anti-terrorist bill, writing "the amalgams and inaccuracies contained in this text could easily justify all kinds of crackdowns attributed to terrorism, reminiscent of the 30 dark years of the Suharto regime."
- Immediately after the September attacks, Jordan amended its penal code to increase censorship. Journalists faced prison for messages that "could breach national unity, divide the population, or damage the image and reputation of the state." Egypt cracked down similarly, focusing on the Muslim extremists who had long attacked the ruling party.
- One ominous attempt to exploit the fear of terrorism is entailed in the draft programme submitted by the Russian Government to the United Nations Educational, Cultural,

and Scientific Organization (UNESCO). The draft, prepared by a Russian journalist union, purports to define “the role of journalists in international efforts to prevent and eradicate terrorism.” The draft would be presented this May to a UNESCO-sponsored seminar in Manila on media and terrorism. It would mobilize journalists worldwide to inspire publics to reject terrorism, introduce anti-terrorism subjects into journalism schools, and solicit international recommendations for the media to fight terrorism. What makes this resolution of particular concern is the implication that it would legitimize state influence or control over independent journalism.

- Saudi Arabia required ISPs to keep records of all Internet users, including their addresses and phone numbers, so that officials could use the information to discover whether a user accesses a forbidden Internet site.
- Ukrainian President Leonid Kuchma, casting a chill over communicators in the new climate, said, “the Internet has become a killer.” He accused critics of writing “whatever they like without signing their names, and then it appears in the mass media.” Clearly, there is an international consensus that terrorism must be rooted out wherever possible. But how? And with what protections for the human rights of innocent citizens and the freedom of independent journalism?

The dilemma. There is a real dilemma presented by the need to employ communication technologies to track terrorists before they strike, and yet preserve the privacy of individuals and the freedom of the independent press to monitor and criticize government activities. The dilemma faces governments as well as journalists. In the past, American support for war diminished when the integrity of reporting declined, either by censorship or by inadequate or inflammatory journalism. The public’s

rejection of the Vietnam War was driven more by deceitful official claims than by a few horrendous television pictures.

By last December, polls of print and broadcast viewers revealed that the public's approval of press coverage of the war on terrorism had dropped to 63 per cent, down from 75 per cent in September. The difference could be explained by the clear emphasis on opinion rather than on straight reporting. Greater use of opinion, particularly on radio and television, may be attributed to less "hard" news made accessible to reporters by officials and to the impatience of journalists to discover or predict the "next phase" of the conflict. Whichever the primary cause, the public noticed the difference.

The public's right to know is not absolute. Officials need time and space to formulate strategies and tactics. Journalists need to protect their sources from public and official scrutiny. Within that slightly narrowed playing field, however, a new contract is needed for the press/ government relationship in wartime.

What, then, should be the new guideline in democratic states? In the United States, for example, Government should forthrightly provide information about its activities, except in the interest of legitimate national security. That phrase should not be overused. The Government should define through public debate what kinds of information must be kept secret and under what circumstances and conditions. As part of the system of checks and balances a diligent and sceptical Congress and press must do everything possible to make the Government fulfil this obligation.

Government also has the obligation to protect the privacy of its own negotiating and decision-making process. Just as the judicial conferences of the US Supreme Court are held in private, so decision-makers in the executive branch are entitled to privacy in seeking staff advice and weighing alternative policies. Such privacy, however, should be of limited duration

unless severe negative domestic or foreign repercussions would result from revealing details of the process.

For journalists, investigative reporting is often essential to secure the basic facts of a complex event. Officials should acknowledge and not seek to frustrate this essential role. Reporters, for their part, should maintain an adversarial stance without becoming purely antagonistic or an enemy of government. This distinction is particularly vital in wartime, especially in as amorphous a conflict as a war on international terrorism that has domestic as well as foreign roots.

The war on terrorism is likely to be a long, tedious hunt involving diplomatic and economic as well as military actions. In all these fields and in all regions of the world the flow of communications will be central to both the activity of the terrorists and to those opposing them. The news and information flow, however, is also central to the protection of civil rights.

As polls already indicate, the public recognizes when the press is not performing well, for whatever reason. Officials should understand that a democratic public will not accept reports of an obviously manipulated press, or one labelled unpatriotic. Nor should individual privacy be invaded, particularly over the Internet and the telephone, without formal judicial approval. While this intrusion would be abhorrent in peacetime, even broad Internet surveillance in an emergency is defensible provided the process is publicly acknowledged and sustained by a court. This and related actions, otherwise unacceptable in a democratic state, are defensible once there is national agreement that the nation faces "a clear and present danger". Even then, journalistic surveillance of official actions is vital.

Officials and journalists alike should recall this precedent in American constitutional law. During the US Civil War, President Abraham Lincoln suspended habeas corpus (the right to hear formal charges used to detain a citizen). He also employed

military courts to try opponents of his war policies. After the war, the US Supreme Court declared that these acts were unconstitutional. The court said that “the Constitution of the United States is a law for rulers and people, equally in war and in peace, and gives protection to all classes of men, at all times, and under all circumstances...In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the Revolution.”

This is an important lesson not only for democratic societies, but also for those who rule through military power or the absence of legitimizing electoral processes. Especially in these countries, journalists are viewed as an irritation or, at best, an adjunct of governance. The international war on terrorism has been a boon to such states. They seek to join the war on terrorism while defining their domestic critics as terrorists who must be rooted out. This shoddy exploitation should be revealed even while democratic states accept from the same countries some intelligence and geopolitical cooperation. In this as in other aspects of the rush to legislate surveillance and other measures of information control in many countries – free and less than free – journalists must publicize the implications of such laws without fear of official attack or condemnation.

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II. Young People on the Balkans: the `mobile.culture.container` on its 2002 Tour

Achim Koch

Bridges between Young People in Mostar

Josipa Crnoja

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Selma Hajdarevic

Longing for Something Better

Achim Koch

Bridges between Young People in Mostar

The *mobile.culture.container* on its 2002 Tour

In 2001 the *mobile.culture.container* visited the cities of Tuzla and Gorazde in Bosnia and Herzegovina, Osijek in Croatia and Cacak in Yugoslavia. The 2002 tour began at the beginning of March in the Herzegovinian city of Mostar. For the sixteen containers a place had to be found that belonged neither to the eastern Bosniac nor to the western Croatian part of the city so that young people all over the city could be reached. The old stadium was selected, where construction had started before the war but had never been completed. This was situated practically on the former front line.

Today Mostar is still divided by a virtually invisible line, which many isolated stories bear witness to. The rubbish from the western part is not brought to the tip set up with international funds in the east. Pupils from the west are not permitted by their teachers to perform at the music centre in the east of the city. The city's two small and poorly visited cinemas are divided between east and west. And when our colleague who has a Catholic name, Josipa, called her name out in a doctor's waiting room in the east of the city, all gazes immediately turned towards her.

The *mobile.culture.container* holds discussions with young people about their prospects for the future and these are then developed on in various workshops. Very soon after work began, it became obvious that the majority of pupils could quite happily do without the dividing line in their city. Because they understand the future as a common future, something that can only be realized as citizens of a shared city. Therefore they need moral support against the influence of teachers, parents, nationalistic media and politicians who

sow hatred. This became very apparent last year when the small local NGO *Mladi Most* (“Young Bridge”) showed the Bosnian film *No Man’s Land* on a building on the former front line. In the space of a few days this was seen by over five thousand young people from all parts of town, standing shoulder to shoulder.

Already in the first three days, over 160 pupils attended the discussions at the **mobile.culture.container**. Most of the workshops were soon booked up. Yet the young people requested an extension of the workshop programme. Telescopes were set up and an astronomy workshop was started. Others offered to teach drumming to their fellow pupils from both the east and west part of town, to create sculptures, improvise music evenings or find out together about the possibility of community service. *Mladi Most* organized the cinema programme at the **mobile.culture.container**.

Never before had the **mobile.culture.container** been used by the young people of a town to such an extent. Never before had the **mobile.culture.container’s** capacities been stretched so much. From the discussions with many young people it clearly emerged that in the project they were satisfying their hunger to act together in a neutral place. Their common future was consequently a theme they took up in almost all workshops.

For this reason until now the **mobile.culture.container** has at no other place been able to leave behind such a sense of mutuality. The school newspapers that were founded in Mostar and equipped by the **mobile.culture.container** will hopefully continue to cultivate this way of thinking.

Yet there is still not a common city cinema in Mostar. To establish this would exceed the possibilities of the **mobile.culture.container**. Yet *Mladi Most* is still working on this idea and looking for international support. This would be a worthwhile project also for the OSCE in connection with the Stability Pact for South-Eastern Europe.

Josipa Crnoja

Back?*

It was a beautiful spring day at the end of April. It was sunny, everywhere you could hear the birds chirping, the sky was blue and the rivers in the centre of the city were crystal clear. Above the city the mountains with their trees further enhanced the stunning scene. Yet there was something menacing about this beauty.

It was on this day that I left my city. At the beginning I thought that it was only for a month, two months at most. Because who could believe that anybody was capable of destroying this beauty, of inflicting suffering on the inhabitants?

I was seventeen years old, in love and like many young people dreamed of a future full of promise. School, studying, work, family... these were my dreams. I also wanted to get to know beautiful sights in other countries. During these days there was a series on television about two brothers who lived in a town with many lakes, icebergs and volcanoes. I dreamed of visiting this country in northern Europe some day.

It was idyllic. Yet slowly the first black clouds were approaching my city and my country. The first shots, hate propaganda and increased nationalism created fear – fear about life and the future.

On this beautiful day in April 1992 I left my parents, friends, city and country, initially just for a few months. Yet these months have developed into an eternity. I return again and again but have never really come back. And I don't know why.

* This and the following article are from the book *Verteidigung unserer Zukunft. mobile.culture.container 2001*, ed. by Freimut Duve and Achim Koch (Vienna, Fonds Verteidigung unserer Zukunft, 2002). They have been translated from the German by Rebecca Law for this Yearbook.

I found refuge in Austria. For over eight years I have lived here. The first years were not easy. I lived in a refugee camp in a small room together with my mother and sister. I didn't know the language; the people were just as foreign to me as I was to them. Life in the refugee camp was dictated by the war at home. Every day we followed reports on the radio about the bombing of Sarajevo, Mostar, Gorazde and many other cities. Each of us had family members or friends in these cities.

My dreams disappeared almost imperceptibly. Overnight I had suddenly grown up. I was worried about my future, was scared of it. How could I go about it? Was there any future for me at all?

Then the end of the war came. What was left was not a very pretty picture: destruction, hatred, mistrust, misery, hunger, hopelessness... I learned the new language, decided to take the first steps in the direction of my future: to study at the European Journalism Academy. After initial uncertainty and fears I managed to graduate from the course.

When in November 2000 I attended the **mobile.culture.container** press conference at the Presseclub Concordia in Vienna I had already worked for almost three years for the ORF, the Austrian Broadcasting Corporation. At that time the project **mobile.culture.container** was presented for the first time to the public, on the fifth anniversary of the Dayton Peace Agreement. I had just returned from Bosnia where I had recorded material for my Dayton feature. The still difficult situation in interhuman relations and the economy, misery, poverty, hopelessness, nationalism and hatred that kept recurring – all this weighed heavily on my mind. Having returned to Vienna, I heard of a promising sounding project for young people in South-Eastern Europe. I was initially sceptical. After all, many international organizations had come to Bosnia with their projects. They are either still there but unsuccessful – as ends in themselves – or after a time they disappear without trace.

Sitting on the podium were Freimut Duve, OSCE Representative on Freedom of the Media and initiator of the project; Wolfgang Petritsch, the international community's High Representative to Bosnia and Herzegovina and Achim Koch, executive director of the project. I spoke out and talked of the apathy that prevailed among young people in Bosnia and Herzegovina. There was nobody who listened to them and yet everyone spoke in their name. But what are their dreams and desires? That wouldn't interest anybody. There were always just empty promises. As a result the young people had become mistrustful and it was very difficult to interest them in anything again.

When shortly afterwards the offer came from Achim Koch to accompany him on a trip to Bosnia and Herzegovina, I immediately agreed. Even today I am not certain of the reason for my consent. I think that I wanted to get to know better the country in which I was born and the young people of today there. I wanted to find out what their dreams and desires are and whether they are different from mine. Were there still young people who dreamed of far-off countries and of studying there? Perhaps I wanted to find myself again in these young people, as I was as a young person almost ten years ago.

Seeking the answers to these questions, I then decided to participate in the **mobile.culture.container** project. I left my job at the ORF in Vienna, abandoned my plans to move to Berlin and embarked on a journey which was to last six months.

The young people in Tuzla, which was the project's first destination, provided many answers to my questions. Emir, Ana, Tarik, Tea, Igor – these were the young people with whom I spent every day for five weeks and who taught me a great deal. We had many discussions about the defence of the future. We tried to develop on these thoughts about the future together in numerous workshops. I was in charge of a radio workshop. It was a good feeling to work together with the

young people and especially to talk to them. On the one hand I had the opportunity to continue working with radio and on the other I could pass on my knowledge to others.

Later I got to know other Emirs, Anas and Teas in Osijek, Cacak and Gorazde – three different cities, countries and nationalities. In many of them I repeatedly recognized the seventeen-year-old girl whose life had been changed completely by the war.

Nobody had ever asked me and my generation about our future. We had not even dared to think about it. For us it was important to survive that day. It has been difficult to comprehend that there is no going back and that there must be a new beginning in life.

I do not want the seventeen-year-olds of today to experience all this. The memories of their childhood are filled with war and its consequences. I wish them a better future and much more courage to pursue their own dreams and desires. They have the right to their own future. One has to help them on their way. That is the task of we adults.

I believe that working with these young people – many of whom became my friends and I am in constant contact with them – brought me back to my first homeland. As long as there are young people who have dreams, desires and courage for their future, I will always return.

There was an event that unconsciously prompted my final decision of wanting to work with the **mobile.culture.container**. It happened on our reconnaissance trip six months before the beginning of the tour.

I stood with Achim and Adnan, a friend of mine, at the spot that had once been the start of the Old Bridge of Mostar. It was a beautiful December night just before Bayram and Christmas. Without success I tried to capture this moment with my camera. I will never forget this night, also on account of a comment made by Adnan. Shortly before Achim and I

wanted to go to our hotel on the Croatian side of the city, leaving Adnan on the Bosniac side, he said: “For a long time we have been accustomed not to go to the side of the others.” At this moment I knew that I wanted to work with the **mobile. culture.container** project. Because I wanted to go to the side of the others and to get to know them. And I want everybody to follow this example.

Selma Hajdarevic

Longing for Something Better

When you are just about to take on a new job, which you have never done before, then you should take the time to think about why you want to work in this particular area. To be honest, I didn't have much time to think about my new work. But I very soon found out that this work could be a great chance for me to find out about many things that were unclear and inexplicable, to find the answers to many questions and of course to help young people.

As a Bosnian who has been living in Vienna since 1992, I could not explain to myself whether the nationalism on the Balkans is just or well-founded. It is only now that I recognize that I was asking the wrong question and that another is more important: How can young people who have suffered from the nationalism of their parents' generations liberate themselves from this?

I was driven out of my home, my home-town, was separated from family and friends and this has all changed me so much that I don't need to hate "them". I divided people into good and bad because I knew that both "them" and "us" have good and bad people in our midst. I stayed true to myself. I formed my own opinion and did not let my opinions be led by the crowd. I must admit that I was often uncertain because I continually heard many stories and opinions. But I remained true to the Selma who listened but knew: "We are not all the same, they are not all the same, we are good and we are bad, we are not all the same."

I found out whether this is just Yugo-nostalgia or naive thinking during the course of the project.

Why exactly “Defence of our Future”? Our project’s main message is “Defence of our Future”. When I was envisaging the project I repeatedly said these words out loud. To me the message sounded very serious and hard. And the young people were also sometimes very apprehensive when I broached the subject at the beginning of the discussions. Yet, when the discussion developed I noticed smiles on their faces because they heard very clear questions which nobody had ever asked them, questions relating to their personal lives, their present and future.

I cannot claim that I heard the same in every town. But the problems which young people face were much the same everywhere because they are all in a similar political and economic situation. I see a great problem in the fact that young people have often not developed their own opinions or that they are forbidden to do so. It is easy to recognize that they bring many opinions and views with them from home – meaning from their parents, from school, from the environment in which they live.

When you return to the countries of former Yugoslavia from outside it is not difficult to recognize how the mind of a young person functions according to the set conditions of his or her environment. The young people are considerably handicapped. They are forced to conform and to believe in opinions and ideals that are not their own.

Many atrocities happen in the world. But one can detect again and again that after a time there are voices that resist, people who raise their hands, minds that fight. If a person acknowledges that he or she has a problem then they try to get to the root of this and discover the causes in order afterwards to solve this problem themselves.

In the discussions with young people we soon heard about their problems because they were aware that there were problems. Yet they often generalized everything and

spoke in the “we” form. The causes of these problems were always the same: one or another nationality, this or that politician, economy, corruption...

On the final step towards solving the problem, they usually came to a halt because they could not find the answers on their own. The ball always rolled back to the cause. Most of them could not solve a problem because they had not caused it. They were not capable of liberating themselves and of reaching lucid waters at last. Life had made them into small, quiet birds that pecked at every seed which was thrown to them. Yet it is fortunate that there were also birds among them that did not want to be small and quiet and peck at the seeds which were thrown in their midst. They are the ones that speak out, who battle with hand and mind, who with all their strength try to rouse the quiet birds. They want to determine their own future. They want to build it up according to their own wishes.

Yet it must also be mentioned that many who long for change very often give up easily because they are not given any support or because they are confronted with barriers like corruption, unemployment, lawlessness etc. Injections like **mobile.culture.container** are needed to boost these young people. These are injections of culture, friendship, of learning together and pointing the way. Part of this involves awakening awareness and boosting self-confidence. In order to gain self-confidence you need support in what you do. Opening minds and breaking down boundaries is of vast importance so that young people can free themselves from the yoke which has been inflicted upon them.

As part of this, young people need to recognize that the uncritical belief in their own history, in the history of their own people, the segregation from and great fear of their neighbours, that all this contributes to causing the prevalent prejudice and disinformations.

A Gleam in the Eyes and Longing for Something Better.

In many of the young people I could detect a gleam in their eyes. It was the same people who knocked down all barriers with their smiles, who repeatedly prove to themselves and their surroundings that they will move on and are stronger than life's barriers.

The **mobile.culture.container** is for many a house to which they return again and again, where they can present their ideas, knowledge and talents in the hope that they can choose a place, a better world in which everything is utilized and where a better future can be built. For them **mobile.culture.container** is a place to unburden themselves, a place where somebody listens to them, motivates them and always has time for them and their problems.

Coming Together through Culture? I often had doubts about whether the young people really wanted to become friends and be successful together or whether they only came to a certain concert, discussion or camp because there was nothing else going on in their town.

My doubts rapidly vanished. A rock band from Cepin (Croatia) really wanted to come to Cacak, which did not work out in the end because of passport problems. There was a rock band from Tuzla that without a second thought immediately came to Cacak; a few girls from Cacak who came to Gorazde, happy that they could again be in the container and together with young people from Gorazde.

My doubts also disappeared as a result of the talk show in Gorazde which was very tense and where the subject slid out of our hands but where the ice was broken because young people from Visegrad, Gorazde, Tuzla, Brcko and Cacak dared to sit and talk together. They talked, listened and together sang the song "Balkan" by the well-known group AZRA. They did not solve their problems, they did

not liberate themselves from hatred and prejudice but they took the first steps in this direction.

During one of the discussions in Cacak my breath was taken away by a question from a boy aged about seventeen, who asked me whether he could make a film about the Cetniks because this could convey the correct image of Serbians. At that moment I wanted to fetch my bag and bolt. But on the same day five other boys inflated my wings by telling me that there were ten pupils from Serbian Cacak who would like to come to Bosniac Gorazde and that we should invite ten others from Osijek in Croatia and then hold a large discussion to show that they are aware of the killing and hatred around them. They wanted to play their guitars, study, camp, read, play and all this together with the others because they know that in Osijek or Gorazde there are people like them, young people who think exactly as they do.

Fear, prejudice, hatred: all this is a very heavy load to be altered or eliminated by discussions, work, projects and more discussions. But these activities can inspire young people to think about this and to begin to view everything through different eyes. Culture can be a magic wand that young people want, which offers them the chance to become closer, to learn from one another, to become more tolerant. Many more injections like the culture container are still necessary. But the most important thing is to make a start and to have courage.

To return to the beginning of this story, I now know that I have proof. In my case it was neither Yugo-nostalgia nor naivety but I know that people are good and bad and that good people made me aware that I was crazy and weak every time when I allowed bad people to confuse and weaken me.

Everyone can see how you appear; few can feel what you are.
(Niccoló Machiavelli)

III. Views and Commentaries

Mass Media in Central Asia:

**Central Asian Journalists Speak
about Media Freedom**

Freedom of the Media in Belarus:

**Belarusian Journalists
about the Media Situation in their Country**

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Introduction

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Mass Media in Central Asia: **Central Asian Journalists Speak about Media Freedom***

“...I have much less optimism. My optimism did not increase after the well-known events of 11 September. On that ill-fated day I was on duty at the newspaper’s office and in my office there was a TV set with an antenna which received Russian TV channels. Certainly, I got to know about what happened in the USA and I wanted to know the reaction of Uzbekistani television to this tragedy. But one of the channels showed the President of Uzbekistan’s speech in one of the regional centres, the second channel showed competitions for the President of Uzbekistan’s tennis cup, and on the third channel there were songs praising the motherland and again the President. None of the channels mentioned the American tragedy.”

Sergey Ezhkov, *Pravda Vostoka* newspaper, Uzbekistan

“A military conflict causes the betrayal syndrome: everyone who distributes information not offered by people controlling the territory in question, becomes, in their eyes, a traitor of ‘the common cause’. And, consequently, everyone who publishes information different from that which is commonly accepted is suspected of working ‘for the opposite party’. This treatment of a reporter makes working more difficult, and moreover, threatens his or her very life.”

Alexander Gabchenko, *Novosti Nedeli* newspaper, Kazakhstan

* The following quotations are from the presentations at the Third Central Asian Media Conference *Media Freedom in Times of Anti-Terrorist Conflict* held in Almaty on 10-11 December 2001.

“Recently observers have noted that gradually the independent mass media of Tajikistan are losing their direct mission and abstain from reporting on current events inside the country, their principle now is ‘just work, and don’t get involved!’”

“...I fully agree with the well-known formula: Let people know the facts, and the country will be secured. In any country freedom and independence of mass media depend upon effective legislation and guidelines, availability of professional managers and skills to live and develop within the market conditions, the level of professionalism, and a framework of internal control and ethics in conditions of freedom.”

“...As is known the acquisition of independence is a long and difficult process in the development of mass media. This process is associated with solving such priority issues as the existence of latent state and internal censorship, low professionalism of employees in mass media, insufficient logistical support and low legal conscience, etc.”

Iskandar Firuz, *Varorud* news agency, Tajikistan

“But publications [in Tajikistan] are still self-censored by journalists due to cautiousness, artificial obstacles like awareness of one’s role and place in the civil war, the cultivated slogan ‘Do not endanger the tenuous peace with an imprudent word!’, and daily threat of physical lynching for some material. As stated by monitoring experts from the Russian Center for Journalism in Extreme Situations, all the conflicts in Tajikistan where journalists participated involved violence. However, self-censorship, which rules the journalist community, is cultivated by anxiety for one’s own life and the lives and health of one’s loved ones, rather than by pressure from the State. Journalists do not even expect any protection from law-enforcement bodies, as representatives of these are often persecutors of journalists themselves.”

“...Journalists’ professional activities are obstructed by a range of insurmountable barriers ... Let us concentrate on the basics. Article 27 of the Law on Press and Other Mass Media declares unequivocally the right to obtain information from state bodies, public associations and officials. Moreover, Article 30 of the National Constitution directly guarantees everyone the freedom of speech, press and use of mass media. Additionally, Article 162 has been introduced into the Criminal Code, which stipulates that ‘any form of hindering lawful professional journalist activity shall be punished by a fine in the amount of 500 to 800 minimum wages or correctional labour for a period of up to two years.’ And it is noteworthy that during the three years of its existence the article has never been applied. There are no juridical precedents of this kind. None of the articles define the correct mechanism for obtaining information. It is as if the authors intentionally left a catch for state officials who are not always interested in leakage of information. At the same time, the definition of ‘legally obtained information’ was not forgotten at all. This means that, within the existing system, any piece of information obtained by a journalist is acquired illegally so a journalist always has to work on (or beyond) the verge of committing an offence. According to the law a journalist is entitled to prosecute an official for withholding information only after a second written refusal. This takes so long that the information will have become useless for mass media.”

Turgun Dikaev, *Asia-Plus* news agency, Tajikistan

“The large-scale anti-terrorist operation in Afghanistan, quite naturally, has attracted the full attention of the world. The experience generated by the world’s mass media in covering the anti-terrorist conflict has clearly identified THREE MAJOR tasks of the mass media to meet the public’s requirement of objective and comprehensive information on the anti-terrorist

operation and corresponding issues. FIRSTLY, to obtain access to all sources of required information or materials with the aim of further distribution. SECONDLY, to ensure objectivity and reliability of information and present an adequate coverage of events. And THIRDLY, to protect journalists and their rights in the zones of anti-terrorist operations.”

“Freedom of speech means not only impartial distribution of objective facts and events, but also the viewpoints of all parties concerned. It should not be reduced to an open informational war against terrorists. We believe that freedom of speech in the anti-terrorist conflicts means exposing, throughout the media, the antisocial and anti-human nature of terrorism on the basis of objective and efficient coverage of facts and events.”

A.D. Sultanbaev, Chairman of the Union of Journalists of Kyrgyzstan

“It was not until later that the threat of international terrorism was unanimously acknowledged, at first after the events described above, and once and for all after 11 September. Yet even then the appraisal of the political decisions made by the states which joined the anti-terrorist coalition was influenced by the prejudice, rivalry, momentary interests and objectives of one State or another. The stereotypes and images of the previous period have still not been eliminated. Preparations had been made for war, then war broke out, but journalists kept on operating with the obsolete concepts and tactics of a disunited world. The reason for this was the contradictory nature of official information, measured out and censored, and the shortage of independent sources, which were supplemented with conjecture and guesswork that filled the newspapers, radio, TV and the Internet.

The war began with an information war. The Internet was full of inconsistent and frightening information; the world was expecting something to happen, it was alarmed;

the lack of information excited journalists, and some of them were eagerly fulfilling the orders of the special services...”

Marfua Tukhtakhodjaeva, Women’s Resource Centre, Uzbekistan

“The objective of a journalist should be to inspire discussion in society. A journalist advocating this ‘active’ view takes a critical stand regarding the authorities, analytically evaluates the Government’s activities, whose each and every step could become a subject of discussion in the press, on radio and TV.”

“... during the period of worldwide war against terrorism the young generation of journalists in Uzbekistan will have to put up with the fact that the geopolitical pragmatism of American diplomacy will predominate over democratic idealism. Accordingly, young people’s hopes that journalism will provide social leadership and play an increased role in resolving socially important issues through public debate are being postponed indefinitely.”

Alexander Khamangaev, *Media Insight Central Asia*, Uzbekistan

“The editorial boards have talented correspondents and observers and can invite political scientists and specialists in international relations to write alongside them, yet they resort to reprinting materials, reliable though they may be, from foreign media. This approach is used by these newspapers to kill two birds with one stone, i.e. the readers get breaking news, and the editorial staff get an insurance policy in the event of any angry phone calls from the top – since it is just a quotation from other media.”

“Terrorists understand that mass media serve them in a sense. Mass media may be forced to work for them, even against the will of the correspondents themselves, as when bombs explode or monuments of civilization are ruined, no journalist like any civilized person can be silent. On the other hand, it is a journalist’s duty to think over the events. A jour-

nalist's approach to an event, as material, is based on efforts to understand why such things happen and people get killed. And society itself has the right to turn to journalists to illuminate such acts of violence."

Kironshokh Sharifzoda, *Sadoi Mardum* newspaper, Tajikistan

Freedom of the Media in Belarus:
Belarusian Journalists
about the Media Situation in their Country*

Freimut Duve

Introduction

Together with the OSCE Advisory and Monitoring Group in Belarus, we invited a group of Belarusian journalists for a Public Workshop on Freedom of the Media.

Our intention was to give the journalists a chance to inform the European community about the media situation in Belarus, and considering the upcoming presidential elections, Belarus is being afforded special attention by the OSCE. The invited journalists are working mostly in private media and are facing many problems doing their job. We had as well some journalists working for media directly under government control. Thus we had the possibility of a wide pluralistic range of opinions during the day-long discussions on 31 May 2001.

In meetings with many different audiences I often underscore the need for respect of those who come from a settled democratic background for those who are themselves deeply involved in their countries' struggle for a democratic pluralistic future.

While I call for respect for all citizens, as OSCE Representative on Freedom of the Media, I draw special attention to the need to afford journalists *respect*. As a German I enjoy the fruits of our elder generation's struggle for a democratic future

* The following articles are reprinted from the joint publication of the OSCE Representative on Freedom of the Media and the OSCE Advisory and Monitoring Group in Belarus *Freedom of the Media in Belarus: Public Workshop with Belarusian Journalists, Vienna, 31 May 2001*. Some minor editorial changes have been made for the Yearbook.

against those who helped to stabilize dictatorship. Therefore I remarked to the participants in Vienna that their generation of Belarusian journalists has to overcome three generations of communism. But even with all the problems in present-day Belarus, the country has witnessed stunning technological changes, especially in the way information is gathered, delivered and shared.

During this one-day Public Workshop, which brought together approximately a dozen Belarusian journalists from both the state and non-state sectors, there were moments when I thought I was listening to representatives of, if not two different countries, then of two radically different perceptions. Some intriguing images were raised during the discussions, such as the image of Belarusian media as a bird, with state media being one wing and non-state media being the other, flying into the zone of silence.

My experience leads me to believe that, in general, government media will eventually fade into the background. I told the Belarusian journalists at the workshop that I hoped they would contribute to the fading away and transformation of state media into a different process of media which are not controlled by government institutions. I underscored my conviction that, for many reasons – technical, cultural, democratic and economic – there is no way out. Government-controlled state radio and television have no future.

A journalist from State Television introduced the idea of a “Press Club”, a weekly television programme with the participation of both state and non-state journalists. I encouraged this initiative, envisioning this becoming a lively presentation of different opinions to the Belarusian public on a regular basis. This is especially needed at election time.

The workshop also discussed technical questions, and the representative from the state daily spoke of the need to modernize printing institutions. During the course of our discus-

sions, the necessity to disentangle state control from monopolizing printing facilities in Belarus was featured. It seemed to me that all the participants demonstrated the conviction that very important changes are necessary.

Even with the Milosevic regime, it was technically impossible to organize isolation. Despite the efforts of the regime to close itself off, the outside world learned of the brutality of the regime through new Internet technologies. When I was denied entrance into former Yugoslavia, I met with independent journalists in other places.

Finally I appealed to all workshop participants to think of the future and to take responsibility for the children of Belarus, to defend their future. In Belarus such discussions could and should lead to a variety of opinions. I am sure that free journalists who love their country will have to be freedom engineers of their democracy.

Ales' Lipai

Structural Problems of Independent Media in Belarus

When the Belarusian authorities object to the statement about the harassment of independent media in the country, they usually make two points. First, they speak about kiosks where both pro-governmental and opposition newspapers can be bought. Second, they give the figures of the media registered in Belarus (as of early May 2001, it is 1,170 newspapers, magazines and bulletins). They say that only 15 per cent of these media are state-owned, because they were founded by central or local authorities. The officials usually conveniently forget to mention that roughly 150 other publications are owned by state enterprises and organizations.

But the influence of state and non-state newspapers on public opinion is not determined by these numbers because of the following reasons:

- 1.** About 90 per cent of non-state newspapers do not carry information that can influence public opinion, because their content is limited to advertising and basic entertainment.
- 2.** Some non-state newspapers, such as *Vecherny Minsk* or *Nat-syjanalnaja Ekanamichnaja Hazeta*, deliberately avoid any topics that could put the authorities into a negative light.
- 3.** A large proportion of non-state newspapers are issued once or twice a week. Of private national newspapers, only *Narodnaya Volya* is issued five times a week and *Belorusskaya Delovaya Gazeta* – four times a week, while there are six national state-owned dailies.
- 4.** Finally, state newspapers have a much larger total circulation than private ones. For example, a weekly circulation of

the presidential newspaper *Sovetskaya Belorussiya* makes about two million copies, which is three times the total weekly circulation of all private newspapers that cover politics and economy (our estimate of this figure is about 700,000 copies).

Even without accounting for television and radio, where the state monopoly is much more evident, one cannot but agree that the Belarusian authorities have overwhelmingly more means to influence public opinion than their opponents.

If we look at newspaper audiences, we can separate the Belarusian newspapers into two types. First – newspapers aimed at broad sections of the population (state dailies belong to this group). Second – specialized and niche publications with narrow audiences. Most non-state national newspapers belong to this group. For example, *Belorusskiy Rynok* and *Belorusskaya Delovaya Gazeta* are oriented at business circles, which are shrinking due to the current economic policies. *Nasha Svaboda* – a publication born on the ruins of two other newspapers shut down by the authorities – inherited their readership, the radical electorate of the Belarusian Popular Front, which is also now growing. *Narodnaya Volya* became heir to the old *Narodnaya Gazeta*, taking over a part of the readership – intelligentsia and other democratic groups. *Belorusskaya Delovaya Gazeta*, which was once founded as a business weekly, has had to change its concept after shifting to four times a week. It has not lost readers, but the readership has not changed seriously.

This means that the demands of the economically and politically active part of the Belarusian population are met by the existing non-state publications.

But the electoral field in Belarus is much wider, and about half of it is taken by the so-called “swamp”. Those who disagree with the current policies and hope to win in the coming elections should fight for the votes of this part of the popula-

tion (this part consists of about 3.5 million people). About a quarter of the voters aggressively support the current authorities, and it is practically impossible to reduce this number. Another quarter consistently supports democratic values. This shaky balance can be positively changed only by attracting the votes of the undecided people.

But the opposition lacks means, including the media, to work with these people. Belarus has no private mass media that would be oriented to this part of the population – the undecided.

The market of printed media in Belarus has been stable for the last five years. According to the State Committee on the Press, about 100 new newspapers and magazines are registered annually, and about the same number stop being published. Registration of a newspaper is a complicated procedure, but it can be done. However, to publish it according to the principles of objective journalism, without political self-censorship, means to put the publication at risk. During the years of Alexander Lukashenko's rule, the authorities have shaped the media law so that undesirable publications can be suspended or shut down on technicalities. The publisher of opposition newspapers Pavel Zhuk has experienced this twice.

The situation in the electronic media market is much harder. The Ministry of Communications is tougher in its allocation of frequencies than the State Committee on the Press in its registration of publications.

It is also easier for the authorities to stop the broadcast of a television or radio station than to prevent a newspaper from being issued. Any outlet can lose its frequency, not only politically important media, such as *Radio 101.2* in 1996. On 1 January 2001, the private television *Channel 8* in Minsk lost its frequency, although the reasons were hardly political. A new state-owned channel STV needed this frequency – as simple

as that. So the monopoly of the State in television has only increased, and the Russian channels that are broadcast in Belarus are the only real alternative.

The main source of radio information for the Belarusian people is still the network of wired-radio outlets. This mouth-piece of the authorities covers practically all houses, and the Ministry of Communications has started a campaign to expand this network to the most remote villages. According to recent opinion polls, more than 50 per cent of the Belarusian population listen to the network of the Belarusian state radio.

The only serious competition to them – as up to 45 per cent of respondents proved – comes from FM stations. For example, there are nine such stations in Minsk, and only two of them are state-owned. By the way, six of these stations subscribe to the news of the private news agency *BelaPAN* and are not afraid to air our political information. This means that FM stations can become an effective means in the struggle for voters.

The root of the problems for independent Belarusian media is in the efforts of the authorities to control all spheres of public life. Independent print media still remain the main obstacles in the authorities' way. The State tries to weaken these publications and their influence on the society. The policies of the authorities are based on the subsidies to state media and on discrimination against non-state ones. There are three levels of such discrimination.

1. At the level of economic entities. Every mass medium in Belarus is an economic entity. State enterprises have a number of tax privileges, advantages in obtaining loans, in purchasing hard currency at the Interbank Currency Exchange and in foreign trade operations. Non-state enterprises, with the exception of some that are patronized by certain state officials, are not only deprived of these privileges and exemptions, but have to undergo almost annually through complicated bureaucratic procedures of registration and re-registration,

licensing of many types of activities, and they are subject to frequent tax inspections.

2. At the level of media *per se*. State newspapers pay from half to a third of the price private newspapers have to pay to the state printing houses. Distribution of state newspapers through the state monopolies – *Belposhta* and *Belsayuzdruk* – is 25 per cent cheaper than for private newspapers. State newspapers receive regular subsidies from the budget. Non-state media are periodically fined.

3. At the level of law. The current Belarusian laws allow for interpreting any criticism of state officials as defamation. This leads to large sums to be paid in lawsuits. The State Committee on the Press has the right to suspend any media for half a year without a court hearing. I think everybody understands what half a year means for a newspaper. The legal practices allow for pushing editorial offices out of the premises they rent. As a Belarusian saying goes, when you move twice, the damage is equal to that from a large fire. The legal practices also do not guarantee equal access to information to journalists from state and non-state media.

These are only the main obstacles that the Belarusian authorities put on the road to press freedom. In my opinion, the following should be done to support the existing non-state media and to expand their influence in society.

- To solve global problems that threaten the very existence of independent media in Belarus. This means destruction of the state monopoly for printing, distribution and office space. A large non-state printing house is necessary, which is already in place – the publishing house *Magic*. Last autumn one of *Magic*'s printing presses was sealed up by the tax police for the old debts of the Belarusian Soros Foundation, which had provided the press. The authorities are unlikely to release the press before the elections.

Magic's second printing press now publishes only half of the newspapers that used the services of this publishing house before the incident with the tax authorities. However, according to Yury Budko, general director of *Magic*, the printing house will get a new printing press this autumn, which will solve the main problems with printing for non-state national newspapers.

- An alternative system of distribution is necessary. The existing dozen private firms and several hundred individual distributors cannot provide such an alternative. Only a full-scale project to set up a national system of distribution can undermine the state monopoly. A non-state press house where private media could rent or co-own enough office space is also necessary. By the way, there is such a press house for state media.
- It is necessary to stimulate projects that could later become self-sustaining. Even under Belarusian conditions, with all their difficulties, it is possible to implement these projects. Examples can be found in the activities of media such as *Belorusskaya Delovaya Gazeta*, *Komsomolskaya Pravda* in Belarus or *BelaPAN* information company.

It is time for a serious fight to take readers from state publications. It is necessary to set up a general circulation newspaper that would appeal to broad sections of the population.

Belarusian people are certainly ignorant politically and economically. But they are ignorant because they have been fed with ideological fodder made according to propaganda recipes. Today people are given ready interpretations of events and facts, instead of the information about these events. We can change this situation, so isn't it high time that we do so?

Zhanna Litvina

Support for the Independence of Media

The key factor that pre-determines the current political situation in Belarus is the preparation and conduct of the presidential elections in 2001. The pro-democracy community in this country regards the upcoming presidential elections as a real chance to transform the country from dictatorship back onto the path of civil society development. The awareness of citizens, access of political opponents to state-controlled media, and support to the independent media are the major prerequisites for holding these ballots freely and fairly.

Instead of moving towards democratization, executive authorities have started mounting in this period a policy of elimination of the very idea of free speech and an independent media. The Government has usurped the right to information, introducing total control over access to and dissemination of information.

Presently, mass media are not protected from the dictate of the State and from its gross interference with editorial independence. The state-owned press is currently not simply a part of the government administration. It has been turned into a propaganda machine designed to carry out ideological orders and shape public opinion, following the line of the Government only.

Several years ago the state media were included into the system of state management, and are, thus, unable to carry out their constitutional function. The state media provide no access to the political opposition and have no place for dissent.

The current authorities in Belarus have resurrected the old myth about the permanent military threat to this country and have used it for their propaganda machines. The Western

human rights and democratic values and standards are discriminated or replaced with other notions. The governmental propaganda works to ingrain the idea of a hostile environment into the mass consciousness of Belarusians. The Belarus Upper House's Committee for Foreign Relations and National Security has many times charged the United States and Western European countries with "conducting information warfare through disseminating distorted, false information about Belarus."

In conditions of clear information warfare unfolded by the current ruler against political opponents and opposition groups, the independent media remain one of the last civic institutions that continue to control the workings of the Government by disseminating objective information about political and economic developments in Belarus.

In the pre-electoral period, only the independent media can:

- Guarantee the provision of information necessary to make political decisions;
- Protect citizens from the Government's dictate and reveal facts of infringements on the public interests and legitimate rights;
- Encourage a debate and help envision perspectives for moving forward;
- Contribute to the consolidation of society.

To enable the Belarusian press to carry out these functions properly, the executive authorities must desist of their monopolistic right to the television and radio broadcasting, printing facilities and the distribution system. Unfortunately, regarding the issue of support to the independent media, the political elite in Belarus over the past two years has reduced this issue to demands of access to the state-controlled media. That is why demands to demonopolize the (state) media must

now be added as a priority to the list of pre-electoral political demands in the candidates' platforms. The non-state press itself must take more active steps towards providing information about its problems to make them more real and understandable to society.

Economic discrimination appears to be a key instrument to restrict the operation of the non-state press. The state-owned monopolies which provide services to the print media sector have continued a pattern of introducing discriminative tariffs and prices for the independent media. The print services, for example, cost twice as much for independent newspapers than for those that are state-sponsored. Subscription delivery services are four to five times more expensive for non-state newspapers, compared to state-owned ones. Independent newspapers lose up to 50 per cent of the amount which subscribers pay for them. Since early 2001, delivery charges have again gone up.

Resulting from such a discriminative economic condition, the losses of many non-state newspapers are growing and often the newspapers have no funds to cover current operational expenses, not to mention the procurement of new equipment or raising personnel payroll.

Apart from routine economic pressure, the presidential decree "On some measures to improve the procedure of receiving and using the foreign humanitarian aid" can be regarded as yet another blow against the independent press. The 12 March decree sets out that any monetary or material foreign support must be registered with the Department for Humanitarian Projects at the presidential administration, which has powers to issue verdicts authorizing or banning the use of humanitarian assistance from abroad. Besides, law-enforcement and controlling agencies are entitled to confiscate foreign humanitarian aid if they believe that grants violate provisions in this decree. This document clearly aims to

further intimidate pro-democracy groups and initiatives in the country, and to place under the heavy control of the authorities any support which could be used by political opponents during the upcoming presidential elections.

Instead of denationalization and privatization of the media, and introducing a favourable taxing policy, the authorities have provided the state-owned media with lowered prices, budget subsidies and a mandatory departmental subscription. **To resist the discriminative economic policy towards the independent press, the editorial offices should be given direct assistance and support in distributing their circulation and arranging for subscription.***

Both local and foreign independent experts have concluded that Belarusian media laws do not meet the internationally accepted standards and do not protect the mass media from interference of the Government. On the contrary, the Belarusian media laws aim to restrict the operation of independent media, and secure the State's monopoly over electronic media.

The authorities also plan to introduce amendments into the press law, which local observers believe will make procedures for registering new media even more restrictive, and will expand the list of cases when newspapers can be closed down.

In 2000, independent newspapers faced a new problem – all of them had to go through re-registration, under the new Civil Code. Under the new code, all the newspapers must register as business entities.

But, being a business entity, they are subject to the March 1999 Presidential Decree No. 11, which sets out 14 cases when business entities are closed down extrajudicially. Apart from this, there are a great number of by-laws which entitle governmental officials to close down newspapers

* Here and further down in the text the author's bold font is kept.

extrajudicially, too. For example, requirements to receive approvals from the local authorities for the legal addresses of newspapers have not been revoked, although no Belarus law sets out such a provision. Since local officials deny approvals for the legal addresses, newspapers find themselves under threat of closure.

Several months ago, the Co-ordination Council of Opposition Political Parties released a memorandum, stating that the bodies of executive authority must observe the law, “which sets out the right of citizens to found a media organization,” ... “that a moratorium on introducing amendments into the laws should be introduced until the presidential elections,” ... “(it is) necessary to cancel the permissive procedure for approving the legal addresses of the media organizations.” **In the pre-electoral period, international control over the implementation of the agreements in the framework of the OSCE and other international obligations to which Belarus is a party should be reinforced.**

Access to information remains one of the key problems for the independent media. The procedures for accreditation are complicated and require a mandatory approval by special services, especially for the events in which top government officials participate. According to a survey released by the independent *Free Press* association in Minsk, requests for information filed by independent journalists to governmental agencies are satisfied in only 15-20 per cent of cases. The state media receive requested official information in 82.4 per cent of cases, according to the survey.

Several months ago, an internal memorandum signed by the police chief in Brest region was leaked to independent journalists. The memorandum warned that police personnel would be fired for any information leaks to criminal gangs and mass media. It is worth noting that the police chief has placed criminal gangs alongside the media.

On 14 March in Svetlogorsk (Gomel region) a police investigator denied information to the local independent newspaper *Region-Vesti*, referring to the order from his commander. The order sets out that information can be provided to only those journalists who are accredited with the city police department. *Region-Vesti* has been denied this accreditation for one year.

The monitoring service of the Belarusian Association of Journalists (BAJ) also has recorded dozens of cases when information on birth rate or salaries for budget-paid workers in the region is denied on the pretext that these are state secrets.

In advance of the presidential elections in Belarus, authorities have distanced themselves even further from the international democratic standards in the media field. This is a dead-end way for the Government, as a country cannot function properly if the citizens do not receive reliable and objective information. The ongoing information blockade can only exacerbate the self-isolation of those who attempt to remain in power at any cost.

The foreign media also can help to avoid the information blockade by paying greater attention to the Belarusian situation, expressing interest in the human rights issues in Belarus. The permanent attention and reaction from the international human rights organizations and the European community to the situation concerning freedom of speech in Belarus appear to be nearly the only possibility to influence the current regime, urging it to comply with the international standards in the media field.

And, of course, the Belarusian journalists must make (authorities) respect the journalistic profession. Every fact or any attempt by the authorities to hinder the carrying out of professional duties must be publicized in the newspapers, monitoring reports and made available to the public consciousness.

IV. Our Work – What We Think, Why It Matters

Personal Reflections by Staff Members

Jutta Wolke

The Letters of Junius

Alexander Ivanko

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Christiane Hardy and Karin Spaink

Freedom of the Internet -

Our New Challenge

Hanna Vuokko

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Ana Karlsreiter

Is Journalism Worth Dying For?

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WWW Stands for “World, Whenever Wanted”

Christian Möller

From C64 to WWW

Jutta Wolke

The Letters of Junius

Which German student of political sciences in the 1970s would not have been impressed by a professor with academic degrees in law, mathematics, national economics and philosophy, a professor on whom Theodor Adorno himself had conferred a doctorate in the early 1950s for his dissertation thesis on Charles Sanders Pierce, a professor who taught classes on books of which only four copies existed, owned by himself? Someone who did not follow the thematic fashions of the seventies, who had worked on legal and linguistic philosophies, on logics and on Sartre, on Ernst Bloch and Gershom Scholem, and a wide array of other topics, must have seemed suspicious to many of his colleagues, but made me very curious. So I signed up for his seminar on the history of political thought in England.

When Jürgen von Kempfski learned that I was an English major, he told me that in 1949(!) he had read an article in *The New York Times* establishing the identity of a so-called Junius, who had shaken late-eighteenth-century British politics with biting sarcasm and devastating criticism in letters he had sent from 1769 to 1772 to the London *Public Advertiser*, the leading newspaper of the time, to which King George III had also been a regular subscriber. This Junius had both accompanied and caused dramatic developments in political journalism in England, and his pseudonym worked so well that, while more than forty persons were at some stage or other thought to be Junius, his true identity was never established, and even computer analyses of his handwritings did not succeed.

My professor was looking for a student who would read English and look into the issue. While he had made me curious to discover for myself who might have hidden behind that

pseudonym, I was ready to roll up my sleeves and write a very strict paper in defence of someone who more than 200 years ago had publicly castigated corruption in parliament and risked prosecution. I was aware that England had a highly developed democratic tradition before any other country in Europe; but I was wondering whether the constitutional culture protected freedom of the press sufficiently. So I was immediately on board: the *Letters of Junius* were my subject.

I borrowed the professor's own first edition of the *Letters of Junius* and set to work. Ready to set my little portable typewriter in motion in support of press freedom, I found to my dismay that I first had to struggle with legal terms such as "seditious libel", "juries of peers", "general warrants", "writ law", "habeas corpus", which I had not come across in my previous readings of the *Faerie Queen* and so on. But these terms were the "grammar" of corruption, and thus figured at the top of the list of concerns to the mysterious Junius, so there was no way around them.

It is difficult to deduct the political creed of the author from the *Letters of Junius*. He dealt with a wealth of details and persons that played a role in the political life of the day, at the expense of developing his general political views, other than anti-Tory sentiments and a clear rebuke of some of the people holding offices in the administrations of the prime ministers of his time: Lord Bute; Grenville; William Pitt, the Earl of Chatham; the Duke of Grafton; and Lord North. He took a great interest in the colonies, so much so that some were convinced Junius was Thomas Paine or John Horne Tooke, a prominent English opponent of the war against the American colonies, because he blamed Lord North and Charles Townshend, Chancellor of the Exchequer, for alienating the Americans by proposing American Import Duties to raise a revenue from the colonies, which ultimately resulted in the war with the colonies beginning in 1775.

In his sarcastic and often vicious letters, the author sharply attacked King George III and his “personal regime”. About George III he wrote: “Nature intended him only for a good-humoured fool. A systematical education, with long practice, has made him a consummate hypocrite”. On 19 December 1769, he even addressed the King himself! That was outrageous at a time when “the doctrine inculcated by our laws, That the King can do no Wrong, is admitted without reluctance”. To protect Henry Woodfall, the publisher of the *Public Advertiser*, from possible prosecution, Junius wrote to him, “It may be a matter of curious speculation to consider, if an honest man were permitted to approach a King, in what terms he would address himself to his Sovereign.” This trick also allowed him to appear as “delicately respectful of his sovereign” while at the same time “accosting him in the language of reproof and unbidden advice” (Robert Heron in his critical 1804 edition which I found in the *Prunksaal* of the Austrian National Library in Vienna).

His major passion was exposing corruption. Corruption in parliament attracted his most violent criticism, and, as a consequence, the measures the Government would take to stop his reproof came under his attack.

The person whose “case” brought parliamentary corruption and many more shortcomings of the administrations to the surface was John Wilkes, a man about town, member of the House of Commons since 1757 and editor of the *North Briton*, an opposition weekly. With the accession of George III to the throne in 1760 and the popular War Minister Pitt’s fall into disgrace, Wilkes saw his possibilities of a political career thwarted, and launched a public campaign against the Bute administration, which George III had forced into office.

Wilkes’s campaign reached its climax in No. 45 of the *North Briton* on 23 April 1763, which attacked the Peace of Paris and the King’s Speech on it. This was an incredible cheek

and went way beyond the political polemics of the day. By this time, Bute had resigned, and Grenville was Prime Minister. He wanted to discredit the opposition and distract public attention from the controversy over the Peace of Paris. He issued a general warrant – one that did not name anyone specifically – for the arrest of “the authors, printers and publishers of a seditious and treasonable paper, entitled the North Briton, Number XLV”. Wilkes – a member of parliament! – was arrested, and some forty others with him. This was when the first letters of Junius appeared, questioning the legality of general warrants and the arbitrary use of power against the press. No. 45 became the war cry in London.

Several influential friends of Wilkes secured a writ of habeas corpus which liberated him. Lord Chief Justice Pratt ordered his release on the grounds that his arrest was a breach of parliamentary privilege. Wilkes’s detention had placed the freedom of expression of parliamentarians in question and had made a nervous crowd rise to their feet, calling for “Wilkes and Liberty”. Parliament ordered that No. 45 be publicly burned, but the angry masses prevented the sheriff and the executioners from doing the job. The House of Lords asked for another arrest of Wilkes when his obscene parody “An Essay on Women” was played into their hands. Wilkes fled to France. He was expelled from the House of Commons and declared an outlaw for not appearing in court.

The public took offence at parliament for acting against public will and for violating the freedom of the press to please the crown and its government. When Wilkes came back to London in 1768, the slogan “Wilkes and Liberty” could be heard again. Wilkes successfully ran for election in Middlesex. When his state of outlaw was repealed, a storm of joy and support broke loose. Shortly after, he was newly arrested on pending charges of blasphemy. This led to tumults and demonstrations which saw their peak in the

Massacre of St. George's Field, where about 20,000 people demonstrated on 10 May 1768, and 11 people were killed when the military intervened.

The situation was aggravated when, in February 1769, the House of Commons expelled Wilkes for a second time because of his fierce polemics against the congratulatory address to the troops of St. George's Field, and ordered new elections for Middlesex. Wilkes won three times, and parliament nullified the elections three times. His political adversary, who had lost out to him, took the seat in the Commons. The Duke of Grafton presided over the refusal to seat the duly-elected Wilkes, and was called to account by Junius.

A flood of petitions started, demanding that the rights of the electorate to vote be observed, condemning the corruption in parliament and calling for its dissolution. Fifteen counties and some 15 cities participated, signatures amounting to no less than 60,000. Wilkes's supporters founded a "Society of the Supporters of the Bill of Rights" to defend the legally guaranteed freedom of the subjects of the King and to support Mr. Wilkes and his cause. Regardless, the House of Commons confirmed its decision in February 1770 and declared Wilkes unable to ever take a seat in parliament.

Were general warrants legal? Could members of parliament be arrested for freedom of speech? Was the freedom of the press endangered? Could an election be nullified by parliament? Junius had addressed these issues before, but now he saw fit to turn to the King himself: "The house of commons undoubtedly consider their duty to the crown as paramount to all other obligations. To us they are only indebted for an accidental existence, and have justly transferred their gratitude from their parents to their benefactors; – from those, who gave him birth, to the minister, from whose benevolence they derive the comforts and pleasures of their political life ... But, if it were possible for their integrity to be

degraded to a condition so vile and abject, that, compared with it, the present estimation they stand in is a state of honour and respect, consider, Sir, in what manner you will afterwards proceed. Can you conceive that the people of this country will long submit to be governed by so flexible a house of commons! ...it remains for you to decide whether you will, at any hazard, support a set of men, who have reduced you to this unhappy dilemma, or whether you will gratify the united wishes of the whole people of England by dissolving the parliament.”

And some paragraphs later: “You are not to be told that the power of the house of commons is not original, but delegated to them for the welfare of the people: from whom they received it. A question of right arises between the constituent and the representative body. By what authority shall it be decided? Will your Majesty interfere in a question in which you have properly no concern? It would be a step equally odious and unnecessary. Shall the lords be called upon to determine the rights and privileges of the commons? They cannot do it without a flagrant breach of the constitution. Or will you refer it to the judges? They have often told your ancestors, that the law of parliament is above them. What party then remains but to leave it to the people to determine for themselves? They alone are injured; and since there is no superior power to which the cause can be referred, they alone ought to determine.”

This letter was considered so insolent that in 1770 the House of Commons, as in the case of No. 45, again presumed the right to declare newspaper articles “seditious libel”, this time on the letters of Junius – in particular the one to the King – and on the publication of parliamentary debates. This sparked a conflict between the House of Commons and the juries, who were not allowed to judge whether a piece of print was libellous, but only whether it had been published or not.

In his “Dedication” to the first edition of his letters, Junius stood up for the prerogatives of the juries: “The right of the juries to return a general verdict ... is an essential part of our constitution, not to be controuled or limited by the judges, nor, in any shape, questionable by the legislature”. And, in his “Preface” to the second edition, he says, “Lord Chief Justice Mansfield ... told the jury ... that they had nothing to determine except the fact of *printing* and *publishing*; ... but that, whether the defendant had committed a crime, or not, was no matter of consideration to twelve men, who yet, upon their oaths, were to pronounce their peer *guilty* or *not guilty* ... Can it be wondered that they return a verdict?... To shew the falsehood of Lord Mansfield’s doctrine, it is not necessary to enter into the merits of the paper which produced the trial. If every line of it were treason, his charge to the jury would still be false, absurd, illegal, and unconstitutional.”

When the House of Commons tried to have London printers of parliamentary debates arrested without a jury’s verdict, police messengers were arrested on the grounds of their violation of city laws. Wilkes, by now Alderman of the City of London and a celebrity, appeared at the bar of the House of Commons where he refused to testify. Parliament, shrinking from an open conflict, no longer tried to prevent parliamentary reporting. The printers stayed free!

For England, this was a milestone for freedom of the media. There can be no doubt that the *Letters of Junius* were the engine in the process of getting there.

The influence of the *Letters of Junius* on press freedom in contemporary England cannot be overestimated, although many voices see the reason for their popularity in their scandalous language and his lack of respect for anything. Heron says in his introduction to his edition: “Notwithstanding the popularity of these letters of Junius; there are not wanting detractors, who allege, that their fame has been owing more to lucky acci-

dents than to intrinsic merit; that they are still read, rather because they breathe the spirit of sedition, than as being pregnant with eloquence; that they are preserved chiefly, by the salt of malignity ... Junius gave for the time a highly salutary power to public opinion. And even the government he harassed was benefited by the energy of his resistance to some of the most dangerous errors of a short-sighted political selfishness."

Junius did not shy away from using his access to the internal circles of power to go public with what he knew in order to embarrass someone. "When the Princess Dowager was dying of cancer we find him gloating over her condition, and upon the loathsome remedy that was employed to alleviate her sufferings. He taunted the King with the imputed frailty of his mother and with the undutiful conduct of his child. He jested with the Duke of Grafton on the infidelity of his wife. In his correspondence with the Duke of Bedford he points with savage pleasure to the death of his only son, and because the Duke had shortly after that event voted on an important public question he falsely and basely charged him with the want of all natural affection", Francesco Cardasco, an American Junius scholar, quotes the historian W.E.H. Lecky.

However, to reduce Junius to his polemics would not do him justice. Every contemporary who cared for politics and civil liberties in his day, and even decades later, was familiar with the *Letters*. Samuel Johnson referred to them in his political tract on *Falkland's Islands* (1771), Samuel Adams wrote to Stephen Sayre in November 1770, "I return the Letters signed Junius Americanus... The Author has served the American Cause in a manner in which I have long wished some able pen would have undertaken to do it ..." Karl Marx was said to have a copy of the *Letters* in his private library.

Maybe Henry Louis Mencken offers the best comparison to Junius in his impact on American society in the 1920s with his *Defense of Woman* and *Notes on Democracy*. The latter book

called his colleague Walter Lippmann onto the scene, who, in the *Saturday Review of Literature* in December 1926, attributes Mencken's influence to the fact that he shook prejudices: "[Mr. Mencken] strikes at the sovereign power, which in America today consists of the evangelical churches in the small communities, the proletarian masses in the cities, and the organized smaller business men everywhere... Mr. Mencken does not argue with them. He lays violent hands upon them... He knows that a good joke is more devastating than a sound argument ... The effect is a massacre of sacred cows, a holocaust of idols... What Mr. Mencken has created is a personal force in American life which has an extraordinarily cleansing and vitalizing effect."

So who was Junius? Many minds have struggled to identify the true author. More than forty persons – Cardasco claims it were sixty – have been credited with the authorship of the letters, from Edward Burke to Thomas Paine. Many people were convinced that Junius was Sir Philip Francis, a principal clerk in the War Office who became a member of the newly constituted Supreme Council of India in Calcutta, where he began a bitter struggle with Warren Hastings, the Governor General. Warren Hastings himself was a candidate: the British historian Thomas Macauley, in an essay attributed to the *Edinburgh Review*, argues that Hastings was Junius, for one thing because he took up office in India in 1772, when the publication of letters by Junius in the *Public Advertiser* stopped.

Robert Heron did extensive research to prove, on no less than 53 pages in his introduction to the edition at the Austrian National Library, "that no jury would hesitate to convict a criminal upon such circumstantial evidence as is here produced – I own, that I am, in my own mind, fully satisfied, that the Letters of JUNIUS were certainly written by JOHN DUNNING, LORD ASHBURTON" (Ashburton was a leader in the opposition to the administration of Lord North). C.W.

Everett has dedicated a book to proving that the author of the *Letters* was the Earl of Shelburne, a champion of the reform movement.

The most recent case, as far as I know, was made by Francesco Cardasco who argued 177 years after the last letter had been published that the author of the letters was Laughlin Macleane, a regimental surgeon with the British Army in the French and Indian War and later private secretary of the Earl of Shelburne. Cardasco's book was reviewed in the issue of *The New York Times* that my professor remembered having come across in 1949. Of course, that review was commented on in a letter to the editor a week later, which stresses the vanity of trying to identify Junius so many years after, and points to the elaborate claim made for Sir Philip Francis.

My own favourite review of the question comes up in Lord Byron's "Vision of Judgment", a poem written in 1821, after the death of George III, in which Byron settles his bills with the late King (and the poet laureate Robert Southey), and in which the Archangel Michael and his antagonist Satan claim George III for heaven and hell, respectively.¹ Wilkes and Junius both give their testimony, and here is that of Junius:

"Call Junius!" From the crowd a shadow stalked,
And at the name there was a general squeeze,
So that the very ghosts no longer walked
In comfort, at their own aerial ease,
But were all rammed, and jammed (but to be balked,
As we shall see), and jostled hands and knees,
Like wind compressed and pent within a bladder,
Or like a human colic, which is sadder.

The shadow came – a tall, thin, gray-haired figure,
That looked as it had been a shade on earth,²

Quick in its motions, with an air of vigor,
But not to mark its breeding or its birth:
Now it waxed little, then again grew bigger,
With now an air of gloom, or savage mirth;
But as you gazed upon its features, they
Changed every instant – to what, none could say.

The more intently the ghosts gazed, the less
Could they distinguish whose the features were;
The Devil himself seemed puzzled even to guess;
They varied like a dream – now here, now there;
And several people swore from out the press,
They knew him perfectly; and one could swear
He was his father: upon which another
Was sure he was his mother's cousin's brother:

Another, that he was a duke, or knight,
An orator, a lawyer, or a priest,
A nabob³, a man-midwife; but the wight
Mysterious changed his countenance at least
As oft as they their minds: though in full sight
He stood, the puzzle only was increased;
The man was a phantasmagoria in
Himself – he was so volatile and thin.

The moment that you had pronounced him one,
Presto! His face changed, and he was another;
And when that change was hardly well put on,
It varied, till I don't think his own mother
(If that he had a mother) would her son
Have known, he shifted so from one to th'other;
Till guessing from a pleasure grew a task,
At this epistolary "Iron Mask"⁴.

For sometimes he like Cerberus would seem –
“Three gentlemen at once” (as sagely says
Good Mrs. Malaprop⁵); then you might deem
That he was not even *one*; now many rays
Were flashing round him; and now a thick steam
Hid him from sight - like fogs on London days:
Now Burke, now Tooke, he grew to people’s fancies,
And certes often like Sir Philip Francis.

I’ve an hypothesis – ‘tis quite my own;
I never let it out till now, for fear
Of doing people harm about the throne,
And injuring some minister or peer,
On whom the stigma might perhaps be blown;
It is – my gentle public, lend thine ear!
‘Tis, that what Junius we are wont to call
Was *really, truly*, nobody at all.

I don’t see wherefore letters should not be
Written without hands, since we daily view
Them written without hands; and books, we see,
Are filled as well without the latter too:
And really till we fix on somebody
For certain sure to claim them as his due,
Their author, like the Niger’s mouth⁶, will bother
The world to say if there be *mouth* or *author*.

“And who and what art thou?” the Archangel said.
“For *that* you may consult my title page,”
Replied this mighty shadow of a shade:
“If I have kept my secret half an age,
I scarce shall tell it now.” – “Canst thou upbraid,”
Continued Michael, “George Rex, or allege

Aught further?" Junius answered, "You had better
First ask him for *his* answer to my letter:

My charges upon record will outlast
The brass of both his epitaph and tomb."
"Repent'st thou not," said Michael, "of some past
Exaggeration? Something which may doom
Thyself if false, as him if true? Thou wast
Too bitter – is it not so? – in thy gloom
Of passion?" - "Passion!" cried the phantom dim,
"I loved my country, and I hated him.

What I have written, I have written⁷: let
The rest be on his head or mine!" So spoke
Old "Nominis Umbra"; and while speaking yet,
Away he melted in celestial smoke.

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- 1 I took the Byron quote from: *The Norton Anthology of English Literature*, ed. by M.H. Abrams, 3rd edn (New York, W.W.Norton & Company, 1974), vol. 2, pp. 495-97.
 - 2 When the letters were published as a book, the title-page read: Letters of Junius, Stat Nominis Umbra ("he stands, the shadow of a name").
 - 3 A man of great wealth, especially one who has returned to England with a fortune acquired in India.
 - 4 "The Man in the Iron Mask" was a state prisoner in the reign of Louis XIV, whose identity was thus concealed.
 - 5 A character in R.B. Sheridan's *The Rivals*, who comically misused words; the word "malapropism" derives from her name.
 - 6 Several recent British expeditions to explore the course of the river Niger, in western Africa, had ended in failure.
 - 7 Said by Pilate, John xix.22.

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Alexander Ivanko

Reporting from Afghanistan

A Former Soviet Journalist Remembers

How It Was in 1989

I had just boarded a plane in Tashkent bound for Kabul. It was one strange commercial Aeroflot flight, to say the least. First of all, we were seated in an Ilyshin-76, which is more commonly known as a carrier of bulk cargo and troops, and is not designed really for us suits, us – the few that shared a dozen seats at the front of the plane (no illuminators). The food we were served somewhat fitted the picture, resembling soldier's grub that even hardcore NCOs would be reluctant to try. On approaching Kabul airport the plane started shooting off flares – to confuse any incoming traffic of the Stinger kind, as I later found out. One could hardly describe the trip as routine. But then again, it was March 1989 and the last Soviet tanks had rolled out of Afghanistan less than a month ago. We were flying into a country where introducing oneself as “Shuravi”, short for “I am from the Soviet Union”, meant getting a very quick and cheap ticket to meet the creator personally.

I looked around the plane, most of the passengers seemed too fit and short-haired for Soviet diplomats. The only one who came across as reasonably human was poring himself a drink from a bottle he had smuggled on the plane, looked happy and slightly intoxicated and was blabbering something to a grim-looking guy who did not give the impression he was appreciating the company. As I later found out, the booze-smuggler was a fellow reporter, Vladimir Snegirev from *Pravda*. He was the first Russian journalist to interview the Lion of Phanzhir himself, Ahmad Shah Massoud.

When we finally landed and disembarked, I saw a group of people standing right on the tarmac, they were all from the Soviet Embassy meeting the new arrivals. It was very clear who was in charge, the local police and customs officers looked sheepish and all the formalities took only a few minutes. I was met by an old acquaintance who happened to be the Soviet Trade Representative in Afghanistan, a top official in Kabul. By then, I was already buddy-buddy with Vladimir and he hitched a ride with us back to the embassy. As I found out all Soviets, including journalists, were housed in the embassy compound for security reasons. *Izvestia*, a leading Moscow daily and the official newspaper of the Soviet parliament, who I was representing in this less than friendly environment, had a nice house somewhere next to the embassy (or so my predecessor had told me) that was off limits after 5 p.m. Like good little boys, we had to be back in the compound before dark.

Romuald, the trade representative, provided me and Vladimir with two one-bedroom apartments, a luxury by embassy standards since most officials, except for the top brass, had to share. We also got invited to a dinner on our behalf and ended up downing huge amounts of Russian vodka and Bulgarian beer. He briefed us on the general situation in the country, gave us a snapshot description of the embassy contingent stressing that Soviet trade and foreign ministry officials were the minority. Not to mention measly reporters. I was to find out who made up the majority in the coming days.

The first morning in Kabul I was woken up, dreary from last night's vodka-beer cocktails, at 5 a.m. by the local mullah going into full gear at a nearby mosque and by the Afghan airforce breaking the sound barrier just a few metres over my head. Initially I thought: "S--t, we are being shelled", but soon got over it, making a mental note to check with the old gang

if the cacophonous and very loud wake-up call was a daily occurrence or whether one could actually expect to doze off after 5 a.m. My alarm clock ended up being a useless piece of luggage that could have stayed in Moscow.

After five years working for *Izvestia*, I had finally made it to becoming a foreign correspondent. It wasn't exactly glittery New York or romantic Paris, but one had to start somewhere. The dirt tracks of Afghanistan, I believed, definitely topped looking at the same scenery for five years outside my office at *Izvestia*. And it had been so easy to get this posting, nobody, absolutely nobody, was interested – too dangerous, too little money, constraints of living in a compound, no eligible women, expensive and hard to get booze. All the basic lubricants of a journalist's life were either not available or overpriced. Hence, yours truly, one of the younger reporters, ended up going to this dump.

The compound was quite large and included the embassy building itself, the office of the local KGB resident and his staff, the military advisers' HQ, living quarters, canteen and the like. I tried to procure some working space myself and ended up being allocated a military truck that had in the back a small table and a working phone that my newspaper called me on daily. My new office was painted green and parked outside the embassy storage area, where, among other things, ten coffins were kept just in case one of the missiles, fired randomly into the city by the mujahedin, landed inside our premises.

The embassy contingent, just over 300 men and four elderly women-cooks, whose culinary skills made American MREs (meals ready to eat) taste like French haute cuisine, was predominantly of the muscle-bulging crew-cut kind. On one of my first days in Kabul I was flabbergasted to see a person walking in the compound, dressed immaculately in a Western-tailored suit, carting a rocket propelled grenade

launcher on his shoulder. On a different occasion, I went to the outskirts of the city to do a story on one of the Afghan government divisions that was holding fort and was escorted by another well-dressed and very fit man. He leisurely carried a briefcase. I later found out that in it my companion had a couple of Kalashnikov assault rifles with ammo, several grenades and some medical supplies. I had my doubts that any of these gadgets were dutifully reported to the customs officer at the airport.

Of the 300 plus residents of the compound, the absolute majority were military advisers. In a strong second place were KGB officers, followed by diplomats, police advisers, trade officers, and last came our small group of reporters, to be exact six, who were here to report on all the mayhem. What happened inside the grounds was off limits to our readers, Gorbachev's policy of glasnost had not progressed that far in early 1989. The ambassador at that point was Yuli Vorontsov, who in the 90s represented Russia as its ambassador to the United States. However, he was not the most influential person in the compound. The strings that counted were pulled by a short and thin man in his sixties who carried four big stars on his shoulders. General Mahmud Gareev had the obscure title of Adviser to the President of Afghanistan and at military parades could be seen standing behind Najibullah, at that point the country's dictator. Gareev worked from a small office in the embassy and often I could see him leaning over a map pointing out something to a group of senior officers, all, of course, wearing civilian attire. He was deciding on targets for the next missile attack against the mujahedin. The Soviet Army may have left Afghanistan, but all major military activity was run not from the Afghani Ministry of Defence a few kilometres down the road, but from a small and cramped office on the second floor of the Soviet embassy.

If another SCUD missile left Kabul aiming for a rebel position around Djalalabad, an Afghani officer only pushed the little red button, everything else was done by Soviet instructors under the command of General Gareev. I know, I was once present when one of the missiles was fired. Several weeks after arriving in Kabul, I finally talked Gareev into taking me to watch the SCUDs (known also as SS-1) being launched from just outside Kabul. Najibullah's soldiers were fighting the rebels in Djalalabad. Casualties were heavy on both sides, the city was almost completely blocked by the mujahedin and, when the situation looked bleak, the Soviet advisers decided to roll out the heavy stuff: old missiles that carried a lot of explosives but were highly inaccurate and sowed panic among all those on the receiving end. The Afghanis called them "Allah's revenge".

"You wanna come along," asked one of the advisers.

"Sure, why not, been pestering General Gareev for weeks to get a chance to see these babies work."

"Jump in the car."

After a long and bumpy ride, we stopped on a hill overlooking the city. It was a heavily fortified area, with several dozen people in Afghan uniforms running around. Most of them were screaming and cursing in Russian. An enormous vehicle held the missile, half a ton of TNT attached to a booster. The control room was located in another van a few metres away from the missile mobile launch pad. I was invited in and saw at least a dozen officers punching in codes.

"Who are you guys planning to hit this time?"

"It's not us, it's the Afghanis, we're just here advising," noted one of the instructors who had just finished punching in the numbers.

"Still, what's the target?"

“Djalalabad.”

“Could you be slightly more specific?”

“I could, but not this rocket. General direction – rebel positions. What we, I mean, the Afghanis hit is a different question.”

I got out of the van and waited for lift off. The button, as was explained to me, was always pushed by an Afghan officer, thus allowing the Soviet propaganda machine (at that time I was one of its servants) to deny any wrongdoing.

First I saw a flame, and then, a noise so loud, that it is even difficult to describe its decibel level. It hit every pore in my body knocking me over. I fell on my back in a pool of mud to the amusement of the advisers, completely ruining my new raincoat. Shaken and half-deaf I saw the SCUD loom into the sky disappearing over the horizon. In a few minutes it would land somewhere in Djalalabad, killing either heavily armed rebels or innocent civilians. The final target fine-tuned by Allah personally.

Before the Soviet invasion Afghanistan was a good and loyal neighbour. And here was a bunch of cynical officers making jokes about firing a missile that could easily wipe out a whole village. “Ha ha to you, my mujahedin friend,” they were saying, and to many of them, hard-nosed veterans, any Afghani was a mujahedin unless proven otherwise. No wonder we were all locked up in the compound by 5 p.m.

* * *

Back in those days Kabul was not such a sad sight as it is today. Sure, this was a city that had survived years of war. But the presence of a large Soviet contingent prevented the rebels from damaging the capital to the level that was years later accomplished by the Taliban. The 1988-89 winter was one of the most severe in Afghanistan. When I arrived, the destruction of property was visible in the streets of Kabul,

but after I visited Kandahar and Herat, Kabul seemed pretty normal by war standards. The streets were filled with beggars and invalids, missing a limb or limbs, grabbing you by the coat, asking for a “bakshish”, sometimes following you all the way to the car, begging, trying to catch your eyes. Children were the most persuasive, always trying to look as sad as possible.

Despite all the hardships, many of the *duhans* (local shops) were open, offering you a selection of goods not much different from a bazaar in Turkey. The shopkeepers spoke some Russian, and would always try to sell you something, pushing at the same time fruits, condoms, cans of beer in your face. The *duhans* also doubled as currency exchanges, trying to beat each other by offering the best rate. Nevertheless, if you were changing a 20-dollar bill you needed a shopping bag to fit in all the bills you were given in the local currency. On almost every corner somebody was trying to peddle shish kebab, inviting you to join the owner for some grilled meat and tea. One of the delicacies that they always advertised was bulls’ testicles.

The only thing that actually shocked me was the proliferation of jeeps with mean-looking and heavily-armed men with long beards sitting in the back eyeing you suspiciously. After a few days in Kabul, being dark-haired and moustached, I decided to shave every three to four days, thus looking reasonably local. The menacing jeep passengers usually ended up being members of a local gang who changed sides on a daily basis. The big question: try to figure out whom they were pledging allegiance to at the time when you were planning to strike up a conversation with them. Reporters are a strange bunch: areas others flee we pay thousands to go to, and individuals we queue up to interview, a normal human being avoids like the plague. In my early Kabul days I went over to one such group of bandidos with knives and Kalashnikovs

hanging on them like toys on a Christmas tree, figuring I could try to find out about their intentions through a local journalist who was accompanying me.

“We are from Herat, decided to switch sides, we will now fight for the Government,” explained a fierce warrior.

“What made you change your mind?”

“War has been going on for too long, time to stop it,” he answered emphasizing his point by gesticulating in front of my face.

I assume he decided that the government forces had a better chance of prevailing back in March 1989. He was so wrong. Where is my old bearded friend these days? I am almost certain that he is dead, as are many of those I met back then. The never-ending tragedy of Afghanistan. The Soviet Army, Najibullah, Hekmatyar, Rabbanni, the Taliban, all brought only death and devastation to this once peaceful and content land.

Although, officially Kabul had a Government, usually it was very difficult to find those who governed except for the numerous security and police officers that you ran into at every corner. But try entering a building that, according to the sign on the entrance, housed some ministry, and...nobody. I went into one official building hoping to find some soul to interview. Doors closed, silence. Where is everybody? One of Najibullah’s top lieutenants, Farid Mazdak, who I once cornered with the same question insisted:

“They all became soldiers.”

I had my doubts. Later I found out that many of the civil servants either just fled the country or made a run to the rebel side. Among them, for example, was Najibullah’s trusted Defence Minister Shah Navaz Tanay, who I interviewed when he was still the dictator’s minion. In his fortress a few kilometres down the road from the Soviet Embassy he gave me quite a pessimistic picture of developments on the war front.

“The mujahedin are very well equipped. They have established supply lines receiving enormous quantities of weapons and ammunition. Look at the daily shelling of Kabul and of the other cities. According to our intelligence, the opposition has 50 to 60 armoured personnel carriers and tanks. I do not rule out that they are receiving military aircraft from Pakistan and the United States,” he told me over a cup of tea, looking nervously at my escort, who, although dressed in Afghani military uniform, was one of the Soviet military advisers (he also acted as my interpreter).

To try to get a better feel for the situation I invited myself to the operations room of the Kabul garrison. Being a Soviet journalist opened almost any door in government-controlled territory, but also ensured that you were a dead man if by chance you made a wrong turn and ended up on the other side of the confrontation line.

I got to the garrison very early in the morning and was met in operations by several officers. They were already in the middle of their meeting, discussing last night's shelling which left several houses destroyed in downtown Kabul.

“The mujahedin are hitting the city from these two positions,” explained Major Abdullah, Chief of Intelligence, showing the area on the map while I was scribbling down notes (now, how many military intelligence officers would allow you to do that?). “The rebels recently were supplied with new missiles that have a 45 to 50 kilometre range that allows them to shell the city from a relatively safe distance. However, Colonel Majid, commander of the garrison's artillery regiment, has also been supplied with some new equipment which can track down the launch sites shortly after the missile is fired,” he smiled, looking back at me.

It didn't take a brain surgeon to figure out where this equipment came from. I decided to go to see the good colonel and get a better picture. Majid explained to me that he had already pinpointed most of the launch pads and was now in the process of trying to destroy them. I guessed that the SCUDs had probably been utilized more than once in support of the colonel's efforts.

Before coming to Afghanistan I knew very little of this nasty place except what two of my friends had told me. Vladimir, a philosophy major, expert on Iran and Afghanistan (he speaks Persian) and a journalist, who these days makes a living in Moscow as a publisher of entertainment magazines, spent more than a year in the early 1980s as a military translator with the Soviet occupation force. He was part of the first group of students from the Institute of Asian and African Studies who went to Afghanistan as part of the military contingent because of their language skills – all of them had studied Persian. Of the six “lucky” fellas, one did not make it back: killed in an ambush. A couple were wounded, one got hepatitis, Vladimir survived the ordeal without a scratch, and as his bonus got the coveted card of a member of the Soviet Communist Party, which could have helped him career-wise. However, after the collapse of the Soviet Union, it became just as useful as a Nazi party card in 1945.

Vladimir would pontificate about life in Afghanistan, peppering his stories with gruesome details of mutilation and torture, either inflicted on “our side” by the “enemy” or by “us” on the Afghanis.

“Sanya [as my Russian friends call me], look, they are complete bastards. Our soldiers would go into a village to check for rebels, and what? Somebody either shoots from the bushes, or they run into a booby trap, or some kid offers a loaf of bread that ends up being poisoned. So, before entering, we started levelling the villages. With artillery, mortars, the like. Then, we would enter.”

His views were shared by the majority of those who served in the Soviet Army and had the “honour” (as was always stressed in the Soviet press) of fighting the enemy down south.

Mikhail, who I went to college with, also spent some time in Afghanistan. He was the son of a prominent Soviet TV and radio executive, a member of the Soviet nomenklatura. Nevertheless, Mikhail volunteered to serve as a junior officer in this place. He returned back home safely, but did get hepatitis. He was my other source of information, plus the biased stories in the media. And that was about it.

We, in *Izvestia*, had our own scores to settle with Afghanistan. One of our photographers, Alexander Sekretarev, who was absolutely adored by everybody in the newspaper for his never-ending kindness, generosity and humour, was killed in an ambush in the summer of 1988. Together with several colleagues, I had to pick up his body, lying in a metal casket with a little window, at Chkalov airport, and take him to the morgue. It was brought back by a plane nicknamed the Black Tulip for the sad job assigned to it. Once his body was lifted from this metal box, I did not recognize my friend, he was so badly disfigured. He left a wife and two little boys. Another photographer, Sergei Sevruck, a very humble person and great friend, was badly wounded. He spent more than a year in hospital and his face had to be completely rebuilt. The irony of the Soviet Union: his father back then was one of the country’s top propaganda bosses. He is active today as an adviser to the Belarus strongman Lukashenko.

The general attitude by the second half of the 1980s was that time had come to withdraw the army. We were getting absolutely nowhere, only controlling the larger towns and some of the main roads. The mujahedin ran the countryside and after ten years the Soviet Army, the mighty arm of world communism, had failed abysmally in trying to smoke them out.

Even after officially leaving Afghanistan, the Russian military and the KGB secret police still clung on to it, hoping to prop up the Najibullah regime with covert military supplies and advisers. This strategy worked to a certain extent, but it also prolonged the agony of war, only ensuring that in the end the Taliban would take control.

After sitting in Kabul for almost a month, I started getting restless. Following the same stories, shouting down my last dispatch from the truck, sweating and coughing after more than an hour on a phone that barely worked, trying to dictate unpronounceable Persian names, going to briefings (they did happen), hanging out with the TASS and APN correspondents, dining on crap food with the trade representative: a daily routine that could drive anybody nuts. I was thinking of venturing out of the capital. "But how?" was the real question. The Soviet army was long gone, one could hardly trust the Afghans to get you safely from point A to point B without selling you out, lock, stock and barrel, to the mujahedin. Hiring a car was not an option. At least hitching a ride with the Afghan government forces was an alternative, albeit a dangerous one.

In the end, a group of us underpaid reporters were offered the opportunity to travel to Herat, courtesy of the Afghan air force. A scary thought, but we all went for it anyway. Both cities were on the list of top targets of the mujahedin, their agents already infiltrating the neighbourhoods. Soviets, including journalists, on the other hand, were not welcome.

The Afghan army choice of aircraft was the old Soviet kind. The military transport plane An-32 was your standard option if you wanted to venture outside Kabul. It had a decent supply of flares to scare off Stinger missiles, or, at least, that was what we were told. Under the circumstances, all of us wanted to believe these soothing words of encouragement

coming from an Afghan officer. It was also one of the most uncomfortable planes I had ever travelled in.

The flight into Herat was just over an hour. This city, located not far from the Iranian border, had been the scene of some of the most vicious clashes between the Soviet Army and the mujahedin, as well as between different rebel groups. For many years, only the main street in the city was controlled by government troops. The closeness of the border allowed easy access to weapons and ammunition, fuelling the never-ending fighting. On arrival, we got a lift downtown, for a lack of a better term, with the local army on a Soviet-made Armoured Personnel Carrier (APC). We were offered accommodation at one of the so-called government houses. The rooms were appalling and there was no water, but, at last, I was out of Kabul, swallowing huge amounts of dust and sneezing and coughing profusely. A small amount to pay for a chance to see some heavy action.

One of my first interviews was with General Muhammad Daud, the local government commander, who briefed me on the general state of affairs. He was not exactly optimistic.

“The city is being shelled from all directions. The rebels are also fighting each other. For example, Turan Ismail, the famous local rebel and a hero to many, is clashing with Hekmatyar’s forces. It’s a real mess. There are approximately 6,000 mujahedin in the area; however, we are trying to establish secret contacts with some of the commanders. One of the most respected rebel leaders here, Omar Said Ahmad, has gone over to our side. He is defending some of the outskirts of Herat. You should go to see him,” suggested the general.

The next day I followed his advice. On a pair of UAZ jeeps we ventured into the outskirts of Herat. It was already late morning and the sun was shining in my face, in unison with

the dust making this a very “comfortable” trip. I could barely see the huts just off the road, with my eyes watering from the dust inferno our jeeps were raising. Finally we came to a stop. After spitting out a few dust balls, going through a sneezing attack and wiping my eyes with the back of my already brownish hand, I saw a group of mean-looking beards with Kalashnikovs approaching our car. They started chatting amiably with my escorts, lifting fears that we were going to be kidnapped at gunpoint. One of the beards peeled off from the group and came over to say “hello”. He introduced himself as Said Nur Ullah, deputy to the legend himself, Amar Said Ahmad.

“The commander is waiting for you, but please allow me to show you some of our fortifications,” explained Nur Ullah, smiling with his teeth and sizing you up with his eyes.

By any standards, the HQ of these guys was well defended: APCs and tanks blocked all the entrances, heavy machine guns were mounted on the roofs of the huts, manned by some mean-looking beards. Everybody, including teenagers, carried at least one Kalashnikov, but also a few grenades and ammo clips. I was escorted to one of the roofs where I struck up conversation with a fighter lying behind a machine gun. He explained that he was watching an area a hundred metres away where I could see a line of bushes.

“That’s where they usually fire from. You shouldn’t stand here for too long or they could try to hit you,” explained the beard.

I did not need to be persuaded to get off the roof as quickly as possible. Nur Ullah showed me their storage facilities where they kept additional mortars, machine guns, and boxes and boxes of ammunition of every conceivable calibre. Not to

mention grenades: stuff made in the US, China, the Soviet Union. They were ready to withstand a heavy attack.

Finally, we met the legend of Herat. Said Ahmad was dressed in traditional Afghan style, his robes looked like they had just come from Gucci. He carried a Motorola, a rarity by Afghan standards. After exchanging niceties, he invited us to his house for tea where we sat on expensive carpets in front of a marble table.

Back then Said Ahmad was 30 years old, the son of the local clan chief, he took over after his father's death. When the Soviets invaded, he joined Rabbanni, one of the main rebel leaders who later became the country's President. Now he fought the Russians around Herat. For many years his troops prevented the Soviet Army from controlling the area. I asked him how many Russians he had killed during those years.

"I killed many in battle. I also took prisoners, but never executed them and instead exchanged them for my people," he explained, drilling me with his piercing blue eyes.

In 1987, Said Ahmad decided to break with Rabbanni and join the government forces. He also established contact with Soviet troops.

"I understood that the time had come to talk about reconciliation. As a commander I could see that the military option was getting us nowhere. In the end, the Soviet Union would leave but we still had to sort out our problems."

He tried to sound convincing but wasn't. I figured he had other reasons to quit the game. Later, I found out that Said Ahmad's forces were known for their viciousness towards Soviet POWs. They may have exchanged some soldiers, but many were tortured to death by the same beards who were

offering me tea and local sweets. Right now, although I hated “Shuravi”, a Soviet, I was still a guest. Said Ahmad was a man of his word and our security had been guaranteed by him personally. On the other hand, if I had stopped by for a cup of tea four or five years earlier, I would not be writing this article. Said Ahmad had good reason to hate us: Soviet warplanes levelled several Herat districts, killing thousands of inhabitants and making tens of thousands homeless. I went to one area that was completely wiped out by my countrymen. It was a horrific sight, house after house demolished, streets littered with debris and not a single human voice to be heard. Everybody left. This was one of the first times when I felt extremely uncomfortable about being from the Soviet Union.

Said Ahmad, when I met him in 1989, commanded a garrison 3,000 strong that defended some of the outskirts of Herat, approximately 50 villages that had provided shelter to over 60,000 Afghans. Ahmad had established heavily fortified defence positions every 300 metres or so. He underlined that he took orders from my old friend General Muhammad Daud, the Herat corps commander, but stressed that Daud did not interfere with his “autonomous” status.

“Daud doesn’t bother us, we make decisions here ourselves.”

Twenty-nine-year-old Mohammed Daud Han controlled an area just next to Said Ahmad’s. Another local commander, he had switched allegiances several times based on the political and military climate. When I met him, he informed me that he was a devoted follower of Najibullah and would defend Herat from the rebels down to his last foot soldier. He was another Rabbanni lieutenant who changed sides together with 2,500 men. Daud Han told me that his troops protected 70 villages around Herat and also helped refugees return from Iran.

They lived through some heavy stuff during the days of Soviet occupation, they fought every imaginable armed group that roamed the area. Still, I doubt Said Ahmad and Daud Han survived the Taliban.

On the way back to Kabul, flying the An-32 and watching the pilots shoot flares to divert any potential Stingers, I started reminiscing about my impressions of Herat, a backward Afghan town with no signs of the cosmopolitanism visible in Kabul. I wondered what the other parts of Afghanistan looked like. Was the level of destruction inflicted by the Soviet Army as high in other cities as it was in Herat? Djalalabad was impossible to get to, so I decided to try to venture down to Kandahar, the country's second largest city and the site of several Islamic shrines. When I got back to the capital I started negotiating a trip to Kandahar and with the help of several friends was once again offered the chance to hitch a ride with the Afghan airforce that was delivering food supplies and bringing back casualties. This area was another site of heavy fighting.

The flight to Kandahar was just as hairy. The landing at the airport was accompanied by some sporadic shelling, so we had to be quick in moving into the APCs, courtesy of the Afghan Army. This time we were accommodated in the city at the Governor's palace, where, as in Herat, there was no water and only sporadic electricity. Again, we went through the usual routine: interviews with local government commanders, officials, and a tour around the city under very heavy protection. Kandahar even during the Soviet occupation was never fully controlled, the mujahedin could easily enter the city, do whatever they deemed fit, and just as easily leave it. Rarely did any of them get caught.

To be honest, the stories I heard in Kandahar were not that different from what I wrote down in Herat. The same misery of the ordinary folk, the same pessimistic thoughts uttered by officials, the usual mujahedin commanders, switching allies

more often than most people eat. The same dreadful feeling that this whole country was spiralling into the abyss. The horror of war became once again strikingly clear on the way back to the airport. This time we were offered a jeep that at some point on the road was used for target practice by the mujahedin. We made it safely to the tarmac and jumped out as quickly as we could to try to make it to the safety of the airport building. This time the mujahedin were doing a better job and the shells were landing closer than before.

In the airport I struck up conversation with our pilot, who had studied in the Soviet Union and spoke reasonable Russian. He was just as pessimistic as all the others, stressing that there was no military option, all the parties involved in the war had to start negotiating, but who back then listened to a measly air force pilot?

“Any idea when we are going to fly back?” I asked him, slightly nervous from all the shells landing in our vicinity. “As soon as they bring the wounded, we gotta get them to Kabul.” Explained my new friend. As a journalist I felt that this could be a good ending to my Kandahar report. I did not know it would also be a tragic one.

The wounded arrived in about an hour. Some could walk by themselves, others were carried on stretchers. One soldier was badly hit, covered in bloody bandages, his face completely pale. Still, he was breathing. We helped the soldiers get the wounded aboard, jumped in ourselves and prayed to God, Allah, that a Stinger would miss us. The flight to Kabul should not take more than just over an hour.

I sat on one of the benches on the side of the plane, since the area between them was filled with stretchers. The few wounded who could walk were trying to soothe the agony of those who could not even stand. Two soldiers crouched next

to the one who seemed to be in the worst condition. They were saying something to him, but he was not reacting. In a few minutes it dawned on me and on the others that we were now transporting wounded and one corpse. This poor Afghani died in front of us and we could do absolutely nothing about it. I wrote the story for *Izvestia* ending it with his death. He was another casualty among millions, killed in over twenty years of fighting.

I spent several months in Afghanistan. I filed dozens of dispatches, some were printed in full, some were censored, and a few were not published at all, thanks to *Glavlit*, the Soviet censorship agency. It was an important experience for a young journalist back in those days, to see with your own eyes the country from where the news that came out during the early and mid-1980s had as much to do with reality as chop suey has to do with chopped wood. Could one fight this tendency in 1989? To a certain degree, but not completely. When I wrote a story on the 1 May celebrations in the Soviet Embassy in Kabul, I was accused by General Seyn, a senior KGB officer, of breaching security because in my report I described some of the activities of the embassy staff, concentrating, of course, on diplomats and journalists. However, it still went beyond what was allowed.

For my generation Afghanistan will always be a bleeding wound. When you see legless 40 year olds on the streets of Russian cities, their chests hung with medals, you know where it happened. It really was Russia's Vietnam. My friends, who went through this hell, still cannot talk about it without sliding into deep emotion.

Reporting from Afghanistan: it has changed so much in 13 years. Satellite hook ups, mobile phones, helicopters assigned to take you where you need to go, not to mention armoured vehicles, flak jackets, etc., etc., etc. We never had any of these luxuries. All we had was a notebook, a pen and the will to try

to make it to places few normal human beings would ever want to go to.

Glasnost gave us a chance to try to look beyond what we were taught in journalism school, and that is why the majority of Soviet media became the biggest cheerleaders for Mikhail Gorbachev. Some of us started questioning the system earlier, some – later.

For me the threshold was Afghanistan.

Christiane Hardy and Karin Spaink
Freedom of the Internet – Our New Challenge

The Internet is a medium unlike any other. While it embodies aspects of different more old-fashioned media, it not only combines them but also adds features, inherent to its digital nature.

E-mail for instance can be compared with postal mail, but has the capacity to send carbon copies of letters to many people at once with the added bonuses of (almost) instantaneous delivery and of mail programs automatically archiving all correspondence, meaning that on top of this it is searchable. Internet Relay Chats (IRC), I Seek You (ICQ) and other protocols for *chat boxes* on the other hand are more comparable to telephones: they allow a real-time conversation with a person or a group and can log that conversation for private perusal.

Usenet – the collective newsgroups – resembles a huge public bulletin board, subdivided by subject, where people can post messages which are accessible to everyone, but it is also archived, meaning that the discussions are stored for future reference.

The *World Wide Web* (WWW) is best compared to the printed press and the broadcasting media. One person or group is usually responsible for the published content. But unlike the traditional media, websites are accessible from all over the world, can be browsed by anybody on the planet, and they are usually free. Publishing on the Web is not only quicker and cheaper than via traditional printing and broadcasting but can also at any level combine texts with moving images and sound. And while some subjects never get covered by the traditional media – because the designated audience is too small or the material is too vast to be incorporated in an article or a book – the Net offers plenty of (cheap) space and website owners often excel in providing niche information. The information on this

myriad of websites is divulged via search engines which, through the creation of huge indices, guarantee that everything is retrievable and accessible. The most localized, obscure or specific information is suddenly available to everyone, everywhere.

These shared and new characteristics have brought all known problems pertaining to old technologies into the Net, and a few new ones, too. Government censorship and the classic inaccessibility of information to the poorest masses are there, but now we have also the novelty of censorship performed by companies and of violation of privacy by governments on a scale that was previously unheard of and would have been impossible – if only for practical reasons – in the classical communication media.

Filtering as a Means of Censorship. A measure that many censor-minded countries deploy is the use of restrictive proxies. A proxy is basically a web server at the Internet Service Provider (ISP) level that fetches all pages requested by the users for them. By keeping local copies of pages that are visited frequently, the proxy is able to serve them faster and with less long-distance traffic. But proxies can also be used to *block* user requests for sites, based on an automatic check on their name, location and/or content. These restrictive proxies prevent Internet users from visiting forbidden sites and, in some instances, are even equipped with a tool that warns the police that someone has tried to access banned material. Singapore uses nationwide proxies in order to prevent access to certain websites, mostly those discussing religion or politics or depicting sex.¹ This government-imposed ban is not completely efficient: with some technical knowledge, the mandatory proxy can be circumvented.²

Dubai on the other hand uses a very strict proxy, imposed upon the country at the beginning of 1997. Whenever a net user attempts to visit a site that the Government has ruled out,

the following message appears on the screen: “Emirates Internet Control List: access to this site is denied.”³ This nationwide proxy disallows Dubai citizens from visiting most news-groups and blocks “selected sites on the Internet which negate local moral values”.⁴ The only sure way to circumvent such a proxy, is by dialing-up a provider in a different country, which often is not a viable recourse.

Basically, via such a proxy all international traffic can be monitored, thwarted and/or registered. To some degree, the practice is similar to a government blocking the reception of BBC World. But a restrictive proxy is much more effective and encompassing: in comparison to analogue communications, you could say that apart from blocking foreign radio stations, it also controls all import of books, all postal mail and all foreign press simultaneously.

It is not only dubious democracies that place restraints on the use of the Net. Australia does the same, although to a much lesser degree. Citizens can report pages that they deem to contain “explicit nudity” or to be in “poor taste” to a government authority, which then investigates the page and can order all national ISPs to block access to that particular page via their proxies. Electronic Frontier Australia (EFA), a group that protects and promotes on-line civil liberties, has complained about the poor accountability of the said government authority regarding the handling of such complaints.⁵ The United States of America have previously tried to do something similar via their 1995 Communications Decency Act, which prohibited the publishing of “obscene, lewd, lascivious, filthy, or indecent” material on the Internet. Fortunately, in 1997 the Supreme Court ruled the CDA to be unconstitutional.⁶

Germany has twice tried to block specific material from their citizens as well. In 1995, the magazine *Radikal* was put online in the Netherlands after it was banned in Germany.⁷ In 1996 and 1997, the German Government forced German

providers to block *all* pages hosted by that particular Dutch ISP, XS4ALL, thereby making thousands and thousands of undisputed pages of XS4ALL's other users inaccessible as well. Because mirrors of the disputed pages sprang up everywhere, the blockade turned out to be futile and was cancelled after a month in both instances.

New attempts at filtering information keep being made. In the USA, publicly funded schools and libraries were at one point obliged to use rating and filtering systems that block web pages based on sexual content and/or graphic depictions of violence. Many people argued that these filtering systems curtail free speech and block many more pages than they promise to,⁸ and a Virginia library taking precisely that stance successfully fought the Child Online Protection Act (COPA) in court.⁹ However, recently a new bill was passed in the USA, again imposing mandatory filtering on schools and libraries that receive public funds.¹⁰ This bill is currently being fought too, this time by the ACLU, the American Civil Liberties Union.¹¹ Undoubtedly, if the ACLU wins, the US Congress will come up with yet another filtering bill.

Since most Eastern European governments are not yet very familiar with the Internet – and since curtailing societies tend to be more aware of and monitor middle-tech communication more effectively than either the high-tech or the low-tech variants, there have been some instances of the Internet being used as an excellent device to circumvent government censorship. A famous example is B92, the independent Belgrade radio station that was forced off the air in 1999. The Dutch ISP XS4ALL used a direct cable connection between Belgrade and Amsterdam, inviting people in Belgrade to upload their audio files over the Internet and broadcasting them from Amsterdam over the Net in a real-time format that could be listened to or stored. In turn, many Serbs – especially those working at

universities and international companies – captured and copied what they heard over the Net and distributed these radio programmes via audio cassettes, thus spreading the high-tech Internet broadcasts via low-tech means. There wasn't much that the Milosevic Government could do: while B92 broadcasted from the Netherlands, B92 could not be stopped at the source and Yugoslavia lacked the infrastructure to impose proxies upon its citizens.

Whose Constitution, Whose Jurisdiction? Looking at laws being passed and jurisprudence and practice developing in Western European countries, one can attempt to foresee the future of freedom on the Internet. At this moment the future doesn't look too bright. While once the Internet was regarded as a way to route around censorship, by now, censoring and monitoring authorities are using the Net to route around national borders.

For one, we have Echelon: the joint USA/Canada/UK/Australia/New Zealand venture that monitors all digital communications passing the Atlantic, be it via fax, telephone or e-mail. The countries involved have long denied the existence of Echelon, but by now the European Parliament has investigated the rumours and has established its existence. Interestingly, the main complaint of the European Parliament is that the US, through Echelon, could be engaging in industrial espionage and thus gaining an economic advantage over European companies. The European Parliament hardly complained about the monitoring of European citizens as such.¹² And what is the use of having a constitution safeguarding your right to private communications when *another* government is preying on them? Then there is Carnivore: a US based system that intercepts e-mail and checks it automatically for words and terms deemed to be related to terrorism. Nobody knows the scope of Carnivore interceptions, nor is the list of "dangerous" terms public. The only thing known about Carnivore is its unprecedented and massive capacity to monitor and store private communications.

Secondly, various states have tried to curtail citizens' access to foreign sites because they clash with their national laws, even while those sites are perfectly legal in their country of publication. In France, a group of anti-racism activists started a lawsuit against the US provider Yahoo! for auctioning Nazi memorabilia on its pages. Yahoo! was sued in France for what was perfectly legal within US law and for pages that they served from the US. Nevertheless, Yahoo! lost the case: judge Jean-Jacques Gomez, in an appeal ruling issued in November 2000, reaffirmed that Yahoo! had to prevent French web surfers from accessing those pages and basically ordered Yahoo! to start country-by-country filters.¹³

As the UK based organization Internet Freedom wrote about the case: "If courts deem material on Web sites hosted in other countries to be unacceptable to their citizens and block them from viewing it [...] they will have to take into account the mores and legislation of every country. Any number of filtering regimes will have to be initiated to enable them to comply with whatever restrictions and legislation they are faced with. This will make running what are already complex operations an almost impossible task. This case sets a precedent in that a court has decided to apply its national law to a Web site based in another country. The decision challenges the Net as a universal, borderless medium. It paves the way for a Net that will be regulated to the lowest common denominator in order for content providers to avoid the possibility of legal action. A global communications medium now faces the distinct possibility of decisions about what can be placed on it decided by the most reactionary of regimes. Center for Democracy and Technology analyst Ari Schwartz said: 'If (US Web sites) have to follow 200 country laws, then (they) would have to follow the one that allows the least (freedom of) speech. What if Saudi Arabia said it was concerned about people posting pictures of women with their heads uncovered?'"¹⁴

After this appeal ruling, Yahoo! wisened up and started procedures of its own in the US. In November 2001, a US District Court ruled that the French court order regarding Internet content is unenforceable in the US because it violates the First Amendment's guarantee of free speech. The court granted broad protection to US websites engaged in constitutionally protected activity, but stated that website operators may nevertheless for practical reasons decide to comply with conflicting foreign law requirements. It further stated that only treaties and other international legal mechanisms lay the ground for the resolution of conflicts between different legal regimes applicable to the Internet.¹⁵

But this is precisely what will start happening. The Cyber-crime Convention that came into being in November 2001 – and which has been signed by, amongst others, the US, Canada, Japan and many European countries, “formalizes the notion of extra-territorial action by a party in one country objecting to content on a Web site based in another country. Article 23 of the convention creates supra-national reach for each signatory state. Even if a signatory state's legal system does not have the procedure to apply a request made by another signatory, under Article 27 this is not seen as sufficient grounds to refuse that request. The consequence of this is that signatory states can be forced to act beyond their means and in contradiction to their own legal system.”¹⁶

Meanwhile, in March 2001 a German court had already announced that it would *not* prosecute Yahoo! over a similar complaint filed against it in that country. However, that was not because Germany respects the fact that it has no jurisdiction over foreign sites; the court merely reasoned that “while Germany has some of the strongest laws against hate literature in the world, the German court reportedly recognized Yahoo! as an Internet service provider and, as such, [it] ruled

[that] the company should not be held liable for the content of its auction Web sites.”¹⁷

This policy of the courts does not necessarily match that of the country or its federal states, and – as we just saw – the new Cybercrime Convention *does* allow for different local laws being applied to web pages.¹⁸ And indeed, in March 2002, the German federal state of North Rhine-Westphalia decided that two right wing extremist sites hosted in the United States – www.stormfront.org and www.nazi-lauck-nsdapao.com – must be blocked, and ordered some 80 ISPs and universities to block access to those sites. Many computer literate people in Germany fear that this censorship will not stop there:

“Fighting right wing extremist ideologies reaches a broad consensus in Germany; however in this case it is used to gain acceptance for the establishment of a nationwide centralized filtering and blocking system,” wrote a protesting committee. “Future plans contain blocking of content to protect minors, copyrights and consumer rights, including search engines that fail to accord with corresponding national guidelines and laws. Together with corporate partners, the North Rhine-Westphalia administration is developing a high capacity filtering system that is currently being tested at the University of Dortmund. The intention is to create a framework with centrally controlled blocking mechanisms that should be installed on gateway machines to the ‘foreign Internet’.”¹⁹

The main questions are, however, not dealt with by filtering. Why should people be prevented from seeing sites like this in the first place? Will racism stop simply because you cannot read hate sites? Is it better to block such sites than to argue their content?

Legal Sites and Economic Profit. While individual Internet users are starting to suffer from countries trying to impose their national laws upon one another, a new problem has

arisen: upstream providers pulling the plug on ISPs because of legal but disputed material.

All ISPs have an upstream provider, who sells them bandwidth. Companies who provide collocation – either in the form of rented web space or in the form of web servers located there – have upstream providers, too. And upstream providers often have their own upstream providers. Currently, at the top of the chain there is only a handful of US backbone providers, plus one or two single players.

Flashback was both a magazine and a small provider in Sweden. The magazine was known for its free-speech stance. They started their provider services in 1996, just before the big Internet craze hit the country. Users got both free web space and a free e-mail address after subscribing to the magazine. Among the more than 50,000 sites hosted on Flashback, was one containing Nazi propaganda, carefully phrased so as to not violate Swedish law. That particular page was nevertheless reported to the prosecutor, who after investigation decided that they were indeed well within the boundaries of Swedish law. There simply was no case against Flashback, nor against that one user.

In the course of 2000, Björn Fries – an alderman of the Swedish city Karlskrona, and a prominent anti-Nazism fighter – started a campaign against Flashback because of this right-wing user page. Flashback insisted on their free speech policy and refused to remove pages that had already been deemed legal. Fries then turned to Flashback's upstream provider, Air2Net, which in turn was a subsidiary of the US company MCI/Worldcom. Fries managed to rally other downstream providers of both Air2Net and MCI/Worldcom against those pages. Fearing a commercial setback, MCI/Worldcom decided that Flashback had either to pull those pages, or they would pull the plug on both Flashback and Air2Net, which of course vastly increased the pressure on Flashback. Flashback however kept its stance and was then disconnected: thousands of users suddenly lost

their homepages and their e-mail accounts, simply because a US company didn't want to lose customers over a disputed but legal page.²⁰ Flashback tried several other upstream providers, but as it turned out, *all* of them were dependent upon MCI/Worldcom.

In a case like this, what does your constitutional right not to be censored entail? European national laws allow people their day in court: every citizen is given the opportunity to put his publication before a judge and let the court decide. But here, no court was invoked; actually, the prosecutor has stated that these pages were provocative but completely within legal limits. It was a US based multinational who decided what you can publish and what not.

Something similar happened in the Netherlands. Xtended Internet, a small Dutch provider, hosts a website which is under attack by Scientology.²¹ At the end of 2001, Xtended Internet's upstream provider, Cignal, received a complaint. It was from Scientology, claiming copyright infringement on www.xenu.net's pages. Xtended Internet and the maintainer of www.xenu.net refuted the complaint, but despite that, Xtended Internet was notified that Cignal's own upstream provider, the US based company Priority Telecom, had booted Xtended Internet. Again, a whole provider went down over a page that appeared to be perfectly legal.²²

As Paul Wouters of Xtended Internet put it: "We were disconnected even after proving that disconnecting or censoring our customer would violate Dutch case law. We voluntarily agreed to follow the DMCA,²³ so as to make it easier for Cignal to get out of this conflict, even though US law, and thus the DMCA, didn't apply to us. Yet, Cignal chose the easy way out. Obviously we were not worth the money that Scientology's lawyers could cost them. And maybe that is what frightens me most. Not that they don't care about freedom of speech issues, but that they have censored us solely based on commercial rea-

sons. Censorship has become a profitable business and the freedoms that are granted to us by the Dutch constitution are revoked at the stroke of a pen by American corporate lawyers.”²⁴

Old Media Versus New Media. In Italy, a remarkable fight developed between “traditional” journalists and Internet journalism. Shortly after World War II, in 1948, Italy introduced a national law on the press. According to that law, all published periodicals have to give to the Tribunal (the local district court) the name of a “responsible director”, who in turn has to be a member of the National Order of Journalists. Registration costs about 200 dollars. Additionally, all periodicals are obliged to print the name and address of their editor and printer.

The National Order of Journalists – which poses quite a powerful body in Italy – was rather suspicious of the development of Internet journalism, and undertook a lobby for Internet publications to be brought under the scope of the existing law. The new law was adopted in April 2001. The NJO lobby forced big portals (such as Kataweb-Repubblica, Rai.it, Super-eva, etc.) to recognize the “journalist profession” and, subsequently, to remunerate hundreds of people who work like their colleagues, but have less job security.²⁵

What started as an attempt to extend state subsidies to Internet media, basically brought those publications under the 1948 press law. And the new law itself is, as Interlex – an Italian web magazine about law, technology and information – put it, “confused and confusing [...] the law is shameful, its rules absurd”. A strict interpretation of the law defines “every Italian web site geared to transmit information towards the public” as an “editorial product” and subjects it to the regulations of the law.²⁶

And more fundamentally, the law is impossible to live up to, due to technical flaws: the obligation to state the name and address of the printer, while there *are* no printers on the Net

and people usually do not know on which server their pages are hosted, least of all the physical location of that server. Additionally, the law claims jurisdiction over Internet publications that are hosted on foreign servers.

While it seems unlikely that websites that are not producing regular news and information will be forced to register, it is highly possible that websites like Indymedia will, and will have to give the name of a “responsible director” and a “printer”. Many people fear that this law will indeed be used to weed out publications that are outside the currently accepted framework. Turkey is currently debating a similar law.

Spain is on the verge of approving one too, in May 2002. The bill for the Law of Information Society Services and Electronic Commerce (*Ley de Servicios de la Sociedad de la Información y de Comercio Electrónico*, known by its Spanish acronym LSSI) plans to force websites to register with the Government and require web hosting companies to police content by reporting suspected illicit activity.²⁷ Apart from that, the upcoming law will allow a “competent administrative authority” in Government to shut down websites unilaterally; a power that now requires court approval. In Spain, only a judge can ban printed press editions from the news stands, but under the LSSI, an official could “provisionally” ban the edition of an on-line publication if it “outrages or *could* outrage” values protected by the law, while the paper version of the same publication still enjoys constitutional protection.²⁸

If any such measures were to be imposed on other media, people would be outraged. With the Net, these kind of measures are often accepted without questioning. Civil liberties organizations fear that limiting Internet publication freedoms is only a first step towards curtailing other media; after all, once a measure is accepted in one area, it is difficult to stop it in another.

Freedom of the Internet, our Concern. Seeing the amount of effort that Western countries are making to filter content on the Web, it is only a matter of time before other countries catch up. Meanwhile what we are seeing is more and more countries placing Internet publications and private communications under greater scrutiny and passing laws that restrict digital publications more than analogue ones – in part because they fear the anarchy that the Net once was and in part because it suddenly has become technologically feasible.

Networked computers allow for novel uses, unthinkable in the analogue world. They can be used to circumvent censorship and monitoring. But the Internet can also be used to scrutinize publications and communication to a degree that goes way beyond Orwell's wildest imagination.

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- 1 "First, materials going into the home are more heavily censored than those going into the corporate world. [...] Information for the home is seen to be of a less critical nature so censorship of such information is regarded to have not as deleterious an effect. Second, materials for the young are more heavily censored than those for adults. This is an admittedly paternalistic principle of protecting the weaker members of society from the possible harm of the materials in question. [...] Third, materials for public consumption are more heavily censored than those for private consumption. This is a corollary of the second principle as it is assumed that the public includes those who are 'weaker.' [...] It should be noted that private consumption of censorship materials is still policed in that those found in private possession of censored materials can be convicted in court. Finally, materials deemed to have artistic and educational merit are less heavily censored." See Dr. Peng Hwa Ang and Ms. Berlinda Nadarajan, *Censorship and Internet: a Singapore Perspective* (<http://www.isoc.org/HMP/PAPER/132/txt/paper.txt>).
 - 2 See *Defeating Singapore Internet Censorship - How to* (http://www.geocities.com/Pentagon/Barracks/8845/singapore_internet_censorship.html).
 - 3 See George d'Arnaud, *Internetbeperkingen in Dubai*, 10 November 1997, in the newsgroup xs4all.general, message-ID: <34698854.1990690@news.xs4all.nl>. The ensuing discussion proved that it was rather difficult – and takes quite some technical knowledge – to circumvent this national censorship rule.
 - 4 Quoted from "New service to censor Internet", *The Gulf Today*, 25 January 1997.

- 5 Electronic Frontiers Australia Inc., Media Release of 7 September 2000: *Government Net Censorship Reports - Facts or Fallacies?* (<http://www.efa.org.au/Publish/PR000907.html>).
- 6 The full text of the CDA is at http://www.eff.org/Censorship/Internet_censorship_bills/. Amongst others, the CDA limited access to the King James Bible, Tarantino film scripts, lyrics by many pop groups, information about safe sex and breast cancer, and pictures of Michelangelo's David. The Supreme Court's ruling warned about the CDA's "obvious chilling effect on free speech [...] it unquestionably silences some speakers whose messages would be entitled to constitutional protection." Their full ruling is at http://www2.epic.org/cda/cda_decision.html.
- 7 *Radikal* was put online at <http://www.xs4all.nl/~tank/radikal/>. The index page also contains a brief history of the German efforts to censor these pages. Unfortunately, many links to press releases and newspaper articles no longer work.
- 8 For an overview of the debate regarding mandatory filtering systems, see the compilation provided by the Massachusetts Institute of Technology at <http://www.mit.edu:8001/activities/safe/safe/labeling/summary.html> and the news and resources provided by the Internet Free Expression Alliance (IFEA) at <http://www.ifea.net>.
- 9 See *Mainstream Loudoun v. Board of Trustees of the Loudoun County Library*, 23 November 1998 (<http://www.techlawjournal.com/courts/loudon/81123op.htm>). The COPA bill is currently being brought to the Supreme Court by the ACLU, on the grounds that it is against the US First Amendment. See http://www.aclu.org/court/beeson_01.html.
- 10 The US Congress passed the *Children's Internet Protection Act* on 15 December 2000. The full text of the act is at <http://www.ifea.net/cipa.html>.
- 11 Complaint filed in Philadelphia, 20 March 2001.
- 12 *European Parliament resolution on the existence of a global system for the interception of private and commercial communications (ECHELON interception system)*, (2001/2098(INI)), released on 9 June 2001. Full text at http://www3.europarl.eu.int/omk/omnsapir.so/pv2?PRG=DOCPV&APP=PV2&LANGUAGE=EN&SDOCTA=21&TXTLST=1&POS=1&Type_Doc=RESOL&TPV=PROV&DATE=050901&PrgPrev=TYPEF@A5|PRG@QUERY|APP@PV2|FILE@BIBLIO01|NUMERO@264|YEAR@01|PLAGE@1&TYPEF=A5&NUMB=1&DATEF=010905.
- 13 For a concise article about the case, see "Court to Yahoo: Use Nazi Filter", in *Wired*, 20 November 2000 (<http://www.wired.com/news/politics/0,1283,40285,00.html>).
- 14 Dave Amis: "The Net now has a national court: this month it's French!", in *Internet Freedom*, 9 January 2001 (<http://www.netfreedom.org/news.asp?item=137>).
- 15 A summary of the ruling can be found at <http://www.ffhsj.com/banc-mail/pdf/011120.pdf>.

- 16 Dave Amis, op. cit.
- 17 Jay Lyman, "German Court Rules Yahoo! Not Liable For Nazi Auctions", in *News-Factor Network*, 28 March 2002 (<http://www.newsfactor.com/perl/story/8500.html>).
- 18 The Cybercrime Convention ("*Draft convention on cyber-crime and explanatory memorandum related thereto*") as accepted by the Council of Europe can be found at <http://www.privacyinternational.org/issues/cybercrime/coe/cybercrime-final.html>. Comments and criticisms can be found at <http://www.privacyinternational.org/issues/cybercrime/>.
- 19 Joint press release from Chaos Computer Club and ODEM.org, to be found at <http://www.politechbot.com/p-03318.html>. For more information, see also <http://www.odem.org/informationsfreiheit/en/>, http://www.netzensur.de/index_en.html and Alexander J. Kleinjung, "Vom Daten-Highway auf die Straße", in the German edition of C'T, 2002/9.
- 20 Flashback <http://www.flashback.se> is currently up again, but now only as a news agency. A list of news articles about the shutdown is available through Flashback's mirror at <http://fb.provocation.net/www.flashback.se/>.
- 21 See <http://www.xenu.net>. While Scientology has repeatedly threatened Andreas Heldal-Lund, the owner of the website, they have at the same time abstained from any legal action against him. Instead, Scientology chooses to threaten providers hosting the site, and their upstream providers.
- 22 The history of Xtended Internet's contracts and correspondence with Cignal is documented at <http://www.xtdnet.nl/paul/PriorityTelecom-Xenu.html>.
- 23 The DMCA is a US law to deal with digital copyright infringement. Scientology invoked this US law, even though Xtended Internet is Dutch and the maintainer of www.xenu.net is Norwegian. Hence, the DMCA does not even apply in this case.
- 24 Paul Wouters, at <http://www.xtdnet.nl/paul/PriorityTelecom-Xenu.html>.
- 25 See the description by Snafu at <http://amsterdam.nettime.org/Lists-Archives/nettime-l-0202/msg00109.html>.
- 26 Manlio Cammarata, "Qui succede un 'quarantotto'", in *Interlex*, 4 April 2001 (<http://www.interlex.it/stampa/48.htm>).
- 27 Julia Scheeres, "Fears of a Website Inquisition", in *Wired*, 29 May 2001 (<http://www.wired.com/news/business/0,1367,44110,00.html>).
- 28 Steve Kettmann, "Spanish Web Law Sparks Debate", in *Wired*, 1 May 2002 (<http://www.wired.com/news/print/0,1294,52201,00.html>).

Hanna Vuokko

Cinderella with a Twist

or What One Single Journalist Can Do to a Fairy Tale

Chapter 1. Once upon a time in a country far far away lived a girl called Cinderella together with her father. Her mother had died when she was only a baby. Eventually Cinderella's father remarried, but rather than more love and support in her life, she got a cruel and vindictive stepmother who did not like her but favoured her own two daughters. Cinderella's stepsisters were quite spoiled, spending their time at hairdressers and nail salons reading *Cosmopolitan*, while Cinderella was forced to work the entire day in the kitchen. She was in charge of all the cooking and cleaning, and her special responsibility was to keep the stove warm day and night.

One day the morning news carried an interesting announcement. The Prince of the small kingdom they lived in had decided to marry. And to be able to make an informative choice about a bride he had decided to organize a large ball and invite all the eligible girls.

Hearing the announcement about the ball, Cinderella's stepmother flew into a frenzy. She made new appointments for her daughters for facials and pedicures and a team of seamstresses was called in to design new creations according to the latest fashions. Cinderella was banished to the kitchen to keep her out of the way. During the next weeks more tasks than ever before landed on Cinderella's lap. She worked day and night, growing thin and pale and developing a cough from the constant smoke from the stove.

Because of the upcoming ball and the inevitable media event it provided, journalists from all over the kingdom as well as many neighbouring countries started gathering at the

palace. They grew restless while waiting, and after having filed stories on the effect of the ball on the local economy and the future of the monarchy, and having filled all the gossip columns with alleged indiscretions of the Prince with diverse beauties, they started looking for something new.

On one sunny morning, one particularly bright young journalist was lazily following the feverish activity of the dozens of maids preparing the buffet for the ball while chewing his pen and idly tapping his keyboard. Suddenly a voice whispered in his ear: “Labour laws”. The journalist was used to hearing inspiration call him like this, so he never saw the creature in a long flowing dress and the magic wand, nor did he realize that the steps taking him towards Cinderella’s house were not voluntary movements.

Back home Cinderella was scrubbing floors, while her stepsisters were prancing around with curlers in their hair eating hors d’oeuvres. Just when the journalist was peeking through the window, Cinderella’s stepmother lashed into an angry tirade complaining about the state of the kitchen cabinets. The journalist immediately realized his upcoming article would here acquire what was desperately needed: the human angle. Even better, it would be presented in the form of an attractive young girl who could easily have been the belle of the Prince’s ball.

The rest of the story can be read in the history books of the small kingdom. After the article was published the ball was postponed indefinitely when the maids filed a class action suit against the royal family for overextending working hours, Cinderella’s stepmother was jailed for unlawful imprisonment, the journalist won the Pulitzer Prize for investigative journalism, and Cinderella started a successful catering business after an anonymous benefactor read her story and wanted to give her a second chance. And everybody lived happily ever after.

Chapter 2. Once upon a time in a country far far away lived a girl named Cinderella. She had an evil stepmother who kept her busy slaving in the kitchen while her stepsisters were fully occupied with tanning beds and aerobics – that week a press conference had announced that the Prince of the small kingdom they lived in intended to organize a large ball for all the eligible single girls. He felt ready to settle down and marry and eventually take over the duties of his father.

Cinderella felt intrigued. She had seen the Prince on TV and thought he was particularly handsome. During the long hours in the kitchen she had often daydreamed about being somewhere else – and what could be better than becoming the future queen of the country! Getting the Prince and half the kingdom would certainly keep her away from the kitchen for the rest of her life, except for sampling desserts and selecting wines.

However, Cinderella knew that her stepmother would not share her enthusiasm. She had always made it clear that her own daughters were much more suitable for lives of leisure and royal receptions than the ugly duckling she had had to endure out of necessity. Cinderella thought long and hard about the alternatives. Knowing her stepmother it seemed very unlikely that she would get to the ball and have a possibility of snatching the Prince with fair methods. She did not even have an invitation. She suspected it had actually arrived in the mail, but it had certainly never reached her desk. While thinking about alternatives she happened to glance at the TV screen where a number of journalists were pressing their microphones in the face of the Prime Minister while he was mumbling something about momentous occasions and equal opportunities. Suddenly it occurred to her! She could have access to the event as a journalist!

The next few weeks went by in intense activity. Cinderella started an on-line magazine, wrote a number of articles for the first issue and secured a pass to the ball. Things

went even better than expected: she was promised a short interview with the Prince since there were few Internet magazines in the small kingdom.

The rest of the story can be summarized in a few words. Cinderella did go to the ball and she did get her interview with the Prince. However, after having spent a considerable amount of time preparing insightful questions she realized his answers were not really up to her standards. Frankly, she found the Prince rather boring and quite arrogant. They did not seem to have anything in common and her illusions about a future together with him crumbled before the interview was over. Instead she introduced him to her stepsisters who then spent a number of years fighting over his affections in a long episode not suitable for fairy tales but involving a number of lawyers. Everybody else lived happily ever after, including Cinderella who actually enjoyed her new career as a journalist and made quite a name for herself specializing in celebrity profiles.

Chapter 3. Once upon a time in a country far far away lived a girl named Cinderella. She had a problematic family history, with an evil stepmother and two wicked stepsisters. Fortunately Cinderella was a smart and resourceful girl, and when the Prince of the small kingdom where they all lived decided to organize a large ball and invite all the eligible girls because he wanted to find a wife, Cinderella managed to attend with the assistance of a fairy godmother (a complicated procedure including mice and pumpkins, and best left to the imagination of the reader).

Cinderella arrived at the ball last, which is very convenient if you want to get the attention of the entire crowd. And attention was what she got. The Prince was enamoured and the photographers kept taking pictures of the two of them dancing the night away. Just before midnight,

Cinderella realized she had to leave (this relates to the pumpkins and it was best to leave, just take my word for it). When rushing away from the ball, she dropped her shoe (a very smart move, but we already know that Cinderella was quite a smart girl).

The Prince spent the following weeks scouring his kingdom from corner to corner trying to find the girl who would fit the shoe. He was followed by a mob of photographers trying to get the exclusive picture of the moment when the shoe effortlessly slipped onto the foot of the perfect girl, and by journalists trying to capture this precise moment in words. And of course, as in any good fairy tale, this moment arrived. The shoe fitted, and Cinderella and the Prince fell into each other's arms.

The next day all the front pages of all the newspapers announced the happiness of the couple and the glory this would eventually bring to the entire kingdom. Except one. Even in this small fairy-tale kingdom there was a critical journalist who questioned the wisdom, and the cost for the national budget, of kingdom-wide balls and marriage hunts. The article also posed the question of how it was possible for the Prince not to recognize the woman of his dreams without trying on a particular shoe. The article ended with a call for Cinderella to reconsider marrying a Prince who obviously had been looking at her outer rather than her inner beauty, and that trading one challenging family situation for another might not be her smartest move.

Cinderella might have been a smart girl, but she had also fallen head over heels in love with the Prince and still wanted to marry him. This might have been the end of the story and they might all have lived happily ever after, had not the Prince been less thick-skinned than Cinderella. He immediately sued the journalist for defamation for damaging his honour and dignity.

The rest of the story is history in the small kingdom. The journalist was sentenced to a prison term, his newspaper was closed down, and the other media stopped reporting any criticism against the royal family. Cinderella realized the Prince was bad news, became politically active, started a human rights NGO, mounted a defence campaign in favour of the journalist and finally ended up marrying him instead. Whether they lived happily ever after in this small kingdom is for the reader to decide.

Ana Karlsreiter

Is Journalism Worth Dying For?

Paris. 18 December 2001. The building of Radio France, the Foreign Press Centre. After the death of eight special reporters in Afghanistan, RSF (*Reporters sans frontières*) has organized a forum to discuss the topic “War reporters: news at what price?”. The darkness in the conference room corresponds with the depressive atmosphere... Nearly 100 journalists and representatives of international organizations have come together to pay a tribute to the bravery of their colleagues killed in Afghanistan and to consider steps to avert or at least reduce the risks that war reporters run in the course of their work.

The journalists, who had just come back from Afghanistan were obviously trying hard to contain their feelings. But they didn't succeed. Everybody could hear the fear in their voices, the terror, the hopelessness. A woman burst into tears: “What is going on in Afghanistan is beyond human understanding. I saw so many dead bodies, killed persons... I will never be able to close my eyes without seeing again and again these terrible images. I will never be able to sleep again. It is terrible. We were just sent there and nobody really cared whether we came back. All they are interested in is the headline...”

I was absolutely shattered by the words of this courageous woman. After the conference I took her in my arms and tried to calm her down: “Don't worry, it is over now.” Suddenly she looked at me with wide-open eyes: “You are not getting it! What is over?! I am a journalist and I have to go back!” I was so ashamed, I just kept embracing her.

Although I am a daughter of a journalist – and nobody knows better than me how determined my mother was in pursuing her professional goals – I couldn't explain to myself this strength of will and mind that is behind the decision to become a war reporter, to dedicate yourself and to risk your life just to keep the public informed.

I decided to try to find the answer to the question “Is journalism worth dying for?” by learning more about the history of war reporting.

The history of war reporting begins with Julius Caesar and Thucydides. Caesar was the first one of a very long line of soldiers, who reported their own campaigns first hand. Thucydides was a military officer and his famous *History of the Peloponnesian War* was based on his experiences in command of the Greek fleet at Thasos in 424 B.C.

The professional war correspondent, the unarmed civilian whose pen is supposed to be mightier than the sword, does not arrive on the scene until the Crimean War (1853-1855) in the person of William Howard Russell. The editor of *The Times*, John Delane, appointed him as the first war reporter, sent him to the Crimean Peninsula and asked him to let him know “what was happening day by day” on the battlefield. Russell was with the British commando on 25 October 1854, watching in horrified fascination as the 600-plus proud men of the elite Light Brigade misunderstood a command and charged straight into the Russian guns. Nearly half were killed, wounded or captured. Russell's reports about the scandalous conditions in the field: troops who lacked food and fuel, soldiers who were almost frozen to death, shocked the British public. In order to boost domestic morale after Russell's exposure, the British Government sent Roger Fenton to the field with the express aim of taking photographs that would convince the public that Russell's

reports were pure exaggeration. In this way censorship was born and Fenton became the father of photojournalism.

In the last two centuries, the presence of war reporters on the front lines has been well documented. The real explosion of professional coverage came though with World War I and World War II. There were 558 accredited print and radio correspondents for the five Normandy landings. The names of the pioneers of the trade are stardust: Ernest Hemingway, Ernie Pyle, A.J. Liebling, Robert Sherrod, Tom Lea and many others. For female journalists, World War II offered new professional opportunities. Talented and determined, women like Martha Gellhorn fought for and won the right to cover the biggest story of their lives. By the end of the war, at least 127 American women had secured official military accreditation as war correspondents, if not actual front-line assignments.

In the old days, correspondents were thought to be neutral, objective observers and enemy soldiers rarely fired on them deliberately. In the American Civil War correspondents considered wearing white uniforms so that troops would know who they were as well as “to indicate the purity of their character”. For the first time during World War II there were some documented casualties among correspondents, but mostly because they were in the wrong place at the wrong time and not because they were deliberate targets. This began to change in Vietnam and it was partly the correspondents’ own fault. Some of them began to carry arms and take part in actions. By the end of the war, 45 war correspondents had been killed and 18 were missing.

By the time we get to the wars in former Yugoslavia the conventions had utterly changed. Wearing a jacket with a “press” label and travelling in a civilian vehicle flying a white flag actually attracted fire. Several correspondents there recalled driving for their lives as snipers from both sides tried to shoot them.

Ten years later, covering a war isn't any less dangerous for those who have more experience with a pen than with a rocket launcher. *The Guardian* reported that the Taliban is offering USD 50,000 to Afghans who kill a Western journalist. In fact, in modern times the war in Afghanistan is the most dangerous situation into which correspondents have ever put themselves.

So, if being a war correspondent is so dangerous, why do so many journalists want to cover wars? Some of them, especially young journalists are indeed seeking adventure. At least 20 young journalists were killed during the different wars in Yugoslavia. They were young people who got on a train in Europe thinking that this was a cheap and easy war to get to, and they were going to make their name. And they made their name – on gravestones.

But this cannot be the answer to my question: "What makes journalists go to wars when the list of their colleagues who have died grows longer every year?" It is certainly not the chance of a front-page lead, not the fame of a byline and not the quick path to promotion.

After the long conversations in Paris with journalists who had just come back from Afghanistan, I thought I had found the answer to the question. I am confident that they would have little reason to risk their lives for a story if they did not believe that some larger goal was served by getting the news to their readers, listeners or viewers. They are not just entertaining a romantic notion of their job, as often described. They are realistic. They all know that wars are serious business, that wars are nasty and dangerous. These people, who are remarkably dedicated to truth and humanity, are moved by the idea that they could document history. They want their reporting to make a difference in the world. *Reuters'* reporter Kurt Schork put this into words: "War reporting is a job, is a

craft – a holy crusade...” Lindsey Hilsum, a British reporter who covered the mass killing of Tutsis in Rwanda, shared her view on her profession: “It was not only my responsibility as a journalist, I also have responsibilities as a human being.” Roy Gutman, who won a Pulitzer Prize for revealing the existence of Serb-run concentration camps in Bosnia, hoped his stories would save lives: “You’ve got to do everything in your power to stop these things,” Gutman said, “and exposing it is one of the best ways to do it.”

In fact war correspondents are often witnesses to the first stage of a conflict, and their reports can serve as an early warning. One of the major challenges to diplomats, aid organizations, and peace mediators alike is the relatively weak domestic constituency for their efforts. Foreign news coverage can change that, as UN Secretary Kofi Annan has recognized. “Peacekeeping operations,” Annan said, “depend for their support on widespread public awareness of the conflicts, and we are committed to doing everything we can to facilitate the work of the media.”

Good war reporting also places developments into a historical and political context and identifies root causes of conflicts. This was especially important in former Yugoslavia, where historical grievances were used as a justification for mass action, and where each side drew different lessons from history.

Therefore if we accept that the duty of journalists is to keep us informed, our duty is to do everything possible to protect them better. In close co-operation with the OSCE Office of the Representative on Freedom of the Media, *Reporters sans frontières* issued a charter for the safety of journalists working in war zones or dangerous areas. Although no war zone is absolutely safe, the charter makes a number of useful proposals in the form of eight principles. These are a commitment

by the media, public authorities and journalists to systematically seek ways to assess and reduce the risks involved by not forcing journalists to cover wars against their will, using only experienced journalists, providing adequate preparation, equipment and insurance, offering post-mission psychological counselling and giving journalists international legal protection.*

Is journalism worth dying for? Ultimately I don't dare to answer this question. Kevin Bishop, who is in charge of the BBC operation in northern Afghanistan, also doesn't have the answer: "It is a question I cannot answer. We do take precautions and we do realize that no story is ultimately worth dying for. But we still come here and always will. I hope I can come back soon and not have to report on war."

* See Charter, p.270 – 272.

Vladimir Kondratsky

WWW Stands for “World, Whenever Wanted”

World... In my second year at a university in Minsk, Belarus, I had to write a paper comparing the legal systems of the United Kingdom and New Zealand. Such a challenging task for a Belarusian student stirred up my interest, but also puzzled me. The real challenge for me turned out to be not the methodology or structuring of the paper (I had managed to acquire these skills during two years at university) but simply ... information. In libraries I found numerous materials about the legal system of the United Kingdom, ranging from some doctrinal sources dating back to the beginning of the twentieth century to up-to-date academic writings and legal texts. But all my efforts (libraries, professors, friends) to find more than just very general information about New Zealand were in vain. Eventually, I saw no other way out but to write a letter to the Embassy of New Zealand in a neighbouring country (there is no diplomatic mission of New Zealand in Belarus) and ask them to provide me with at least some basic information on the subject. The reply came in about two weeks. The enclosed information of course was not as comprehensive as what I had found out about the United Kingdom but was sufficient for my paper.

At this point one should probably say, “Hey, stop! What about the Internet?” Well, it was 1996. My university was not connected to the Internet yet. There were no Internet cafés or other places with public Internet access in Belarus. At that time the Internet did not exist in my mind as a possible source of information.

The world was still big, much bigger than it is today. New Zealand was still far far away, somewhere on the other side of the globe, not just a mouse click away as it is today.

...**Whenever...** The famous suggestion that the Internet made time obsolete became clear to me when I registered my first free e-mail account with the US-based Yahoo! server. When in the morning I log in to this account from my computer in Vienna it is still night in the US. But I can easily retrieve my account without even thinking of the difference in time. In practice I can use my Yahoo! account any time I need it 24 hours a day, 7 days a week. All information stored on the Internet theoretically can be retrieved any time it is required.

The Internet not only brought the world of information to the surfer's fingertips, it made this world available whenever it is called for and wherever it is needed in the "connected" real world. Get connected – get informed ... any time.

...**Wanted.** I can remember how much easier my life as a student became when my university was finally connected to the Internet in 1998. This was a landmark event indeed. Students could now compensate for most flaws in information supply. They did not need to request up-to-date information from some remote real world sources and then wait several weeks to receive a reply. They simply surfed through the oceans of information available online.

A quarter of all materials that I used to prepare my diploma thesis I downloaded from open Internet sources. Just several years after familiarizing myself with this network of networks I could no longer imagine comprehensive research without the Internet. I became fascinated with the *World* available *Whenever* it is *Wanted*. I could hardly believe that the "Wanted" was not available to me back in 1996. I can hardly believe it today.

I cannot comprehend that for many people in the OSCE region the "Wanted", that is access to the Internet, is still unavailable. I can hardly believe that in my country Internet users amount to only 4.12 per cent according to the latest esti-

mations made by the International Telecommunication Union. But I do believe that more can be done to promote Internet access in the OSCE participating States and the OSCE Representative on Freedom of the Media has an important role to play in this undertaking.

Without the “Wanted” the “World” and the “Whenever” do not exist. Only the combination of the three “Ws” makes the World Wide Web the most powerful source of information and a real engine of freedom of expression.

Christian Möller
From C64 to WWW

It was in the early 1980s when I got my first computer – a Commodore C64 to be precise. Most of the time my friends and I simply used it for playing video games, “Frogger” being one of the technically more advanced at that time. And no matter how many of us assembled in front of the monitor, the computer itself was only connected with a power plug to electricity and in other respects was totally isolated from the rest of the world.

Then in 1983 a movie called *War Games* came to the cinemas in which a teenage boy – just like us – hacks his way into some Pentagon central computer and mistakes serious tactical operations by NORAD for just another, though interesting, video game and pushes the world to the edge of a nuclear war. Could this be possible? (The military computer in this film by the way found out that in the end, “the only winning move is not to play”.)

In spite of the fictional negotiation of this topic and reports about some distant friends spending their evenings in phone booths with their Atari ST or XT286 computers, tapping the booth’s electric light and doing something called “mailboxing” or “phreaking” (whatever that may be), it took another decade for me to finally get connected to the Internet. Until then the guys in the phone booths were the ones who didn’t have many friends. Now ironically most of them are well-paid IT-specialists and laugh at me if I again fail to install my new printer or CD-writer.

Anyway, in the middle of the 1990s, after some more computers and even more games (Amiga 500, “Giana Sisters”), I began my studies at a university on the coast of the Baltic Sea

and my time had also come to find my way into the Internet. I still did not know what to expect but had finally become part of the “digital community”. But what was all this buzz about? Was the world really getting smaller?

The idiom “global village” was frequently used throughout these years, as well as the expressions “digital revolution” or “e-volution” – the “e” in this case of course stands for “electronic”. What was meant by those terms was the Internet, or rather the World Wide Web (WWW) and its fast growth since the middle of the nineties.

The Internet isn’t new though, and it wasn’t new in the 1990s. The term “global village” was first coined by the Canadian media theorist Marshall McLuhan in 1964. Though McLuhan literally refers to a return to a tribal society, his expression became synonymous with the Internet.

Already in 1962, so the myth goes, the US think-tank RAND began research for a network that secures working command structures in a time after a nuclear war. In 1969 the Stanford Research Institute, UCLA, UC Santa Barbara and the University of Utah were connected through the ARPANET for the first time. E-mail quickly became the most popular application. In 1973 the first international hosts were connected. In the mid 1980s the MILNET for military use only was split from the civilian ARPANET. The loose collection of networks which made up the ARPANET were then seen as an “internet”, and the Internet as we know it today was born.

So the origins go back to the early 1960s and electronic mail just turned 30 years old last autumn. The “network of networks”, Usenet and newsgroups have been used throughout the last two decades by academics and an increasing number of those distant friends mentioned at the beginning – those young computer “freaks” – and Commodore 64s by now are

traded as antiques. But what is new is the graphical interface and the easy to use navigation of the WWW, an Internet service which was invented in 1993 at the European Organization for Nuclear Research CERN in Geneva. Within 30 years, the Internet has grown from a Cold War concept for controlling the tattered remains of a post-nuclear society to the so-called “Information Superhighway”. Since the middle of the 1990s there has indeed been a rapid development and the Internet and WWW have become a popular and common part of our everyday lives – at least for some of us.

In January 1995 approximately 5.8 million hosts were counted, i.e. single computers on the Internet. In January 1998 there were 29.6 million and in January 2002 as many as 147.3 million.¹ Other sources estimate that there are currently 544.2 million “people online”² and 31.8 million domains registered.³

Though statistics vary a lot, there can be no doubt that “the Web” is growing fast and constantly – at least in the industrialized north-western world. It should not be forgotten that 55.9 per cent of total Internet users are located in the USA and Canada, 23.5 per cent in Europe, 16.7 per cent in the Asia-Pacific region and only 3.9 per cent in Latin America, Africa and the Middle East.⁴ In South-Eastern Europe for instance less than two per cent of the population have access to the Internet. Those figures clarify what could be addressed as the “informational gap” or the “digital divide”. The “global village” then doesn’t necessarily mean that every village has gone global – yet.

Nevertheless the Internet is an infrastructure which is becoming increasingly important throughout the world for all kinds of communication, information and distribution. Major newspapers and broadcasting services are not the only media to publish their contents online. The number of genuine electronic newspapers and webcast radio stations is rising. Many journalists rely on the Internet as a source for research and

gathering information. Independent Internet newspapers provide people with non-biased information in times of conflict, not just in South-Eastern Europe. Although it is doubtful that the Internet is good for political decision-making, that citizens will sooner or later become “netizens” and though there is little to no evidence that Internet and newsgroups will replace political parties or parliamentary debate, it has become an important means of communication for pluralistic societies. There are many libraries, archives and encyclopedias online. News, pictures, films, essays and virtually everything else can be exchanged via the Internet. In short, information from many different sources could be available for everybody.

But it seems one cannot take the good without the bad. Unfortunately hate speech and propaganda can be found on the Internet as well. Regrettably there are handbooks for guerrillas or even manuals on how to build bombs to be found on the Internet, too. Even child pornography – the most abhorrent crime – can be found. Not that easily, but it is bad enough that it can be found at all.

On the one hand it cannot be denied that sometimes the Internet made access to the above easier and above all more anonymous. On the other hand agitation, propaganda and illegal contents form only a very small fraction of the Internet. It must be remembered that terrorism existed long before information about it was available online. There have always been assaults, bombings and killings everywhere. Hatred and discrimination, too, have not only existed for the last 30 years and are not just to be found in areas where the electronic infrastructure is highly developed. On the contrary, newspapers, radio and television have also been used to influence people and for misinformation ever since their invention. There are even examples in history where national radio broadcast was built up explicitly for propaganda purposes. However it wasn't

the radio itself that was responsible for this malpractice. And experience has shown that independent radio stations may well be a safeguard for the freedom of media and expression.

Although there is a small amount of illegal and intolerable contents on the Internet, the benefits outweigh the risks by far, not only statistically. The Internet itself is a unique infrastructure for the free flow of information, which is essential for democratic societies. Thus, denying access to the Internet or overregulating its contents is something that cannot be accepted. Nevertheless, ways and possibilities to introduce rules in order to banish these contents and to effectively prosecute criminals should be discussed. Just the same, combating terrorism must not be used as a justification for the censorship of any media including the Internet. There is then only a thin line dividing legitimate rules from arbitrary censorship. This may also be a future challenge – not just for our Office. Once more I would like to stress that there will never be any excuse or exculpation for acts of terrorism, hatred or child abuse. But the fight against crime and terrorism cannot be won by the bowdlerization or suppression of the Internet or other media. The free flow of information, ideas and knowledge is one of the most important ways to strengthen tolerance and peace.

The Internet is a network of networks. It is often referred to as a new media, but rather the Internet is a new infrastructure. A newspaper on the Web remains a newspaper. A livestream of a radio or TV programme is essentially nothing more than a terrestrial, satellite or cable programme. But certainly there are differences as well. On the Internet the classical one-to-many broadcast is more or less substituted by an everyone-to-everyone form of communication. Newsgroups establish discussion fora for free discourse. The velocity increases, e-mails are faster than letters or even faxes and more and more data can be sent in a shorter period of time. Daytime becomes

obsolete; all information is available at anytime. And perhaps most importantly, everyone can publish and distribute information to a theoretically infinite number of recipients. Freedom of expression may well have reached a new stage.

Yet, regardless of whether the Internet is a genuinely new media or solely a new infrastructure, it is protected by the right to freedom of expression and freedom of the media. This right does not only protect the content of information itself but also implies the right for everybody to publish, distribute and receive information and to gain access to different sources through whatever technical means.

Of course there are some obstacles restraining this platform of free expression. First of all the technical infrastructure must be sufficient to fulfil this role. In the OSCE region there are still large areas in South-Eastern Europe, Eastern Europe and Central Asia with few Internet connections. To change this the existence of a telephone or even broadband Net is not the only requirement. Besides computers and modems, independent Internet Service Providers (ISPs) are needed to enable connection to the networks. It is also important that these ISPs can work freely and without constraints. Government-controlled ISPs may fail to pass on all Internet, Usenet and WWW content freely and without filtering.

The filtering of Internet contents by software or other technical means is altogether a problem. That access to some pages might be prohibited is not the only danger to freedom of the Internet caused by filtering devices. The jeopardy lies in the idea itself. As electronic files as such have no attributes they must be marked and indexed. Otherwise technical filters will not work from the start. There must be lists of unwanted words and rating categories. Contents, pictures, languages and even countries of origin could be approved or declined. Then there would also have to be an institution to classify all

content of the Web. What kind of institution could this be? Regulatory bodies as in the broadcasting sector? State authorities? NGOs? And who would have to pay for the cataloguing? Governments? ISPs? Or even the publishers?

What is more, filtering systems only make sense if all content is indexed. This again means that any content that has so far not been catalogued would be prohibited. But even now the sifting of all domains and sites seems an impossible task. Eventually there would be the danger that the “network of networks” could break down into several small subnets. The free global information exchange would stagnate. It is easy to see that there is no suitable technical filter for the Internet. It is contradictory to the history, idea and structure of the Internet as we know it.

Besides non-discriminatory and unfiltered access, the ISP of course should allow its customers not only to “surf the net” but also to publish websites on their own and post news themselves. Additionally a local NIC⁵ or comparable institution is needed to register and administrate domains – again in a non-discriminatory and free way. In order to reach as many people as possible, Internet libraries and cafés should be fostered in areas with a poor technical infrastructure.

Another point is the danger of each and every village globally looking very much the same, at least in “Cyberspace”. Far more than half of all web pages – estimations even go up to 70 or 80 per cent – are in English. German, Japanese, French, Russian, Spanish and Chinese are believed to make up only approximately 20 per cent of all Internet content, though the number of non-English pages is slowly rising.⁶ Is the Internet really “the best and most original American contribution to the world since jazz”, as the US entrepreneur Edward J. Valauskas stated?⁷

In fact evidence shows that the everyone-to-everyone communication is dropping in favour of one-to-many marketing once again. Market shares in “virtual reality” very much

resemble the spreading of resources in the “real world”. Vertical integration of the value-added chain leads to new alliances and mergers and few “global players” each covering all fields of market activity from operating networks to producing content.

Valauskas goes on: “Like really, really good jazz, the Internet is individualistic, inventive, thoughtful, rebellious, stunning, and even humorous.” In spite of market consolidation the Internet might offer niches for everyone. With still modest financial means, but a high degree of know-how, WWW presentations can be established easily, be it only for a small audience. Besides the free exchange of ideas and information the Internet offers the possibility to express regional characteristics or to picture cultural peculiarities. And even if only a few surfers beach at the shores of those small global villages, the *conditio sine qua non* for participating in the digital society is knowledge and competence. The more Usenet with its newsgroups loses importance, the more the WWW is becoming increasingly elaborate and technically advanced, making it more difficult to keep up with current standards. Let’s see how “jazzy” the development of the Internet will be in the coming years.

So networks and hardware are not the only things needed to achieve a flourishing Internet landscape. Once the technical problems are solved, youths and adults everywhere need to develop the competence to participate in the digital world. Training programmes should be offered tailored to individual skills. Here again Internet cafés and libraries could provide more help. Talking about the “digital divide” does not only mean the gap between different countries and regions but also between people within one region.

There are two different kinds of essential competence: technical and textual. The former describes the ability to handle hard- and software, to surf the Internet, use search engines, post messages, send e-mails etc., eventually designing and

publishing websites. The latter – just as important – describes the capability to deal with and to sort out the contents. Of course these competencies are not only needed in the transition states of Eastern Europe and Central Asia but everywhere in the “digital world”. And they are still lacking in vast parts of the north-western world, too.

Besides handling the technical aspects – technical competence – there is the need for textual competence: the ability to cope with the contents and amount of information available on the Internet. The Internet itself supplies no criteria for what is wrong and what is right and methods of technical filtering will fail as described above. Mostly there are no longer indicators like the reputation of an established old-fashioned newspaper or the reliability of public service broadcasting news programmes. There is little to no evidence of whether some information is reliable or biased. At first glance all websites convey the same impression of reliability. Yet there is this simple but important fact: any information on the Internet is not necessarily true just because it has been published on the Internet. The ability to judge and appraise the content of websites depends on the users’ personal and cultural background. The development of textual competence thus requires a subtle education, the development of broad knowledge, interest in political and social processes and an ample portion of curiosity. This again might also be the best means against terrorism, hate speech and the abuse of the defenceless and therefore a sound basis for tolerance and freedom of expression and media.

In conclusion, there are a number of important fields for future activity. First of all the free flow of information on the Internet has to be guaranteed. In the same way as with the “old media”, on the WWW censorship and discrimination, but also hate speech and propaganda, have to be fought. The Internet provides

a unique platform for free expression and individual contribution and every effort must be made to preserve this freedom and to foster cultural diversity at the same time.

Secondly the “global village” must be taken to the villages. And it is not only the technology and the infrastructure that have to be brought there. Both technical and textual competencies have to be developed, too. Many different institutions – schools, universities, media, families, workshops, seminars, Internet cafés and libraries etc. – are needed for this development. Close co-operation between international organizations, NGOs and the countries concerned is necessary. The first two could mainly provide hardware and training programmes to achieve technical competence. On the other hand education, as an integrative and cohesive social factor largely remains a task of states and governments. But joint effort is needed to work against the digital divide and for freedom of expression and media.

1 Source: Internet Software Consortium (<http://www.isc.org/>), 19.03.2002.

2 Source: NUA (<http://www.nua.ie/surveys/>), 19.03.2002.

3 Source: NetNames International (<http://www.domainstats.com/>), 19.03.2002.

4 Source: OECD Information Technology Outlook 2000 (<http://www1.oecd.org/dsti/sti/it/prod/sample-graphs-english.pdf>), 19.03.2002.

5 The NICs of the different regions are co-operatives that run the primary nameservers (DNS) for the respective top level domain (TLD) such as .com, .at, .ba etc., administrate the registration of domains below this TLD and co-operate with international bodies and committees (e.g. ICANN).

6 David Crystal, “Weaving a Web of linguistic diversity”, *The Guardian*, 25 January 2001 (<http://www.guardian.co.uk/GWeekly/Story/0,3939,427939,00.html>).

7 Edward J. Valauskas, “Lex Networkia: Understanding the Internet Community”, *First Monday*, 7 October 1996 (<http://www.firstmonday.dk/issues/issue4/valauskas/>).

V. Overview – What We Have Done

The Mandate

of the OSCE Representative on Freedom of the Media

Reports and Statements

to the OSCE Permanent Council and Other OSCE Fora

Current Media Situation in Turkmenistan

Joint Statements by OSCE, UN and OAS

Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression, London, 20 November 2001

Projects 2001/2002

- Free Media in South-Eastern Europe:
Protection of Journalists and their Role in Reconciliation,
Promoting Interethnic Peace and Preventing Conflicts
Zagreb, 28 February – 02 March 2001
- Legal Assistance to the OSCE Field Presences
- Freedom of the Media in Belarus
Public Workshop, Vienna, 31 May 2001
- Media Freedom in Times of Anti-Terrorist Conflict
Third Central Asian Media Conference, Almaty, 11 December 2001
- Developing Freedom and Responsibility
of Media in Azerbaijan
Training Seminar for Young Journalists, Baku, 14-15 December 2001
- Protection of Journalists in Conflict Areas

Visits and Interventions in 2001/2002

Decision No. 193

Mandate of the OSCE Representative on Freedom of the Media

PC.DEC No. 193
Organization for Security and Co-operation in Europe
5 November 1997

137th Plenary Meeting
PC Journal No. 137, Agenda item 1

1. The participating States reaffirm the principles and commitments they have adhered to in the field of free media. They recall in particular that freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society and that free, independent and pluralistic media are essential to a free and open society and accountable systems of government. Bearing in mind the principles and commitments they have subscribed to within the OSCE, and fully committed to the implementation of paragraph 11 of the Lisbon Summit Declaration, the participating States decide to establish, under the aegis of the Permanent Council, an OSCE Representative on Freedom of the Media. The objective is to strengthen the implementation of relevant OSCE principles and commitments as well as to improve the effectiveness of concerted action by the participating States based on their common values. The participating States confirm that they will co-operate fully with the OSCE Representative on Freedom of the Media. He or she will assist the participating States, in a spirit of co-operation, in their continuing commitment to the furthering of free, independent and pluralistic media.

2. Based on OSCE principles and commitments, the OSCE Representative on Freedom of the Media will observe relevant media developments in all participating States and will, on this basis, and in close co-ordination with the Chairman-in-Office, advocate and promote full compliance with OSCE principles and commitments regarding freedom of expression and free media. In this respect he or she will assume an early-warning function. He or she will address serious problems caused by, *inter alia*, obstruction of media activities and unfavourable working conditions for journalists. He or she will closely co-operate with the participating States, the Permanent Council, the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities and, where appropriate, other OSCE bodies, as well as with national and international media associations.

3. The OSCE Representative on Freedom of the Media will concentrate, as outlined in this paragraph, 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 case of an allegation of serious non-compliance therewith, the OSCE Representative on Freedom of the Media will seek direct contacts, in an appropriate manner, with the participating State and with other parties concerned, assess the facts, assist the participating State, and contribute to the resolution of the issue. He or she will keep the Chairman-in-Office informed about his or her activities and report to the Permanent Council on their results, and on his or her observations and recommendations.

4. The OSCE Representative on Freedom of the Media does not exercise a juridical function, nor can his or her involvement in any way prejudge national or international legal proceedings concerning alleged human rights violations. Equally, national or international proceedings concerning alleged human rights violations will not necessarily preclude the performance of his or her tasks as outlined in this mandate.

5. The OSCE Representative on Freedom of the Media may collect and receive information on the situation of the media from all bona fide sources. He or she will in particular draw on information and assessments provided by the ODIHR. The OSCE Representative on Freedom of the Media will support the ODIHR in assessing conditions for the functioning of free, independent and pluralistic media before, during and after elections.

6. The OSCE Representative on Freedom of the Media may at all times collect and receive from participating States and other interested parties (e.g. from organizations or institutions, from media and their representatives, and from relevant NGOs) requests, suggestions and comments related to strengthening and further developing compliance with relevant OSCE principles and commitments, including alleged serious instances of intolerance by participating States which utilize media in violation of the principles referred to in the Budapest Document, Chapter VIII, paragraph 25, and in the Decisions of the Rome Council Meeting, Chapter X. He or she may forward requests, suggestions and comments to the Permanent Council, recommending further action where appropriate.

7. The OSCE Representative on Freedom of the Media will also routinely consult with the Chairman-in-Office and report on a regular basis to the Permanent Council. He or she may be invited to the Permanent Council to present reports, within this mandate, on specific matters related to freedom of expression and free, independent and pluralistic media. He or she will report annually to the Imple-

mentation Meeting on Human Dimension Issues or to the OSCE Review Meeting on the status of the implementation of OSCE principles and commitments in respect of freedom of expression and free media in OSCE participating States.

8. The OSCE Representative on Freedom of the Media will not communicate with and will not acknowledge communications from any person or organization which practises or publicly condones terrorism or violence.

9. The OSCE Representative on Freedom of the Media will be an eminent international personality with long-standing relevant experience from whom an impartial performance of the function would be expected. In the performance of his or her duty the OSCE Representative on Freedom of the Media will be guided by his or her independent and objective assessment regarding the specific paragraphs composing this mandate.

10. The OSCE Representative on Freedom of the Media will consider serious cases arising in the context of this mandate and occurring in the participating State of which he or she is a national or resident if all the parties directly involved agree, including the participating State concerned. In the absence of such agreement, the matter will be referred to the Chairman-in-Office, who may appoint a Special Representative to address this particular case.

11. The OSCE Representative on Freedom of the Media will cooperate, on the basis of regular contacts, with relevant international organizations, including the United Nations and its specialized agencies and the Council of Europe, with a view to enhancing co-ordination and avoiding duplication.

12. The OSCE Representative on Freedom of the Media will be appointed in accordance with OSCE procedures by the Ministerial Council upon the recommendation of the Chairman-in-Office after consultation with the participating States. He or she will serve for a period of three years which may be extended under the same procedure for one further term of three years.

13. The OSCE Representative on Freedom of the Media will be established and staffed in accordance with this mandate and with OSCE Staff Regulations. The OSCE Representative on Freedom of the Media, and his or her Office, will be funded by the participating States through the OSCE budget according to OSCE financial regulations. Details will be worked out by the informal Financial Committee and approved by the Permanent Council.

14. The Office of the OSCE Representative on Freedom of the Media will be located in Vienna.

Interpretative statement under paragraph 79 (Chapter 6) of the Final Recommendations of the Helsinki Consultations

By the delegation of France:

“The following Member States of the Council of Europe reaffirm their commitment to the provisions relating to freedom of expression, including the freedom of the media, in the European Convention on Human Rights, to which they are all contracting parties.

In their view, the OSCE Representative on Freedom of the Media should also be guided by these provisions in the fulfilment of his/her mandate. Our countries invite all other parties to the European Convention on Human Rights to subscribe to this statement.

Albania	Latvia
Germany	Liechtenstein
Austria	Lithuania
Belgium	Luxembourg
Bulgaria	Malta
Cyprus	Moldova
Denmark	Norway
Spain	Netherlands
Estonia	Poland
Finland	Portugal
France	Romania
United Kingdom	Slovak Republic
Greece	Slovenia
Hungary	Sweden
Ireland	Czech Republic
Italy	Turkey

Reports and Statements to the OSCE Permanent Council and Other OSCE Fora

Statement at the Permanent Council of 8 February 2001 *(Review of Current Issues)*

Ukraine: The Gongadze Case

Introduction. This report* deals with the disappearance on 16 September 2000 of Georgiy Gongadze, the editor of the on-line publication *Ukrainskaya Pravda*, and with the developments that stemmed from this case, including the investigation conducted by the Office of the State Prosecutor. Several theories persist surrounding the disappearance of Gongadze. On 28 November 2000, Alexander Moroz, an opposition leader and member of the Verhovna Rada (Parliament), made public allegations that implicated the President of Ukraine in being indirectly involved in the Gongadze case. This sparked a public debate, reasonably freely covered in the local media.

Background. Georgiy Gongadze was the editor of *Ukrainskaya Pravda* (www.pravda.com.ua), an on-line publication founded in April 2000 and generally critical of the current Government. Previously he worked as news director on *Radio Continent* and co-hosted a television programme. Igor Gavrilo, First Deputy Chairman of the Committee

*Note: Information provided in this report comes from public documents, statements and from interviews conducted by Alexander Ivanko on 31 January - 2 February in Kiev with the following individuals:

- Ivan Drach, Chairman of the State Committee on Information Policy;
- Igor Gavrilo, First Deputy Chairman of the Committee on Freedom of Expression and Information of the Verhovna Rada (Parliament);
- Refat Chubarov, First Deputy Chairman of the Committee of the Verhovna Rada on Human Rights, National Minorities and Interethnic Relations;
- Olexander Martynenko, Press Secretary to the President;
- Leonid Kozhara, Deputy Director, Foreign Affairs Department, Administration of the President;
- Timothy O'Connor, Resident Adviser, IREX/ProMedia;
- Mary Mycio, Project Director-Lawyer, IREX/ProMedia;
- Natalya Petrova, Media Lawyer;
- Sergei Sholoh, Chairman of the Independent Association of Broadcasters of Ukraine, owner of *Radio Continent*;
- Volodymyr Mostovoi, Editor-in-Chief, *Zerkalo Nedeli* Weekly;
- Alexander Moroz, Chairman of the Ukrainian Socialist Party, Member of the Verhovna Rada.

on Freedom of Expression and Information of the Verhovna Rada (one of the leaders of the Greens Party), believed that Gongadze was not “politically affiliated although he did work closely with the opposition.” The owner of *Radio Continent* Sergei Sholoh stressed that Gongadze was very critical of the President. They both, according to Sholoh, lobbied in the US for freedom of expression in Ukraine.

Gongadze took part in the round table held by the OSCE Representative in Kiev on 2 December 1999 on Libel in Ukraine (organized together with the Council of Europe and IREX/ProMedia) where he read out a statement signed by many journalists regarding the state of free media in the country.

On 16 September 2000, Georgiy Gongadze went missing. He was last seen at 22:30 by Aliona Pritula, an editor at *Ukrainskaya Pravda*, in downtown Kiev. He was supposed to go home to his wife and two daughters – a twenty minute walk. He was never heard from again.

What Has Been Done. Since September 2000, the OSCE Representative on Freedom of the Media and his advisers on several occasions raised the Gongadze case – in oral and written communications – with government officials calling for an investigation that would bring the perpetrators of this crime to justice. On 31 January – 2 February 2001, Alexander Ivanko, adviser to the OSCE Representative, made an assessment visit to Kiev where he met with several government officials, parliamentarians, journalists and lawyers (see list).

The Delegation of Ukraine to the OSCE issued a statement on 25 January 2001 in which it stressed that the investigation into the disappearance of Gongadze “is carried out on the basis of full impartiality and transparency.”

The case was also investigated by *Reporters sans frontières* (RSF), which published a report *Mutilation of the Truth* on 22 January 2001. RSF experts visited Kiev on 5-12 January where they had meetings with government officials, including Ukrainian President Leonid Kuchma, parliamentarians, and journalists. Among the RSF recommendations to the Ukrainian authorities was the need to “take all necessary steps to put an end to violence against journalists in Ukraine, so that they can work freely and safely.”

On 25 January the Council of Europe Parliamentary Assembly issued recommendation 1497 (2001) which called on the Ukrainian authorities “to inform it [the Council of Europe] on the results of the investigation in the disappearance or death of the journalist Heorhiy Gongadze as soon as possible.”

On 6 February the European Union issued a statement calling for a “transparent inquiry into the disappearance of Mr. Gongadze.” The EU urged Ukraine to ensure a “safe, secure and harassment-free environment for journalists to operate in.”

The Investigation into the Case. In general, most observers agreed that the investigation into the disappearance of Gongadze was conducted in a manner that First Deputy Chairman of the Human Rights Committee of the Rada Refat Chubarov described as “extremely unprofessional”. The President’s Press Secretary Olexander Martynenko acknowledged that the investigation was taking too long and that this was raising questions.

The handling of the disappearance of Gongadze became even more questionable after the discovery on 2 November 2000 of a headless body near Tarasha, a small village outside Kiev. It has been pointed out by several government officials that the body was found in Moroz’s electoral district, which Moroz does not dispute.

The local forensic expert believed that the body was buried for approximately 50 days. On 15 November the forensic expert met with a group of journalists who arrived in Tarasha. They were given an X-ray of the body’s right hand that showed fragments of shrapnel identical to those Gongadze received seven years ago in Abkhazia. As a result, the expert issued a death certificate in the name of Gongadze. The State Prosecutor considered this action by the forensic expert as illegal. As a result the Ministry of Health took over the identification of the body. It brought in experts from the Russian Forensic Centre.

Speaking in the Verhovna Rada on 10 January 2001, the State Prosecutor Mihailo Potebenko stated that the probability that Mrs. Lesia Gongadze is the mother of the unidentified man was no less than 99,6 per cent. However, the State Prosecutor is still working under the assumption that Gongadze may be alive. “Officials in the State Prosecutor’s Office have some doubts that the body belongs to Gongadze, that is why they are conducting additional investigations,” stressed Olexander Martynenko, the President’s Press Secretary. There are also reports that a Ukrainian citizen living abroad was harassed by the SBU (Ukrainian Secret Service) in connection with the investigation. He was involved in locating a company outside Ukraine that provided DNA testing.

The lack of transparency regarding the identification of the body, contradicting statements coming from different experts, a clear lack of professionalism on the part of the State Prosecutor had led a number of

lawyers, journalists and parliamentarians to question the motives behind the Prosecutor's actions. "This whole case shows that an individual has no protection in Ukraine," said Gavrilov. He also felt that the Ukrainian President was genuinely interested in "unearthing" the truth.

None of the experts and politicians (except those representing the Government) believed that under the current circumstances the investigation into the disappearance/possible murder of Gongadze would ever have public credibility – no matter what the final results were. In the view of Olexander Zinchenko, Chairman of the Rada Committee on Freedom of Expression and Information, this case was "increasing discontent and mistrust of the state." The situation can only be rectified by authorizing a new investigation, possibly headed by a well-respected local judge and involving foreign experts. The existing ad hoc Committee of the Rada on the Gongadze case does not have the needed authority.

Reactions to the Investigation. The situation around Gongadze and allegations against the President made public by the opposition had led to an unprecedented public debate that spilled into the media which has become more combative. Those involved in the drama are interviewed daily on radio, television and in the newspapers. Many views and theories (including far-fetched ones) are openly aired. Alexander Moroz, a long-time critic of the state of free media in Ukraine, admitted that "the local media are now more objectively describing events."

However, consistent reports are received by the OSCE Representative that certain media are still harassed. *Radio Continent*, an intimate participant in the Gongadze case, is currently under a re-licensing procedure which its owner believes is connected to his statements related to Gongadze and to his re-broadcasts of *Radio Liberty*. The owner of *Radio Continent* disputed the fact that his licence expired on 25 October 2000 as stated in the OSCE Permanent Council on 1 February 2001 by Ambassador Volodymyr Ohrysko.

Zerkalo Nedeli, another critical newspaper, was expected to be targeted later this year by the tax police. The 30 January assault in Kiev on *Izvestia* correspondent Yanina Sokolovskaya has also been tied to her critical publications (the assailant was later arrested. The *Izvestia* editorial board has certain questions about how the investigation into the attack was conducted). Initially, the newspaper *Tovarish* was pressured. Its case was raised by the OSCE Representative in written communication with Ukrainian Foreign Minister, Anatoliy Zlenko.

Recommendations

- The Government of Ukraine should undertake a new effort to investigate the Gongadze case especially related to the identification of the body and to the circumstances around his disappearance. The possibility of starting such a new investigation should be explored, headed by a well-respected independent judge and involving foreign experts. The investigation should be transparent with information provided in a timely manner to the public.
- All acts of harassment of media, including through the use of the tax police, should cease immediately. *Radio Continent* should receive its new licence.
- Recommendations issued in a report on the current media situation in Ukraine prepared on 10 March 2000 by the OSCE Representative should be implemented. The Representative took note of the letter of 31 January 2001 from Ambassador Volodymyr Ohrysko, Head of the Mission of Ukraine to the OSCE, where he quotes Foreign Minister Zlenko on “the necessity to give more substantial assistance to Ukrainian Mass Media in the course of the overall democratic process in our country.” The Representative will provide the Ukrainian Mission with relevant information regarding training of journalists, as requested.
- The OSCE Representative believes that there is a need to conduct an open hearing on the state of media freedom in Ukraine. The hearing should involve the Representative’s “four constituencies” - government officials, parliamentarians, journalists and NGOs. It could take place in either Vienna or Kiev.

Report to the Permanent Council of 5 April 2001

This is my first quarterly report this year covering our main activities since December 2000. And as in the past two years in spring, I am pleased to present to you at the same time our annual report, the Yearbook 2000/2001, which is in front of you.

On our activities since the end of 2000: Over the past four months, we have been looking into the public discussion on public service broadcasting in Central and Eastern Europe. The debate regarding Czech TV and the conflict over Bulgarian National Radio have shown that the question of who controls the public media and which organs appoint the regulative and supervising bodies is becoming of major importance to the public. In both cases I approached the Governments stressing the need to resolve the situation in line with OSCE commitments. I am glad that in the case of Czech TV the conflict was solved in a democratic and forward-looking way. In Bulgaria, journalists' protest against the appointment of a new Executive Director of Bulgarian National Radio continues and has recently led to police action against striking journalists and dismissals.

The discussion on the role of public service broadcasting has also spread to Hungary, Serbia and other countries. The topic deserves further attention. Therefore, we intend to organize a meeting on the transformation of public media in Central and Eastern Europe later this year.

On 21-26 January, I visited Tbilisi, Georgia, as well as Moscow and St Petersburg in the Russian Federation, accompanied by the former OSCE Personal Representative to the OSCE Chairperson-in-Office for the Caucasus, Ambassador Heidi Tagliavini. The main purpose of the visit was the presentation of the OSCE Freedom of the Media book, *The Caucasus: In Defence of the Future*, published in November 2000 in three languages: Russian, English and German. This volume, the second in the *In Defence of the Future* series, is a collection of essays and articles by twenty-six well-known Caucasian and Russian authors devoted to the theme of the present-day situation in the Caucasus and the search for possible ways of resolving the conflicts. In both Russia and Georgia, Ambassador Tagliavini and myself found keen interest in this unique volume, a cultural premiere

which for the first time invited writers from cultures and peoples in the Caucasus to contribute to a book on the future of their region. The book has received positive critical comment in both Russia and Western Europe and has already been reprinted. We have also sent copies to selected OSCE Missions and to libraries and educational institutions in Russia.

During my January trip to Russia I presented an overview on the work of my Office during the past year at a press conference at the Moscow State University School of Journalism before a group of Russian journalists, foreign correspondents, students and faculty of the school. I also had a cordial meeting with the Deputy Minister of Education and discussed that Ministry's proposed programme against racism and hate speech. The Deputy Minister and I discussed several ideas for future co-operation. I have recently sent a letter to the Government as a follow up to these meetings.

In St Petersburg, I participated in a round table on freedom of media at the Union of Journalists, which was well attended by a large number of leading journalists from the St Petersburg City and Leningrad regional press corps. I underscored my great respect for the accomplishments of Russian journalists over the past decade, and was pleased to see that there is considerable interest in continuing co-operation on media freedom issues, including a series of seminars for journalists of the north-west region proposed by the Russian journalists for the autumn of this year.

In late February Anna Politkovskaya, a reporter for *Novaya Gazeta*, was detained by Russian troops at one of the checkpoints in Chechnya. I intervened with the Russian Foreign Minister, and my Office contacted Mr. Makeev from the Office of the Assistant to the Russian President about her prompt release. She was released soon afterwards and I thank the Russian authorities for their assistance in resolving this matter. However, with great concern I learned of the alleged mistreatment of Anna Politkovskaya by officers from the 119 Paratrooper Regiment who seem to have been informed that she was a bona fide journalist. According to media reports she had been physically and mentally tormented for hours, even threatened with summary execution. Her story was widely re-printed throughout Europe.

On 31 March, thousands of people gathered in Moscow to voice their concerns regarding the future of free media in Russia. This rally, organized by the Union of Journalists, showed a sense of urgency in tackling the dangers to freedom of expression that may have been emerging recently. Of major concern is the status of NTV, Russia's

only non-government controlled national television channel. Without going into all the legal and financial aspects of the current dispute, I would like to stress that from our point of view it is imperative that the editorial independence of NTV will continue to be ensured. As all of you have seen, NTV has been taken over in a bid by state-controlled Gazprom-Media, which immediately appointed a new board of directors and dismissed the current editor-in-chief Evgeniy Kiselev.

I have been following with great interest the media situation in Georgia. This year the *Current Media Situation in Georgia* is our special country report. It was distributed to you on 16 March and it appears also in our Yearbook.

As a new member of the Council of Europe, Azerbaijan has some specific tasks it must do in the next two years to improve its media situation, and there is a great deal to accomplish in a short period of time. In recent months, I have been very concerned to learn about great difficulties that the independent television broadcasters of Azerbaijan have had in obtaining broadcasting licences and that by early February this year, about 50 per cent of the independent broadcasters in the regions were forced to turn off their transmitters or else face criminal charges. In two letters sent in February to the Foreign Minister of Azerbaijan I raised my concern regarding the closure of two TV stations and asked for clarification of several cases in which journalists were assaulted, beaten or deprived of their identification document. I understand that the Azerbaijan Foreign Ministry is preparing a reply to my inquiries. Given the media situation in Azerbaijan and my desire to assist the country in meeting its Council of Europe tasks in the area of media freedom, I have decided to send one of my senior advisers to Baku towards the end of May for an assessment visit.

The media situation in Belarus continues to deteriorate, and this concerns me greatly. In January I issued the first bulletin *Belarus and Freedom of the Media* in order to draw attention to the media situation in that country in light of the upcoming presidential elections. On 1 January Minsk's only private TV station, *Channel 8*, was taken off the air and its frequency was taken over by the city government-run company STV. Independent newspapers both in Minsk and in the regions are under constant pressure. There are cases of structural censorship such as the case of Brest-based independent newspaper *Svobodnaya zona* (Free Zone) and Mogilyov-based independent newspaper *De-Fakto*. Specifically I would like to underscore a case of censorship which occurred during the 18 March parliamentary by-elections' campaign, in which one of the candidates was forced to remove some

critical remarks from his five-minute televised address to voters in order to be allowed to appear on Belarus State Television. My Office also continued to monitor closely the negative developments around the publishing house *Magic*, which prints a number of independent newspapers. In January one of *Magic's* two printing presses was sealed off by the tax authorities following a decision of the Supreme Economic Court. The situation deteriorated further earlier this month as *Magic* lost the other printing press after the printing press owner unilaterally cancelled the lease contract. I am also very concerned about Presidential Decree # 8, which may completely restrict any kind of foreign assistance for the struggling independent media.

At the end of April, I shall travel to Minsk at the invitation of the Belarusian Foreign Ministry and of the OSCE Advisory and Monitoring Group (AMG) to meet with government officials, journalists, and NGOs for an exchange of views on the subject of media freedom in Belarus, especially during this presidential election year.

My Office has continued to look into the media situation in Ukraine. On 8 February I issued a written report to the OSCE Permanent Council on the Gongadze case based on our assessment visit to Kiev. Like others, we have recommended that the Government undertake a new and more transparent effort to investigate the case possibly including independent national and foreign experts. I understand that an FBI team is planning to visit Ukraine. We hope that results of the investigation into the Gongadze case will soon be available.

I am also looking at projects that could be implemented in Ukraine along the lines of our well-known recommendations of December 1999, on which the Government had agreed, as well as to meet the most recent needs. At the end of March, the OSCE Project Co-ordinator suggested to me a number of such projects including the review of media legislation currently under consideration at parliament, enhancing public awareness of European standards, and assistance to improve public information. We have informed the Government of these proposals as well as of pledges for funding of two projects. We believe that they can be implemented within the next six months together with the OSCE Project Co-ordinator and the Council of Europe. As to the Ukrainian Government's request for assistance in training journalists, we have informed them about such possibilities with major NGOs active in this field.

This year my Office has started organizing and providing legal expertise for the OSCE Missions with the new funds received in the 2001 budget. On 8 February 2001, I addressed a letter to all OSCE

Missions and Offices asking for their needs and proposals in this respect. We have so far received a number of requests for legal advice. Following a request from the OSCE Centre in Kazakhstan, we contracted a legal expert to assess the draft media law in Kazakhstan in February. This first legal review compares the draft legislation with the OSCE media commitments and other international media obligations and standards and gives suggestions on “best practice” examples from other OSCE participating States. However, the media law was nevertheless passed by the lower house of parliament in March, including many of the problematic issues discussed in the legal review.

I share some of the concerns expressed at the 12-13 March OSCE Human Dimension meeting on Freedom of Expression, on what appears to be a worsening media situation in Kyrgyzstan. I have received information that self-censorship is becoming more prevalent, as well as the use of criminal libel laws and other bureaucratic means to harass and pressure the independent media, including the *Asaba* and *Res Publika* newspapers and the Osh regional television station. I regret these unfortunate trends in a Central Asian country which once showed great promise in the area of media freedom, and I shall continue to voice these concerns with the Government of Kyrgyzstan.

By the way, the English version of the proceedings of our second regional conference on media in Central Asia of November 2000, published by the OSCE Mission to Tajikistan, and my Office is also distributed to you today.

On 10 March 2001 Vitaliy Khaytov, the chief executive of the leading Russian-language daily *Estonia* and the weekly *Vesti Nedelya Plus*, was murdered in Tallinn. I sent a letter to the Foreign Minister of Estonia to add my voice to the appeals made to the Estonian Government to ensure a thorough investigation. The Ministry has replied promptly confirming their interest in bringing to justice the perpetrators of this crime.

Recent changes in the Federal Republic of Yugoslavia have substantially eased the media situation and allowed journalists to freely report on developments in their country without the threat of harassment looming over their heads. The newly established OSCE Mission in FRY has a media mandate that my Office helped to develop. In our view, the focus of the OSCE Mission should be on electronic media, since there is a need for a coherent and politically non-biased policy in the field of licensing. The Federal Ministry of Telecommunications is working on this matter and I once again urge the OSCE participating

States to second to the Mission as soon as possible a qualified frequency manager to ensure that the new regulations adhere to established international practice.

In February, my Office, together with the OSCE Mission in Croatia and the Council of Europe, held a regional conference in Zagreb on Free Media in South-Eastern Europe: Protection of Journalists and their Role in Reconciliation, Promoting Interethnic Peace and Preventing Conflicts. This conference took place in the framework of the Stability Pact. We brought together journalists and media experts from the whole region to discuss several themes, including covering corruption and war crimes. As a result, a number of recommendations have been made to governments, governmental and non-governmental organizations, and to the media. The recommendations include, *inter alia*, the need to promote tolerance and understanding through the media and the need to monitor and combat cases of hate speech.

All of us have been watching with great concern the situation in the former Yugoslav Republic of Macedonia. On 27 March I issued a public statement where I noted that the media in the country showed commendable restraint in reporting and editorializing on the military developments around Tetovo. Daily newspapers demonstrated very little bravado and underlined the need for a “speeded-up political process” to deal with the concerns of ethnic Albanians. This is welcome news and I will continue monitoring the situation. On the other hand, this conflict has led to another death of a journalist – on 29 March Kerem Lawton, a reporter working for *Associated Press Television News*, was killed by mortar fire on the Kosovo side of the border. The same day a civilian car, carrying two AFP correspondents and clearly marked as TV was shot at. Thankfully, nobody was hurt. This once again proves that the issue of protecting journalists in conflict areas is still very relevant and my Office will continue working on this topic.

In December last year I organized a Round Table on Corruption and Journalists at Charles University in Prague to start an informed debate on this important topic. Investigative journalists and academics from Western, Central and Eastern Europe met to compare their experiences in combating corruption. They discussed effective methods of investigation as well as forms of pressure aimed at hindering journalists from disclosing cases of corruption. The participants agreed that such meetings should continue in the future. I also plan to focus on the safety of journalists combating corruption as well as to co-ordinate my activities in this field with other OSCE institutions and Missions.

In mid March my Office actively took part in the Supplementary Human Dimension Meeting on freedom of expression and media. We were pleased with the many new ideas and constructive proposals that came out of the Supplementary Meeting. Many participants stressed the need for a comprehensive OSCE approach to a number of issues. Our Office shares, in particular, the interest expressed in the relationship between minorities, access to information and free media. In the past, we have contacted the Office of the High Commissioner on National Minorities on specific cases, and we are now prepared to look into the whole scope of these issues together with our colleagues in The Hague and to prepare a meeting later this year. The Commissioner of the Council of the Baltic Sea States, Ms. Helle Degn, would be also prepared to join us in this effort.

Many suggestions from the Supplementary Human Dimension Meeting were related to project work and the need also for our Office to undertake more projects. We will carefully consider the proposals and the best ways to respond to them. As a first step, on 16 March, we turned to the Heads of OSCE Missions and Offices to identify the scope of existing media projects.

Apart from participating in the meeting itself, we took advantage of this occasion and, with so many media organizations present in Vienna, we organized a very useful meeting with the NGOs.

A few words on our planned activities for the upcoming months: As mentioned, our Office wants to focus on media and minority issues in conjunction with other institutions with a view to organizing a meeting later this year, and we shall continue to pay attention to the situation of public broadcasting in Central and Eastern Europe as a structural issue.

We shall also focus our attention on ways and means to increase our – already existing – project activities, as suggested by many delegations at the Supplementary Human Dimension Meeting. We certainly consider projects – in a broader sense – to be part of the assistance we can provide on media issues: they may include the elaboration of recommendations and expertise on media issues as well as the support of relevant activities in a given situation. While appreciating the interest expressed by many delegations who wish to see us more involved in such activities, we need to stress, on the other hand, that such project work demands considerable resources – staff resources as well as financial resources. We are planning to respond to you further on this before the summer and would welcome your comments and suggestions.

A note on a major project we have initiated within the framework of Stability Pact for South-Eastern Europe: the **mobile.culture.container**. This travelling secondary school will be on the road this summer – starting in Tuzla and then travelling throughout the Balkan region for the next two years. The containers are currently being built in Vienna. We are grateful for the contributions, but more funds will be needed to keep the **mobile.culture.container** going for two years.

Statement at the Permanent Council of 24 May 2001 *(Review of Current Issues)*

Today I would like to focus on intimidation of journalists based on ethnic radicalism. We have seen cases like this throughout the OSCE region. Most recently such violence has plagued Spain. A number of non-governmental organizations, including the World Association of Newspapers (WAN), have brought to my attention the grave situation in which many Spanish journalists have found themselves because of the threat of intimidation from the terrorist Basque organization ETA and its supporters. WAN and the World Editors Forum (WEF) recently conducted a mission to Spain and published an extensive report on the current media situation.

Here is just one quote: “When journalists have to begin their day on their hands and knees looking for bombs under their cars, when steel doors and refined arms and bomb detectors have to be installed in newspaper offices and printing plants, when journalists cannot fetch their children after school or eat in the same restaurant two nights in a row, there is no freedom of expression.”

Prior to the Basque regional elections held on 13 May, Spain saw an upsurge of violence against journalists. Jose Luis Lopez de Lacalle, a columnist for *El Mundo*, was killed last year. We will honour him as well as Georgiy Gongadze, a Ukrainian editor also killed last year, with the 2001 OSCE Prize for Journalism and Democracy. Several other journalists were targeted and barely escaped with their lives. After the elections the violence continued. On 15 May Gorka Landaburu, a correspondent for *Cambio 16* and *Radio France*, was wounded by a package bomb he received at his home in Zarauz in the north of the Basque country.

The campaign against those reporters who are trying to report the truth has often turned ugly. In November 2000, the editor of a radical Basque magazine *Ardi Beltza* circulated a video tape portraying 40 journalists as having close connections with the Spanish Home Affairs Ministry. We have seen a similar tactic used in Kosovo. Two reporters appearing in this video were later attacked – this can only be described as hate speech leading to outright violence. In today’s Basque region newspaper offices are protected no less than international airports, journalists have security guards and avoid public transportation. Using e-mails, letters and phone calls, ETA is intimidating dozens of journalists

making sure that they understand – they are being watched. Such blatant harassment can often lead to self-censorship. In a bizarre reversal of structural censorship practised by some governments against non-governmental media, ETA has threatened advertisers demanding that they boycott the non-nationalist media.

One of the editors at *El Pais* pointed out to the WAN/WEF team that the current media situation in the region represented a major threat to freedom of expression within the European Union. This issue should be of major concern to the OSCE, especially when two very respected international media organizations describe the situation in the Basque region as a “perversion of civil conditions for the media, when printing plants and newsrooms have to be fortified and staff and visitors have to undergo security checks again and again. It is poisoning the professional standards of journalism when fear for your life or that of your relatives is influencing your reporting and editorial decisions.”

The misuse of media for violent ethnic propaganda that can kill democratic civility is of major concern to my Office. As you know, Paragraph 6 of my mandate covers the dangers of ethnic hate speech. That is why I have initiated a number of projects that deal with reconciliation and the future of the young generation that is living in a post-conflict society. The first project was two books titled *In Defence of the Future* – one brought together in a publication writers and journalists from South-Eastern Europe, and the other from the Caucasus. This month the **mobile.culture.container**, a project for the young generation that many of you know about and have generously contributed to, is starting its journey through the towns of South-Eastern Europe. Its first stop is Tuzla in Bosnia and Herzegovina.

Today I talked about Spain. The problem of ethnic violence is present in many other OSCE participating States. The OSCE needs to work very closely with member governments to eradicate this threat to our common future.

Finally, Mr. Chairman, I would like to seize this opportunity to briefly address our Office's plans for the second half of 2001 and for 2002:

Already in the second half of this year we are planning to focus on minority and media issues as well as on access to new technologies. Our Office was asked to address these issues during the Supplementary Human Dimension Meeting in March. A first round table on minority and media issues will be organized by our Office

together with Helle Degn, Commissioner of the Council of the Baltic Sea States, and the European Centre on Minority Issues in the course of this autumn.

As to the resources of our Office for this year, we intend to remain within our budget. The Mid-Term Budget Review for 2001 is currently being done. However, to take up the issues mentioned above we shall certainly need additional human and financial resources which could be made available to our Office on a voluntary basis.

As to the requirements for 2002, we have submitted them in the budget outline which you have received. Our Office is currently reviewing its strategy on how to deal with requests for more assistance, more projects and we shall get back to you about this in the course of the summer.

Statement at the Permanent Council of 14 June 2001 *(Review of Current Issues)*

I would like to draw your attention to a number of recent developments.

Federal Republic of Yugoslavia. With great sorrow I learned of the murder of Milan Pantic, a reporter for *Vecernje Novosti* daily, who was killed in the central Serbian town Jagodina on Monday. Pantic wrote extensively about crime and corruption. His murder is the first censorship by killing in Serbia after the establishment of democratic rule. I hope that the authorities will take all the necessary measures to swiftly investigate this crime and to bring those responsible to justice. I ask the Yugoslav delegate to forward my condolences to the family and friends of the deceased.

In another development, I learned from a statement issued by Veran Matic from ANEM with some concern of the publication in Belgrade of the so-called *Protocols of the Wise Men of Zion*, a famous anti-Semitic forgery. Also, after an absence of ten years, Adolf Hitler's *Mein Kampf* reappeared on the streets of Belgrade. This is especially worrying in a country whose previous regime had throughout the 1990s played a major role in fostering ethnic hatred.

On Turkey. According to a number of NGOs, several amendments to the current law on Turkish broadcasting are of concern because they include new restrictive clauses. They provide for additional enforceable penalties and for the first time include control of the Internet. These proposals are not in line with the programme of wide-ranging reforms approved by the Turkish Government this March, that, among other things, promised to expand freedom of expression in the country.

Russia. My Office has been actively involved in following the case of Olga Kitova, correspondent for the regional newspaper *Belgorodskaya Pravda*. After publishing a number of stories on the miscarriage of justice in Belgorod and on some questionable privatization activities, she has been actively harassed, both physically and mentally, by the local police and prosecutor. On two occasions she was arrested, she suffered breakdowns and just last week left hospital. She is currently charged under five articles of the Russian criminal code and her lawyers are reviewing the case against her.

My Office has intervened both with the Foreign Ministry and the Office of Sergei Yaztrebzhemsky from the Administration of the Russian President. We have also informed both foreign and local correspondents

in Russia about her case, which has led to a number of stories in the media. Sweden, currently presiding in the EU, has raised her plight separately with the Russian authorities. We have asked the Romanian Chairmanship to do the same. My Office has contacted Kitova on several occasions and she believed that without this support her situation would have been much graver. I would also like to note with satisfaction the prompt reaction of the Kremlin to this case. Olga Kitova will be facing trial and I expect the court to review all the evidence provided by the prosecutor objectively and to reach a fair decision as is expected from a court of law.

Statement at the Permanent Council of 21 June 2001 *(Review of Current Issues)*

Today I would like to draw your attention to an important argument which the Turkish President used on Monday when he refused to sign the law which I was mentioning in my last statement to the Permanent Council: President Sezer underlined the international obligations of the Turkish Republic regarding freedom of the media and in particular the Internet clause which would “restrict freedom of expression”.

My main concern today deals as well with the international obligations of our participating States in media matters. I am speaking about concerns regarding the central task of my mandate: the concentration of control of TV media in the hands of a democratically elected government. I refer to the new Government in Italy. The result of the announced separation of the influence of Silvio Berlusconi on private TV-media from his obligations as Prime Minister will concern the work of my Office in our participating States.

Its result can be a very good and future-oriented example of how to separate the executive role of the State from the independent tasks of a free media, or it can be a real challenge to the democratic media landscape in all OSCE regions, not to mention in the family of the European Union.

I have stressed on numerous occasions the importance of a constitutional distance for freedom of expression from government control. I did this with reference to my mandate and to the wording in Article 10 of the European Convention on Human Rights: “To hold and impart ideas without interference by public authority”, which was attached to my mandate by the majority of the Council of Europe Member States including the fifteen EU States (5 November 1997).

Free journalistic media are considered the fourth estate, separate from the three constitutional branches of power: the executive, legislative and judicial. The clear separation between media and politics is a major and crucial element of the constitutional traditions common to the cultural and democratic history of Europe, and, in particular, of the European Union.

Therefore, on 23 May I issued a statement calling on the new Italian Government to ensure a clear and transparent separation, legal and economic, of the Prime Minister’s media-business interests and his role as the Head of Government. This separation must be in line

with basic principles of the OSCE. I asked for such a separation to be done in an unambiguous way.

This separation between political power and freedom of media was for over a century a basic legal principle of the European constitutional culture. It is very clearly expressed in Article 21 of the Italian Constitution.

I am certain that the European institutions in the future will follow Article 6 and the newly revised Article 7 from the consolidated version of the Treaty on the European Union, as well as comply with Article 11 from the Charter of Fundamental Rights of the European Union which does not allow “interference by public authority” into the work of the media.

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 halfway 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 Italy so as to insist on at least partially controlling the media. This would make the work of the OSCE Representative on Freedom of the Media even more difficult than it is already.

I do hope that Italy will not seek the wrong solution of setting up a trust that is run by personalities very close to the former owner. This would not solve the situation, but only show some countries an easy way out instead of dealing with the problem directly.

I am therefore convinced that the constitutional branches of power in Italy will find an acceptable solution – acceptable to the values of modern Europe – which can then become a positive model for the new democracies, thus showing them the difficult road forward.

Statement at the Permanent Council of 12 July 2001 *(Review of Current Issues)*

I would like to draw your attention to three cases that my Office is currently monitoring very closely.

In Ukraine last week Ihor Olexandrov, the director of a private television company TOR in Slavyansk, was beaten by four men wielding baseball bats. Four days later he died in hospital. TOR was known for investigating corruption. I understand that this week President Kuchma ordered a “a full and transparent investigation” into this case. I very much hope that the Ukrainian authorities will be able to swiftly and professionally bring those responsible for this censorship by killing to justice. I would also like to remind the Permanent Council that those responsible for the murder of Ukrainian editor Georgiy Gongadze are still at large. Last week he was co-awarded the OSCE Parliamentary Assembly Prize for Journalism and Democracy. I had the privilege to be present at a very moving ceremony held in Paris where the widow of Mr. Gongadze and the mother of Spanish journalist Jose Luis Lopez de Lacalle received the OSCE prize.

On Tajikistan. Thankfully the plight of Tajik journalist Dododjon Atovulloyev, detained at a Moscow airport on 5 July in response to an extradition request to Russia from Tajik authorities, had a happy ending. Yesterday morning, the Russian State Prosecutor publicly stated that there were “no reasons to extradite” Atovulloyev. Mr. Atovulloyev, who was on his way from Hamburg to Tashkent to attend a meeting, was wanted in Tajikistan for “publicly defaming the President”, and for “advocating the overthrow of the Government” in an article published in the Russian newspaper *Nezavisimaya Gazeta*. I had raised this case on 6 July in Paris at the Plenary Session of the OSCE Parliamentary Assembly. I had also discussed the situation around Atovulloyev with the Tajik authorities and had made several public statements. Yesterday afternoon, Mr. Atovulloyev was released from custody and left Russia for Germany. One of my advisers spoke with him on the phone: Atovulloyev thanked my Office and all the other organizations that supported him during this difficult week. I was pleased to hear that my statement on his case, which I read out in Paris, was passed on to him while he was still detained. I would like to use this opportunity to thank the Russian authorities for refusing to extradite to Tajikistan a journalist who was critical of the Tajik Government.

Another case is that of Olga Kitova in Russia, some of you may know about it. Just to reiterate, Olga Kitova is a correspondent for the regional newspaper *Belgorodskaya Pravda*. After publishing a number of stories on the miscarriage of justice in Belgorod and on some questionable privatization activities, she has been actively harassed, both physically and mentally, by the local police and prosecutor. On two occasions she was arrested, she suffered breakdowns and just recently left hospital. She is currently charged under five articles of the Russian criminal code.

My Office has contacted Kitova on several occasions and she believed that without local and international support her situation would have been much graver. I would also like to note with satisfaction the prompt reaction of the Kremlin to this case. The harassment of Olga Kitova is one of the most egregious cases I have come across in my now more than three years as the OSCE Representative on Freedom of the Media. It clearly underlines the need for my Office and for the NGO community to pay more attention to the media situation in the Russian provinces, especially when the media are investigating local corruption. This will be one of my priorities for the future.

Report to the Permanent Council of 19 July 2001

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, and become more actively 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 would welcome a discussion on this matter after recess. However, the effective implementation of this plan for an increase in 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 organized a Public Workshop in Vienna on Freedom of Media in Belarus. This successful programme 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 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 worldwide 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 Dmitry 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 from 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 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 the 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 have a negative impact on their ability to work: the high price of newsprint, distribution problems and insufficient access to information – what I call structural censorship. 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 co-operation 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 halfway 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 finalizing 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 and time is 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 Luts'k. 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 "terrorizing" 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 become 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 organize 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 organized 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 autumn 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 organized in the autumn 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 Eastern 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, and 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, and Belarus. The list does not end there. One of the projects I am looking at is trying to bring 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.

Statement at the Permanent Council of 23 August 2001 *(Review of Current Issues)*

I would like to draw your attention to a number of recent developments concerning the ongoing, problematic treatment of the independent press in Belarus. The OSCE considers equal access to the media essential for free and fair elections. Unfortunately, the non-state, private media in Belarus continues to find it very difficult to operate in general and, in particular, to provide necessary information about challengers to the country's leading politician, President Lukashenko.

The latest serious incident concerns the independent newspaper, *Nasha Svaboda*. On 17 August 400,000 copies of a special issue containing information about Vladimir Goncharik, the only democratic opposition candidate in the upcoming elections, were confiscated by the Committee for Financial Investigation due to "inaccuracies" in the financial accounts of the private printing house *Magic* where *Nasha Svaboda* is printed. In addition, *Nasha Svaboda* received a warning from the State Press Committee for publishing information about a statement allegedly made by President Lukashenko during a meeting with his executive branch, a statement reported in a variety of media, including in Russia, two weeks ago. This warning by the State Press Committee, we understand, could lead to the closing down of *Nasha Svaboda*.

There have been numerous other incidents of pressure on the independent media in this pre-election period which are affecting the media's work. On 22 August alone, tax police officers confiscated several computers belonging to the independent daily, *Narodnaya Volya*, the State Committee for Financial Investigation "visited" *Nasha Svaboda* and another independent newspaper, *Belorusskaya Delovaya Gazeta*, and in the evening officers from the Committee raided the private printing house, *Magic*, which prints the country's major independent newspapers and sealed up the pressroom. This action interrupted the printing of a *Narodnaya Volya* edition containing the election platform of the opposition candidate, Vladimir Goncharik. Also on 22 August the state company news-stand distribution company refused to sign a contract with *Belorusskaya Delovaya Gazeta* to sell an additional print run in September. Last week, law enforcement authorities in Orsha in eastern Belarus seized all the computers of the private

newspaper *Kutseina*, while the private newspaper *Pahonya* in Grodno near the Polish border has been subject to pressure by the law enforcement agencies, an action condemned by the Belarusian Association of Journalists.

I have appealed to the Government of Belarus through interventions to Foreign Minister Khvostov to cease these never-ending, blatant violations of freedom of expression in Belarus, to release *Nasha Svaboda*'s special issue and to ensure that all citizens of Belarus are able to receive full and balanced information in this critical pre-election period.

Report at the OSCE/ODIHR Human Dimension Implementation Meeting, Warsaw, 17 September 2001

The OSCE Representative on Freedom of the Media regrets that he cannot be here in person today, and has asked me to present the report of his Office to you on his behalf.

Let me start by saying that we share the outrage and the shock at the terrorist attacks of last week, and extend our condolences to the US delegation, the victims and their families. The attacks on targets in the US were also attacks on freedom. Let us keep in mind that in our common determined fight against such attacks, we should be careful not to allow terrorist acts to be used as pretexts for limitations of the freedom of expression.

It is my honour to give you at the beginning of this year's Human Dimension Implementation Meeting a brief account of the major activities which the Office of the Representative on Freedom of the Media has engaged in since the last meeting here in Warsaw. In our third *Yearbook 2000/2001: Freedom and Responsibility*, you will find not only a detailed report on our activities, but also contributions by authors from the Caucasus region, Europe, Russia and other countries to present their subjective views on freedom of expression and on such issues as the search for peace in the Caucasus.

Defending freedom of the media as a human right requires different forms of activity:

- Direct interventions when we learn that the right of freedom of expression is violated;
- Medium and long-term assistance through projects and publications;
- Long-term awareness raising through activities such as conferences.

I would like to draw your attention to some of the areas in which we organized different projects over the past year.

1. On Post-Conflict Situations and Hate Speech: In the former Yugoslav Republic of Macedonia, Mr. Duve invited journalists and editors of all conflict parties to a one day conference at the beginning of September. They discussed their responsibility for a lasting civil peace and looked at the chances and challenges for free journalism in

a severe conflict which has forced the international community to be present in order to avoid war.

2. On Protection of Journalists in Conflict Zones: Leading media professionals and officials from OSCE participating States, from the United Nations and from the Council of Europe met in Berlin on 6 November 2000 at a round table organized by the OSCE Representative on Freedom of the Media and the Ministry of Foreign Affairs of Germany to discuss the protection of journalists in conflict areas. Mr. Duve suggested some concrete measures to protect professional journalists in war situations. The round table was our second activity in this field. Mr. Duve had held a meeting on this subject with journalists and non-governmental organizations (NGOs) in London in September 1999.

3. On Defending our Future: The **mobile.culture.container** project that Mr. Duve initiated within the framework of the Stability Pact has now reached its third destination, Cacak, and will move to Gorazde in October. The project has found a great deal of support in the cities it has visited, and has attracted much attention from young people who want to share the responsibility for building the future of their region. They have made many contributions to an open cultural debate on the future of cities and regions affected by war and nationalistic propaganda.

4. Media and Corruption: Journalists from Eastern and Western Europe and experts met on 4 December 2000 in Prague for a one-day round table organized by the OSCE Representative on Freedom of the Media. Harassment, threats and libel charges on the one hand, bribes or subsidies on the other, or even censorship by killing as a method of silencing investigative journalists are some of the dangers and challenges journalists face when combating corruption. These were the issues discussed at the round table.

5. On Media in Central Asia: In November 2000, more than ninety journalists from Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, along with OSCE media officers and media specialists, met in Dushanbe/Tajikistan for the second Central Asian Media Conference, organized under the auspices of the OSCE Representative on Freedom of the Media. The conference focused on libel legislation, media law, new technologies and the role of the media in the development of civil society.

6. On *Reconciliation in South-Eastern Europe*: A conference on Free Media in South-Eastern Europe, organized by the OSCE Representative on Freedom of the Media, the Council of Europe and the OSCE Mission to Croatia, was held in Zagreb from 30 February to 2 March 2001. The conference gathered media professionals from most countries in South-Eastern Europe. It provided insight into the differences and similarities throughout the region. Participants exchanged ideas on how to promote reconciliation and interethnic tolerance. The conference adopted a set of recommendations with the emphasis on promoting freedom of expression and the protection of journalists against attacks and other forms of harassment.

7. On *“Defence of the Future in the Caucasus”*: On 21-26 January 2001, the OSCE Representative on Freedom of the Media visited Tbilisi in Georgia as well as Moscow and St Petersburg in the Russian Federation. He was accompanied by the former OSCE Personal Representative to the OSCE Chairperson-in-Office for the Caucasus, Ambassador Heidi Tagliavini. The main purpose of the visit was the presentation of the OSCE Freedom of the Media book, *The Caucasus: In Defence of the Future*, published in November 2000 in Russian, English and German. In both Russia and Georgia, there was keen interest in this unique volume, a cultural premiere which for the first time invited writers from cultures and peoples in the Caucasus to contribute to a book on the future of their region.

8. On *“Freedom of the Media in Belarus”*: Together with the OSCE Advisory and Monitoring Group in Belarus, we invited a group of Belarusian journalists – mostly from private media, but some also working for media directly under government control – to a workshop in Vienna on freedom of the media. Mr. Duve underscored the need for journalists to take responsibility for the future of their country. The contributions to the workshop have been published in a booklet which was issued in August and was distributed in Belarus.

For the rest of the year we are planning to continue our work with a number of new projects, for example a round table on minorities in relation to the media, a seminar on the “Caucasus in Search of Peace” following our publication on media in the Caucasus, a conference on the difficult relationship between journalists and proprietors, a training project for journalists working in crisis or war zones, a third Central

Asian Media Conference and possibly a conference on Public Service Broadcasting next year.

We cordially invite any country or institution particularly interested in any of these projects to contribute generously to their implementation.

I cannot but be confident that with your help freedom of the media will see a prosperous future in the OSCE region.

Statement at the Permanent Council of 20 September 2001 *(Review of Current Issues)*

This is my first appearance at the Permanent Council after the tragic events in the United States of America. Just over a week has passed and millions of Americans are now returning back to their daily lives. I will follow their example and focus today on Ukraine.

A year ago Georgiy Gongadze, a Ukrainian reporter and editor, who often wrote very critical articles regarding some of the policies of the Government, went missing in Kiev. My Office was one of the first to raise his case with the authorities. Ever since, numerous OSCE participating States and most international media NGOs have been demanding a thorough investigation into this case of what I refer to as censorship by killing.

My Office conducted its own investigation into the circumstances surrounding the murder of Gongadze. On several occasions, I spoke about this unsolved crime here, at the Permanent Council. Many statements had been made by international organizations and media asking the Ukrainian authorities to be more vigilant in pursuing the perpetrators.

Last week *Reporters sans frontières* (RSF) called for the creation of an international commission of inquiry into the journalist's disappearance and murder, which is in line with what I had proposed in February in my report on our investigation. Only an independent commission will be able to identify the responsible parties. This commission should include experts from different international and Ukrainian communities including governmental and non-governmental organizations.

I believe that this is an opportunity for Ukraine, if it supports this initiative, to show its commitment to freedom of expression. I stress: my institution is fully behind RSF and the family of Gongadze in their endeavour to solve this crime and to lay to rest all those numerous rumours that are still circulating in Kiev and beyond. I also plan to discuss with RSF ways in which my Office can be of help to this independent commission.

Statement at the Permanent Council of 4 October 2001 *(Review of Current Issues)*

Media Developments in Azerbaijan Violate Freedom of Expression

I am saddened to have to report to you today that since my quarterly report in July, we have seen endless pressure by authorities in Azerbaijan on the country's independent media, so much so that it appears more journalists are in prison in Azerbaijan than at any time since independence. In addition, court orders have forced the closure of a number of independent newspapers including *Milletin Sesi*, *Etimad*, *Avropa* and *Femida*, while imposing large fines on the major independent newspapers *Azadliq* and *Yeni Musavat* which will make it very difficult for them to continue with their daily work.

In my 19 July report to the Permanent Council, I spoke of an unsatisfactory number of violations against journalists and the freedom of the media in Azerbaijan, about serious problems of structural censorship, and I underscored to you the major obstacles the electronic media is facing in the area of licensing and frequencies, putting the very existence of most radio and TV stations in jeopardy. I drew your attention to the decision of the president of a prominent independent TV station, ABA, to close indefinitely his highly popular station because of incessant harassment by tax authorities, which subsequently confiscated the station's valuable broadcasting equipment.

At that time, the only positive news I had to give you on this subject was a decrease in direct political pressure and media lawsuits and that no Azerbaijan journalist was in jail. That has changed dramatically.

In the second half of September 2001 alone, we have seen an unprecedented rise in the number of journalists who have been targets of the Government's most recent crackdown. At the latest count, there are five journalists in jail, three on probation and others awaiting trial. Those in jail include Elmar Huseinov, the founder of the now-defunct *Bakinskii bulvard*, sentenced to six months in a prison camp for allegedly "insulting the honour and dignity" of the Mayor of Baku by printing an article on the Mayor by journalist Irada Hueseynov. The paper's editor, Bella Zakirova, received a six-month suspended sentence as well.

On 17 September Shabaz Khuduoglu, editor-in-chief of the weekly *Milletin sesi* (“Voice of the People”) was sent to prison for six months, journalist Gulnaz Qamberli received a three-month conditional sentence and editor Eynulla Fatullayev faces imprisonment on the same charges. Their “crime”: “insulting the honour and dignity” of President Aliyev’s Chief of Staff. I should note that *Milletin sesi* has taken a strong stand against corruption since its founding late last year.

Shahlar Mamedov, the director of the independent publishing house, *Baku Printing Press*, is in jail, sentenced to an 18-month term for tax fraud.

Finally, we should not forget Yagub Abbasov, founder of *Ulus* newspaper and his deputy Surkhay Gojayev who have been imprisoned since July on charges of insult and assault.

Almost every day now, news is reaching my Office of this type of severe intimidation and harassment, with the presumed intent of putting the independent media in Azerbaijan out of business. The situation is so negative, that the Council of Europe Secretary General Walter Schwimmer has issued a press release expressing alarm at the worsening media situation in Azerbaijan, a new member of the Council. I share the Secretary General’s alarm and call on the Government of Azerbaijan to honour their commitments to the OSCE and to cease what can only be called an assault on freedom of media in Azerbaijan.

Report to the Permanent Council of 15 November 2001

In this report I have divided my comments into two parts: general remarks about our work, our priorities and the new challenges we face after the events of 11 September; and my regular quarterly country-by-country review of recent cases we had to deal with. This part has been provided to you in written form, and I will not read it out here. Attached also is a detailed description of our project the **mobile.culture.container**.

General Remarks. The consequences of 11 September do have an effect on the work of my Office. I had the chance to talk to a lot of people with responsibility within our participating States during the last two months. They shared my fear that the wide attention previously given by many governments and international organizations to human rights issues, including freedom of expression, will somewhat fade into the background with the enormous challenges stemming from the common fight against criminal terrorist acts. But terror must not kill freedom in general and freedom of expression, in particular. Already worrying developments are occurring in both the East and the West, with national security matters taking priority over everything, sometimes even squeezing certain civil liberties. Therefore, I feel obliged under my mandate signed by all 55 OSCE participating States to bring to your attention my concerns.

I do not want to sound like an alarmist but I hope this discussion will take place before these new patterns are solidified through legislative, political and other means available to governments. The fragile state of human rights in some of the OSCE participating States could be further undermined if the old democracies in the West and in North America were not to set precedents, however minor they may seem, that can then be used by certain governments to stifle dissent.

I am sure, that the problematic reasons given for firing the city editor of the *Texas City Sun* for publishing an unflattering comment about the US President, although worrying, will not weaken the solid foundation of freedom of expression in America: the country's First Amendment. There are participating States, however, where a similar action might have a chilling effect on the already heavily pressured media. If the spokesman of any of the leading Western

democracies says that everybody “needs to watch what they say”, that could be interpreted as a slip of the tongue but could be considered a negative example throughout the world, welcomed by some, unacceptable for others.

When the National Union of Journalists in Great Britain warns that at a time of crisis the “BBC goes straight into ‘Ministry of Information’ mode”, this concerns us and our work. However, the average British citizen will still have numerous sources to choose from for news. This is not the case in countries where the state broadcaster is the predominant one.

I very much agree with the recent comments made in Uzbekistan by our Chairman-in-Office, Romanian Foreign Minister Mircea Geoana, that “There is no excuse for abuses of human rights.” I would like to once again underline that national security concerns and the need to combat terrorism should also not be used as excuses, although the temptation is there. The credibility of the OSCE is based, among other things, on its ability to rise to the new challenges facing us in the aftermath of the attacks of 11 September. The Third Basket should not become a hostage to the First one. [For those interested in this subject I can refer you to a very informative study recently issued by the International Federation of Journalists on *Journalism, Civil Liberties and the War on Terrorism*.]

In the current situation my Office is focusing on three matters, among other things:

1. Activities after 11 September. The Third Central Asian Media Conference will be organized by my Office together with the OSCE Centre in Almaty in a few weeks time, on 10-11 December. The focus of the conference this year will be “Media Freedom in Times of Anti-Terrorist Conflict”.

After 11 September many governments are actively developing new approaches to their security and looking at novel ways to prevent any further attacks against the civilian populations. A public debate through pluralistic media is vital to this process and an anti-terror coalition must not jeopardize the freedom of journalists to fulfil their function. The conference intends to examine the new challenges that will arise in this situation, including protection of journalists in conflict zones and journalistic responsibility. Special attention will also be given to the opportunities for the younger generation in the media field. The two first conferences were attended by

approximately one hundred journalists, experts, representatives of political parties and NGOs who shared their experiences and viewpoints. The third conference will enable the participants to discuss the progress and developments in the five countries as well as the possibilities for further co-operation in the region.

The first casualty during wartime is the truth. We must assist journalistic work and the freedom of professional journalism – which are the basic agents of a pluralistic debate in any democracy.

As you know, in the aftermath of the attack hundreds of journalists from all over the world arrived in the Central Asian countries. In Tajikistan more than 1,400 foreign journalists received accreditation in the first month after the attacks. To provide assistance to these journalists, my Office, together with the OSCE Mission in Tajikistan, decided to initiate an OSCE Information Hotline in Dushanbe, which is run by the OSCE Mission. During the first week following the opening of the hotline on 28 September more than 60 calls were answered on a wide range of issues, and several groups of journalists visited the Mission. This OSCE initiative has been positively received in the fast growing community of international journalists in Dushanbe, as well as by the Tajik authorities. The OSCE Mission will continue to operate the information hotline for journalists as long as there is a need for it.

2. *Hate Speech.* My second priority will be monitoring and reacting to instances of hate speech in the media. Media NGOs have reported several such cases both from the East and the West. We should not tolerate hate speech in the OSCE region and expect our participating States to take action when such cases arise. Two examples show that the problem of intolerance is being dealt with by the journalists themselves. In Poland the Media Ethics Council, established with the support of the Polish Journalists Union, criticized several media outlets that published articles it believed to be racist and xenophobic. These even included the leading daily *Gazeta Wyborcza*, that printed a series of articles as part of a pluralistic debate including one from *Corriere della Sera* that stirred much controversy. The Swedish Union of Journalists is also monitoring intolerance in the media.

3. *Strengthening the Credibility of our Organization.* We continue monitoring and defending freedom of the media in the whole OSCE region, as we all like to say: from Vancouver to Vladivostok. My Office does not have any geographic priorities, any “favourite” countries. We are “geographically blind”. The OSCE participating States

have all signed up to the OSCE commitments and should be accountable for adhering to them. There is no pick-and-choose, and I will make sure that any violations of the commitment to freedom of the media will be attended to in line with my mandate.

Country-by-Country Review. In Russia I continue to follow closely the case of Olga Kitova, a correspondent for the regional newspaper *Belgorodskaya Pravda*. I have spoken on several occasions in this forum about her plight, her fight against corruption and her court battles. She is currently on trial on several criminal charges and I await a verdict in the next few days. Her case has drawn the attention of both the Russian and the international media since it flagrantly demonstrates the problems faced by journalists in the provinces of Russia where certain officials still consider the press as part of the region's administration and not as an independent watchdog. In Ms. Kitova's case I received support from government officials. My Office would have liked to monitor the situation in the regions of Russia more closely, but was not able to do so because of budgetary constraints. I hope that this may be possible in 2002.

Our projects in Ukraine are progressing in a satisfactory manner. The Project Co-ordinator's Office is co-operating with us on a series of regional seminars to enhance public awareness of international standards in the field of free media and improve the working relationships between the different actors who are active in the media field. This autumn five seminars have already been organized, with the participation of journalists and regional authorities. Furthermore, in co-operation with the Council of Europe, the first legal review has been finalized, meeting the request from the Ukrainian authorities. This first review focuses on all the laws related to broadcasting. A follow-up seminar is planned for 18 December, where the experts and the authorities have a chance to discuss the recommendations in detail. Two further reviews will be finalized in the next few weeks.

In the Gongadze case, I will continue insisting on the need for an independent inquiry into the disappearance and subsequent murder of journalist and editor Georgiy Gongadze. I believe that such an inquiry, to be credible, must involve international experts, including criminal investigators. I urge the Ukrainian Government to initiate such an investigation.

Having closely followed media developments before, during and after the 9 September presidential elections in Belarus, I observed with great concern the increasing pressure put on the independent

media. Here are only two examples of censorship and intimidation of independent media which took place during the electoral campaign:

- On 17 August 400,000 copies of a special issue of the independent newspaper *Nasha Svaboda* were confiscated at the private publishing house *Magic* in Minsk by police from the Committee for Financial Investigation due to “inaccuracies in *Magic*’s financial accounts.” This confiscated special issue contained information about Vladimir Goncharik, the only democratic opposition candidate in the elections, as well as some of the latest public opinion polls. A few days later I wrote a letter to the Belarusian Foreign Minister in which I called on the Belarus Government to cease its unending, problematic treatment of the independent press in Belarus and to release the *Nasha Svaboda* special issue.
- On 27 August the Hrodna Regional Prosecutor filed a lawsuit against the private newspaper *Pahonya* for accusations of libel against President Lukashenko. Eventually the State Committee for the Press had to drop the lawsuit as they found no legal basis for action. Soon after the elections, however, prosecutors in Hrodna seized a print run of some 8,000 copies of *Pahonya* and have launched a new trial against the newspaper.

My conclusions coincide with those drawn by the OSCE/ODIHR Limited Election Observation Mission in its final report on the 9 September presidential election in Belarus, which *inter alia* stated that:

“there were fundamental flaws in the electoral process, some of which are specific to the political situation in Belarus, including a campaign of intimidation directed against independent media, highly biased State-controlled media and censorship against the independent print media.”

Most recently, the chairman of Russia’s Central Election Commission, Aleksandr Veshnyakov, said in an interview to *strana.ru*, and I agree with this statement as well, that the Belarus election was “far from being an example to Russia and other countries that have embarked on the path to democracy.”

Finally, I regret to have to tell the Permanent Council that the Belarusian authorities for the second time without giving any reason denied a visa to my senior adviser who was invited to take part in a conference on 30 October in Minsk organized by *Deutsche Welle* on freedom of the media in Belarus. Despite public statements by the Belarusian authorities that the country wishes closer co-operation with European institutions, including the OSCE, a regrettable action such as this is not a positive sign. Nevertheless, my Office will continue its

efforts to find ways to improve our co-operation with Belarus in order to assist the authorities and civil society in promoting freedom of media in that country.

One of the cases that caused concern for my Office earlier this autumn was that of Mr. Shukhrat Babadjanov, the Director of ALC TV in Uzbekistan. I have spoken about ALC TV before, as this independent television station has been closed down several times by officials and has had long-standing licensing problems with the authorities. By the end of June 2001 ALC TV was again refused a licence. Furthermore, a criminal case was opened against Mr. Babadjanov in August, based on an alleged forgery of a recommendation letter to become a member of the Union of Artists of Uzbekistan. As Mr. Babadjanov felt threatened by the developments, he left the country in August.

An ongoing project in Tajikistan is the working group that is drafting a new media law. This is a six-month project related to our legal fund, organized in co-operation with the OSCE Mission and *Internews*. The 15 member working group, consisting of Tajik legal experts, parliamentarians, leaders of political parties, and NGO representatives, has already organized its first three meetings. The public will be kept up to date of the drafting process through articles in local media.

The political crisis in Georgia, which led President Shevardnadze to dismiss his entire Government on 1 November after a raid by Security Ministry officers on the country's leading independent television station, sparked public demonstrations. This is an example of what may happen to a society which does not allow for the necessary corrective function of public criticism.

The television station, *Rustavi-2*, has often reported on alleged corruption and other violations especially by the Ministries of Security and Internal Affairs and has a strong following among Georgian viewers who came out onto the streets of Tbilisi on 30 October in support of *Rustavi-2*, apparently fearing the start of a campaign against freedom of speech. Tensions have been very high between the station and the Georgian security authorities since the July murder of one of the station's most popular news anchormen, Giorgi Sanaia.

Over the past months, I have felt compelled to draw the attention of the Georgian Government to the disturbing, ongoing harassment against *Rustavi-2*, which has been trying to expose corruption that continues to fester in the country and which is a matter of paramount concern to all Georgians.

President Shevardnadze has confirmed his commitment to freedom of media as one of contemporary Georgia's greatest achievements. I deeply believe that media such as *Rustavi-2* can do very much to help the country deal with its debilitating corruption. If the harassment against the media continues, history has shown us that the public outcry can become more insistent and violent.

The second half of September saw a government crackdown on Azerbaijan's independent media, with more journalists in prison than at any time since independence, large fines imposed on two major independent newspapers and several newspapers closed down altogether. And I am acutely aware of the continuing difficulties independent television stations are experiencing as they try, unsuccessfully, to obtain broadcasting licences. One more station, the regional DMR TV, was closed on 24 September, further reducing the already small number of independent television stations in Azerbaijan.

A few weeks after my Statement to the Permanent Council on media developments in Azerbaijan, I sent a letter to the Minister of Foreign Affairs welcoming President Aliyev's decision of 17 October to release from prison two journalists and the director of the independent printing house. While encouraged by this action, I suggested that dropping the charges against these journalists and the reappearance of their newspapers, as well as a fair and just trial for those journalists remaining in prison, would be a crucial first step towards improving the media situation in Azerbaijan.

The Ambassador of the Permanent Mission of the Republic of Azerbaijan to the OSCE has sent me a letter with a list of proposals for possible co-operation with this Office. I took note of this request to develop media projects and expressed to the Ambassador my interest in assisting Azerbaijan in its commitment to the furthering of free, independent and pluralistic media. However, I underscored to him that my Office's ability to do so will depend on our receiving the modest budget increases we have requested.

I have spoken on several occasions in this and other international fora about my concerns regarding what I call the constitutional challenge in Italy, where the Head of Government either owns or controls the majority of the country's electronic media. The Italian Government holds different views from us on this matter and believes that this issue is outside my mandate. In my view, the developments in Italy are of paramount importance to this Office and may also influence unfavourably the situation in some other participating

States that have recently moved on the path of democracy. I will follow the debate in the Italian parliament closely. Recently media attention was drawn to the Government's decision not to ratify a contract between RAI and an American partner *Crown Castle* that was willing to take a minority stake in *Raiway*, which manages RAI's TV and radio transmitter mast network. *The Financial Times*, for example, seems to suggest that RAI would suffer an economic loss should this contract not be signed and this could also considerably weaken its position towards its private competitors.

In the United Kingdom Martin O'Hagan of the *Sunday World* was killed on 28 September 2001, gunned down near his home in Northern Ireland. Mr. Martin O'Hagan, like many before him, went beyond the call of duty and paid the ultimate price – a rare case of censorship by killing in Western Europe. This form of “censorship” has been a concern of my Office since its establishment as dozens of journalists have lost their lives in the OSCE region. Mr. O'Hagan had worked for several years for this major Sunday newspaper, specializing in investigating paramilitaries and drug mafia. I understand from reports I received from the media and relevant non-governmental organizations that he had received a number of death threats. I have appealed to the British Government to ensure that the perpetrators of this crime are brought to justice, and I have received assurances from the Minister of State for Northern Ireland that the Government is determined to do this.

The project *mobile.culture.container*: In Defence of our Future

The Purpose: The project *mobile.culture.container: In Defence of our Future* addresses the young generation in a post-conflict situation. With the help of contributions from the governments of participating States, it aims to abolish and prevent hate speech, to help young citizens aged between 14 and 18, in cities in Croatia, Bosnia and Herzegovina, and the Federal Republic of Yugoslavia to co-operate and take responsibility for a stable and peaceful future. The projects' activities change the young people's way of thinking, prompt them to cross the boundaries that separate them and to begin the discourse of a new generation of enlightened citizens. Their vision turns away from the past and focuses on a shared future and a shared responsibility for this future. Thus school classes from Visegrad visited Gorazde for the first time in years and participated in the activities of the *mobile.culture.container*.

The young people who took part in **mobile.culture.container** programmes continue to develop some of them: In Osijek a youth parliament was formed based on the European Youth Declaration. In Cacak a first editorial office for a school newspaper was founded, and an Info Club was set up with an Internet café, a library and a reading room with magazines and newspapers. At the technical secondary school in Cacak a computer room was set up for the first time, finally allowing pupils access to this new technology and appropriate technical vocational training. In Gorazde a youth newspaper was established in collaboration with the local cultural centre.

The situation after 11 September showed the impact this project has had: the participants were not overwhelmed by ethnic hatred, but got together to discuss the situation and the possible reactions and future developments in a very rational and responsible way.

The mobile.culture.container: The **mobile.culture.container** is composed of 16 containers housing, for example, a peace library, an Internet café and a video laboratory. These containers are assembled in a circle with a diameter of 25 metres and are covered with a cantilevered awning. This forms in the centre of each town a place for young people to meet, a place to examine issues, to take part in a wide variety of workshops and a venue for events.

In a short period of time – starting with the sensation caused by the arrival of the **mobile.culture.container** and its spectacular construction – it develops into a focal point for the young people in each of the towns.

The Route: After its official opening in Tuzla, Bosnia and Herzegovina, in spring 2001, the **mobile.culture.container** travelled to Osijek, Croatia; Cacak in the Federal Republic of Yugoslavia and to Gorazde, also in Bosnia and Herzegovina. This was the last destination before the winter break. It visited each town for five weeks. The tour will recommence in March 2002 to further towns in Bosnia and Herzegovina and the Federal Republic of Yugoslavia.

The Programme: In each town, the programme starts with group brainstormings about the personal, political, economic and technological future after the devastating wars of the 1990s. The discussions revolve around themes such as tradition and European integration and democratization, how to counter ethnic hatred, chauvinism and racism.

These issues are then developed upon in workshops. In a small video laboratory young people are asked to create a script about the future and to make short films which they then edit. During the winter break the project's film team will produce these videos into a film documentary of their work. In a photo workshop called "Mine is the City" the young people make profile shots of different citizens from their town and then combine these faces to create their town's "face". During the programme plays are improvised, there are workshops on literature, radio and comics and young people can learn to produce their own newspaper.

A stage and basic stage technology provide for evenings with discussions, films or music. The project has held discussion evenings for over 300 guests on literature, current events like the terror attacks in autumn 2001, women's rights, corruption, regional economic co-operation such as between Gorazde and the surrounding towns with a majority Serb population.

In almost every town in 2001 there was a Europe Day where detailed information was provided about the European Union and the prospects arising from integration. In Serbia there were speakers from Croatia.

The music events in the **mobile.culture.container** likewise contribute to overcoming ethnic rejection. In Osijek in Croatia there were very successful performances by bands from Vukovar. In Cacak in Serbia a band played for an enthusiastic audience from Tuzla that is predominantly Bosniac and Gorazde was visited for the first time by a band from nearby Srpsko Gorazde.

During the 2002 tour and with the support of a private sponsor the **mobile.culture.container** will set up editorial offices for another ten school newspapers and will build up a network between them.

A young pupil from Gorazde, a place tragically known as a result of the past war, said: "We all learned during the war that everyone must look after themselves. In the future we have to change that and learn something new and we still find this very difficult." The **mobile.culture.container** takes up this aspiration for the future and contributes to the development of a peaceful civil society.

Written Statement at the Permanent Council of 24 January 2002 *(Review of Current Issues)*

I would like to draw the attention of the Permanent Council to three cases in Russia that are of concern to my Office. All these cases are very serious and raise questions regarding the commitment to a free and pluralistic media.

Grigory Pasko, a military journalist, was convicted in late December of treason by a military court in Vladivostok and sentenced to four years in prison for providing a Japanese television company with footage of the Russian navy dumping nuclear waste into the Pacific Ocean. Pasko is appealing his sentence. However, the Prosecutor's Office is also appealing, asking for a longer prison term. This case is significant because it may set a standard for journalists who report on ecological matters. I have already spoken to this forum on the Pasko case and will continue monitoring it closely.

In Belgorod in late December a local court sentenced Olga Kitova, a reporter for *Belgorodskaya Pravda*, to a suspended sentence of 2.5 years for libel and using force against government representatives. Kitova was active in investigating corruption in her region. She also plans to appeal. Again, her case can be described as a watershed and the results of the appeal may influence other journalists in Russia who are actively investigating corruption. I have monitored Olga Kitova's plight for several months. My Office has been in contact with Kitova personally, as well as with her lawyers, with Russian NGOs that have raised her case, and with government officials, including representatives of the administration of the Russian President, who are aware of my concerns.

In early January, the Presidium of the Highest Arbitration Court in Russia upheld the liquidation of the *Moscow Independent Broadcasting Company* (MNVK), parent company of Russia's only independent, nationwide television channel, TV-6. The suit was originally lodged in September by the LUKoil-Garant pension fund, a minority shareholder in TV-6. LUKoil-Garant is a subsidiary of the LUKoil Corporation, which owns 15 per cent of TV-6. After the hostile takeover of NTV management by Gazprom, TV-6 became the only independent television voice in the country. Now it is out of business. On 22 January the power, Internet and telephone lines were cut off to TV-6 and a sports channel replaced it on the same frequency.

All the above cases are worrying and I am convinced that the Russian Government will inform the Permanent Council regarding its position towards Mr. Pasko, Ms. Kitova and TV-6.

Report to the Permanent Council of 14 March 2002

First of all I would like to offer my condolences to the family and friends of murdered *Wall Street Journal* reporter Daniel Pearl, who was executed in Pakistan, and the Italian photographer Raffaele Ciriello, who was killed this week in Ramallah. All of us were shocked by these atrocities and again we should think together about what more can be done to ensure the safety and security of journalists working in difficult areas. I would also like to forward my condolences to the family and friends of Russian reporter Natalya Skryl, who was killed last week in Taganrog. She worked for the regional newspaper *Nashe Vremya*. I understand that an investigation is under way and I hope to receive more information at a later stage from the Russian authorities.

Secondly, I must underline how a lack of a budget undermines my ability to fulfil my mandate. I would like to stress that my Office had to sacrifice two positions needed to implement activities requested by many participating States, including regulation of the Internet, media in multilingual societies and project work in general. We will continue soliciting voluntary contributions for ongoing and future projects to make sure that the requests from our member countries can be met. I count on your support and like many others, I encourage delegations to ensure that the OSCE and this institution can function properly.

I now turn to my regular report. I have decided to do the same as last time and divided it into two parts. I would like to give a verbal account here of the cases my Office has dealt with over the past months and about some of the tendencies in our participating States that continue to worry me. The written part of the report, which I will not read out, provides you with an overview of my Office's projects as several participating States have stressed that they would like to see my Office more involved in project work.

In Croatia my Office dealt with the case of Denis Latin and the controversy over his recent programme on Croatian Television *Latinica* that reported on the state of the judiciary in Croatia. Initially, I understand, the State Prosecutor planned to file charges against Mr. Latin under Article 309 of the Croatian Criminal Code. However, I am happy to inform you that after a further investigation, these

plans were dropped. This is an approach I wholeheartedly welcome. I am also closely monitoring the situation around *Feral Tribune* and may make a statement on this matter at a later stage.

On the Federal Republic of Yugoslavia: In January the Belgrade First Municipal Court sentenced NIN editor-in-chief Stevan Niksic to a suspended five-month jail term for libel. The editor was sued by Aleksa Djilas over a letter published in the magazine regarding Djilas's father, Yugoslav communist official Milovan Djilas. It is my fundamental belief that no journalist should go to prison or be sentenced to a prison term, even a suspended one, for performing his/her professional duties. Any cases of libel should be dealt with by a civil court and should not under any circumstances involve imprisonment. We have similar situations in several other participating States where journalists are still sentenced to prison for libel. Often the suing party is a government official who was criticized for his work by a media outlet. We know many such cases and I will continue raising them vigilantly with the governments concerned.

I have already spoken here at the Permanent Council and at the OSCE Parliamentary Assembly about my concerns after the tragic events of 11 September. We are seeing worrying developments in both the East and the West with human rights issues sometimes being put on the back burner.

Let me just remind you of one case that I already discussed at the OSCE Parliamentary Assembly in February. Uzbekistan journalist Ruslav Sharipov, shortly before he was due to go to the United States to testify about the worsening human rights situation in Uzbekistan, was beaten up on several occasions. Sharipov, the Uzbekistan correspondent for the Russian news agency *Prima* and president of the Uzbek Independent Journalists' Union, was attacked on 5 February by three men. The next day he was attacked again by two men who also seized his passport and journalist's card. He was previously assaulted on 30 January in Tashkent by two police officers. He has been harassed before. Commenting on this case, *Reporters sans frontières*, a respected media NGO, stressed that the Government of Uzbekistan is "using the excuse of fighting terrorism to brutally repress any independent journalism in the country." I urge participating States to use their influence to help promote freedom of the media and not only national security issues in those countries where freedom of expression is in danger and dissent is stifled.

A very serious threat to free media is structural censorship. I have spoken about this phenomenon often. Let me again demonstrate how

damaging it is through a case in Kyrgyzstan: on 19 January the Kyrgyz state-owned publishing house *Uchkun* refused to print the independent newspaper *Moya Stolitsa-Novosti* despite an advance payment for the print run. This is not the only country where we have come across such cases. For example, three independent newspapers in Kazakhstan (*SolDat*, *Vremya Po* and *Respublika-delovoye obozrenie*) also cannot find a publisher willing to print them. One of the possible ways to avoid this kind of censorship is through the establishment of an independent publishing house. My Office is supporting the OSCE Centre in Bishkek in this endeavour.

I recently visited Russia where I had meetings with senior government officials and many journalists. Over the past decade enormous progress has been made in Russia in developing civil society and in establishing a free press. All of us salute the efforts of the many journalists who have worked tirelessly in promoting freedom of expression. However, during the past year several negative developments have worried me and led me to question the true commitment of the Russian authorities, especially in the regions, to free media. The hostile takeover of NTV by Gazprom and the closure of TV6 through the court system have left Russia without a national television station independent from government control. With great interest I will follow the tender for the TV6 frequency, and I do hope it will be awarded to an independent TV company.

I am disturbed by the two cases of libel against the Moscow newspaper *Novaya Gazeta* and the assassination attempt of its journalist Sergei Solovkin and his wife in Sochi on 11 March. A Moscow court has ordered *Novaya Gazeta* to pay approximately 1.6 million euro in damages to a judge in Krasnodar and to a bank. My Office was in contact with the editor-in-chief of *Novaya Gazeta*, Dmitriy Muratov, who is worried about what he considers a pattern of harassment of his newspaper. Such a high sum may bankrupt this critical voice and does not help in promoting freedom of expression in Russia.

Regarding the influence of the so-called oligarchs in the media, there are no easy answers, no black or white solutions. The advertising market is still weak, and many media outlets need the financial support of big business. I fully agree with the views often expressed by Russian officials that a true free press has to be economically independent. Dependence on big business, however, hampers its ability to act as a watchdog, investigating unsavoury business practices and corruption, what I call the corrective function of the media. It is difficult to expect a Gazprom controlled media outlet to criticize

Gazprom. However, there are certain models developed in other countries that provide for the independence of the media. I am happy to share this information with the Russian Government if such a need exists. Other nouvelle ideas might be discussed by the corporations themselves in conjunction, of course, with journalists' unions.

I have spoken here on several occasions regarding the cases of Olga Kitova and Grigory Pasko. I will not go into the details, they are well known to you. Both are currently appealing their sentences. However, what is important here is the precedent: because of the harassment of these two journalists, I believe fewer and fewer reporters will be involved in investigating corruption and ecological matters. They see how their colleagues have suffered as a result of doing so. I hope that the Russian Government agrees with me that there is a need to support those journalists who are still willing (and able) to pursue difficult corruption cases. I am ready to discuss with the Russian authorities ways in which my Office can be of assistance on this matter.

On Belarus: My Office continues to search for ways to improve our co-operation with this participating State. In accordance with my mandate, I once again call upon the Belarusian Government to cease its unending, problematic treatment of the independent press in Belarus. It is not just the intimidation and censorship, including structural censorship, of the independent media in Belarus that are of deep concern to me: the overall climate for freedom of expression in Belarus is well below international standards.

I am concerned about the ongoing criminal court cases against Josef Seredich, the editor-in-chief of the independent Minsk daily *Narodnaya Volya*, and against Mikalai Markevich, the editor-in-chief of *Pahonya*, a newspaper where closure was ordered by the Supreme Economic Court of Belarus late last year. Markevich and another journalist at *Pahonya*, Pavel Mazheika, have been charged by the Grodno Prosecutor's Office with "slander of the President" under a criminal libel statute punishable by up to five years in prison. Seredich is being threatened with a criminal libel suit for critical coverage of the presidential elections. Again libel is used to clamp down on those who consider themselves in opposition to the current Government.

Finally, as a sign of the overall deteriorating state of freedom of expression in Belarus, I note that one of the best-known Belarusian writers, Vasil Bykov, has decided not to return to his native land from Germany where he has been living and working for over a year. The writer has said that he "...would certainly like to return, but not now and not under the present conditions."

To sum up: structural censorship, criminal libel, national security over freedom, big business and government pressure on the media – all these issues are still not resolved in several OSCE participating States. By illuminating the problems, by drawing public pressure to see them resolved we are at least moving in the right direction, even if very slowly.

Projects Developed by the OSCE Representative on Freedom of the Media

- The Third Central Asian Media Conference was organized by my Office together with the OSCE Centre in Almaty on 10-11 December 2001. The focus of the conference was Media Freedom in Times of Anti-Terrorist Conflict. In a declaration adopted at the end of the conference, the participants called on the governments within the anti-terror alliance not to use national security arguments to limit human rights. “The media should be free to exercise their corrective function towards economic, ecological and military decisions in their countries, especially in times of conflict. The free public debate is imperative,” the declaration states, “Especially after 11 September the media should not be prevented (from) informing the public about existing financial links between terrorist group activities and corruption.”
- In the last months my Office has been active in providing legal assistance in the form of some reviews of legislation (links to the reviews can be found on our web page). In Croatia, an analysis of media legislation was commissioned in order to assist the Croatian authorities and Croatian media professionals in the process of transforming broadcasting legislation. The analysis recommends that a number of key amendments to the laws be adopted so as to provide Croatian Television and Radio (HRT) with the legal basis to move successfully towards an independent public broadcasting service. The law Croatia adopted in February 2001 is a step forward but it crucially fails to detach HRT from the influence of the Government and the parliament of the day. The analysis recommends the development of a separate broadcasting law, which would establish a fully fledged, independent broadcasting regulatory body responsible for overseeing all broadcasting stations, including HRT.
- In Ukraine three legal reviews of media legislation have been carried out and forwarded to the authorities. As a follow-up to the analysis of the broadcasting laws my Office conducted a seminar in Kiev in December together with the Council of Europe. The seminar

brought together international experts and relevant Ukrainian partners from Government and parliament to discuss the amendments recommended in the analysis and the ways to move forward with changes in media legislation. My Office and the Council of Europe are also open to any additional follow-up activities related to the reviews. I understand that elections are coming soon, but I do expect that the newly elected parliament will take note of the suggestions made in the analysis. Furthermore, the OSCE Project Co-ordinator is continuing the implementation of a joint project with my Office on a series of regional seminars related to awareness-raising about international media standards among journalists, local authorities and legal professionals. All these projects were made possible because of financial support from the British Government.

- In Azerbaijan in mid-December, my Office, responding to a request from the OSCE Office in Baku, helped organize a highly successful two-day seminar on Developing Freedom and Responsibility of Media in Azerbaijan in which more than thirty young, working journalists took part. Using funds from our consultancy budget, my Office was able to provide two international journalists to lead the seminar – one from Finland and one from the United Kingdom. The seminar focused on the critical importance of free media in a democratic society, and the need for a higher level of professionalism and a sense of responsibility in Azeri media. Seminar topics included: Developing Standards of Conduct, Access to Information, and the Upcoming Generation of Journalists. The response from participating journalists, our experts, the Permanent Mission of Azerbaijan to the OSCE and from the OSCE Office in Baku has been universally positive. I agree with our colleagues in Baku that “...this event provides a good basis for further activities by the OSCE Office in Baku and the Representative on Freedom of the Media Office in order to continue assisting Azerbaijan with the goal of improving journalistic professionalism, building up a civil society and strengthening the democratic process in the country.”

- In the Russian Federation on 12 February 2002, I opened a two-day workshop on Security of Journalists Working in War Zones organized by the Center for Journalism in Extreme Situations (CJES) of the Russian Union of Journalists at the Moscow House of Journalists. Funded by voluntary contributions from Great Britain and the United States under the auspices of my Office, the workshop's focus was survival techniques in conflict areas and a manual was produced for this seminar. Seventeen journalists from regional Russian media,

including newspapers and TV stations working in southern Russia, the Volga region and the Urals took part in the workshop. All participants had had experience working in Chechnya or Afghanistan or have job assignments as war reporters. They agreed that the workshop was a success because its agenda embraced the full scope of information and skills that journalists may need in conflict areas. The CJES engaged outstanding war reporters, legal, medical and military experts for the workshop.

- On 13 February 2002, I went to St Petersburg, Russia, to open a two-day seminar on Freedom and Responsibility in Russian Journalism funded by Great Britain and organized by the St Petersburg Union of Journalists, also under the auspices of my Office. Thirty-four journalists from many cities in the north-west of Russia, from St Petersburg, as well as eight, separately financed young journalists from the Baltics, participated in discussions about the new relationship between journalists and media proprietors, the differences between journalism and public relations and the need for objectivity in Russian journalism. Russian media experts as well as the Vice Governor of St Petersburg, the British Consul General, the US Consul for Press and Culture and the President of the Nordic Federation of Journalists made presentations. I spoke about the role of the OSCE. The seminar concluded, among other things, that only economic independence will guarantee freedom of information and that the survival of journalism in small Russian cities is especially problematic. Two educational video films are being produced on the results of the seminar. Russian language pamphlets containing CSCE/OSCE main provisions on freedom of expression and freedom of media were distributed to all participants, as well as printed in full in the local St Petersburg press.

- My Office is working with the OSCE Assistance Group to Chechnya (AG) on a project to rehabilitate the *Znamenskoe Printing House* and to provide technical training to printing house staff. Once back on its feet, the printing house could begin publishing the region's 12 newspapers as well as badly-needed school books. The project has been started by the OSCE AG and has received the endorsement of Russian presidential aide Sergei Yastrzhembsky. Given my concern that the people of the Chechen Republic have had to live for too long without books, newspapers and information, I believe this is a worthy effort on the part of the AG, and my Office will be seeking voluntary contributions from participating States.

Statement at the Permanent Council of 11 April 2002 *(Review of Current Issues)*

Again I have to raise in this forum the situation in Belarus, where the authorities continue to pressure independent media, violating numerous commitments they have signed up to as an OSCE participating State, flaunting their disregard for the principles that this organization is founded upon.

Earlier this week I wrote to Belarus Foreign Minister Khvostov regarding the recent attacks against journalists in his country. Let me brief you on the latest developments:

- The editor-in-chief of *Pahonya* newspaper, Nikolai Markevich, and journalist Pavel Mozheiko currently face criminal charges of libelling the President. I would like to stress that in my view, journalists should not be prosecuted for what they write, any conflicts can be resolved in a civil court. No journalist should face prison. I also would like to add that heads of state should not receive undue protection from media reporting on their activities. On several occasions I have urged our participating States to abolish in their criminal codes any articles that deal with insulting senior government officials. Often they are used to protect the official from being criticized for his or her work.
- On 6 April police arrested a dozen journalists who had demonstrated in downtown Grodno against the closure of *Pahonya* and against the criminal prosecution of their colleagues. Six of these journalists have been sentenced to three to ten days in prison. I understand that possibly two imprisoned journalists went on a hunger strike.
- On 29 March the Belarusian Ministry of Justice also issued a written warning to the Minsk daily *Narodnaya Volya* threatening it with closure.

As you can clearly see, the onslaught against freedom of the media continues in Belarus with no end in sight. Once again I urge the Belarus authorities to cease all acts of harassment of the media and to ensure a free environment for the country's journalists. I hope my appeal will not be left unanswered by the Belarus Government.

Report on the Media Situation in Turkmenistan

Sixth Country Report

Preface. *As the OSCE Representative on Freedom of the Media, I would like to introduce the sixth country report, this one on the media situation in Turkmenistan. My Office has previously published country reports on the Federal Republic of Yugoslavia, Croatia, Kyrgyzstan, Ukraine and Georgia. The usual practice of this Institution is to have outside experts write the reports. In this particular case we were asked not to mention their names.*

I would also like to thank the Center for Journalism in Extreme Situations of the Russian Union of Journalists that helped prepare this report.

Freimut Duve
16 May 2002

Introduction. The primary purpose of this report is to analyse the Turkmen Government's concept of freedom of speech, which on the one hand carries a presentable front of national legislation and adherence to international laws, and on the other the practice of sharply curbing all civil rights and liberties, including that of freedom of speech.

General Freedom of the Media Issues

An absolute monopoly of the State over all media exists in Turkmenistan. The rules that govern the work of the media in that country are completely different from other OSCE participating States.

The Turkmen media does not have to deal with any funding matters, since their whole existence is based on catering to one or another ideological campaign. Furthermore, in one of his speeches the President of Turkmenistan reprimanded the media for increasing space provided for advertising. He has subsequently prohibited the media from doing so, and issued a directive that all state-supported advertisements are published free-of-charge.

The Turkmen media does not get involved in internal political battles or the battles of oligarchs (amongst themselves or with the Government). The issue of information access for journalists is also absent, as all public information is regulated and filtered by the Government.

In his programme speech dedicated to the announcement of the country's development strategy, entitled "10 Years of Prosperity" (changed in 1994 to "10 Years of Stability"), President Niyazov essentially pronounced the limitations placed on the media: "We have chosen the path of a democratic state. We intend to reach that goal through a phased implementation of democracy. What is a phased transition to democracy? It means that in the current period of transition, the democratic principles in Turkmenistan will be implemented not in a revolutionary, but rather in an evolutionary way, one step after another. At this point, a large role will be played by the State, in all spheres of public life. Control over the press, the mass media, will be established."¹

In this respect, it is important to turn to the most flagrant discrepancies between Turkmen legislation, the country's international obligations, and the realities on the ground. One of the indicators of the State's regard for journalism is the closing down of the Department of Journalism at the State University, so journalism is no longer taught in a separate faculty.

Media Registration. The registration of new media is an exclusive prerogative of the President of Turkmenistan, and is regulated not by law, but by the President's directives.

Editorial Policy. The uniform editorial policy of all Turkmen media has ideological catering to the regime as its purpose. This is dictated by the state monopoly over the media. Every editor of every media outlet is appointed by the President, with specific instructions pertaining to the editorial policy. Such directives usually contain the following paragraph: "(Name) is to be confirmed as the editor-in-chief of (publication) for a trial period of six months. Failure to carry out the professional duties will result in dismissal, without an offer of an alternative position." This practice of a probation period is the same as for any government official, underscoring the fact that they all are government employees. In his speeches, the President has more than once provided specific directions for the media, reducing its activity to being a "solid bridge between the State, domestic and foreign policy carried out by its Government, and the people."²

Censorship. In light of the State's exclusive monopoly of the media, censorship in Turkmenistan is total. It is exercised at the level of the editors, as well as by a specially commissioned agency, the Committee

for Preservation of State Secrets, and other state offices, if the subject matter concerns their respective fields of activity. As a direct result of the above, the most widespread kind is self-censorship on the part of the journalists. Under these conditions the threat of losing a job at one media outlet can lead to a situation when a journalist will not be able to work anymore.

Media Financing. All media sources in Turkmenistan are funded from the state budget. The single exception to this is an edition that is strictly for advertising, owned by a city government.

Access to Information. The regime of secrecy in Turkmenistan is becoming a state-wide phenomenon. All official correspondence is done on letterhead forms containing a copying prohibition clause. Several accessory laws have made information distribution a prerogative of specially commissioned offices, such as the Press Office of the President of Turkmenistan, and the state information agency *Turkmen Dowlet Habarlar Gullugy* (TDH). No other government office in Turkmenistan possesses an information service, a press office, or a press secretary.

Monopoly on Publishing Facilities. An absolute monopoly on all publishing facilities has been established in Turkmenistan. All printing houses have been consolidated into a state printing enterprise, known as *Turkmenmetbugat*. Exceptions to this are small private enterprises offering document copying services; however, in each case all copying equipment must be registered with the Government.

Acts of Violence and Restrictions on the Rights of Journalists.³ Many cases of physical and psychological violence against journalists have not become public due to the extreme isolation of the State and total control over the private lives of those members of society found to be disloyal to the regime. Many journalists who continue to be persecuted choose to conceal conflicts with the Government, fearing for their

1 President Niyazov's speech at the Halk Maslahaty [*the Turkmen People's Council – transl.*] Session on 14 December 1992.

2 From President Niyazov's interview to the Turkish *Teze Yuz Yil* ("The New Century").

3 Because of a credible threat to the lives and well-being of former and current journalists and their families, this report deliberately does not cite the names of many of the people that figure in it.

own lives and well-being, and for the safety of their loved ones. Many others have had to flee Turkmenistan because of continuous threats, or abandon their careers in journalism. Even after emigration from Turkmenistan, however, journalists still appear on lists of unreliable people, and are prohibited from obtaining entry visas into Turkmenistan, even for the purpose of visiting their relatives. Thus, in the spring of 2001, Alexander Bushev, a former correspondent of *Komsomolskaya Pravda* in Turkmenistan, attempted to enter the country on private business. He was detained and subsequently deported from Turkmenistan.

Human rights organizations have repeatedly noted instances of pressure being put on journalists; furthermore, in a number of cases, the journalists in question were Turkmen citizens employed by foreign agencies and companies. By threatening, among other things, to annul their press credentials, the Government created a mechanism for editing the contents of information given to the journalists, thus reducing their activity to an elementary retelling of events and citing of official documents. These people cannot be named because of security concerns.

Especially alarming are the criminal indictments and convictions of journalists. For example, a case that causes much anxiety is that of Nikolai Gerasimov, staff member of *Neutral Turkmenistan*, and a correspondent for one of the Azeri information agencies. He was convicted in 2000 on a five-year-old charge of “fraud and extortion”. Two general amnesties announced since Gerasimov’s conviction have not had any impact on his situation, even though those pardoned had been convicted of more serious crimes.

A group of journalists that had once attended a media seminar in Sweden has been banned from working for any Turkmen media. Often pressure from the editors had been so strong that journalists had no other option but to leave.

Currently, only one journalist is still missing. Natalia Sosnina, the senior correspondent for *Turkmenskaya Iskra*⁴, disappeared in 1993 under obscure circumstances. Prior to her disappearance, she had received several verbal and written threats because of her publications regarding corruption at the highest levels of state power. For over a year after her disappearance, Sosnina’s relatives continued to receive threats and demands to hand over the remaining unpublished materials. Following the death of one of Sosnina’s relatives, all of her archives disappeared as well. No criminal proceedings were initiated, and there was no investigation held in Sosnina’s case.

4 Currently known as the *Neutral Turkmenistan*.

Foreign Journalists. The best known incident involving foreign journalists was the arrest and subsequent deportation of two Russian reporters and human rights activists, Vitaliy Ponomaryov and Nikolai Mitrokhin. Prior to the introduction of a visa regime between Turkmenistan and the CIS countries in 1999, the two journalists had been refused the right to remain in Turkmenistan. The Turkmen border guards, acting on government orders and referring to the existence of “special lists”, have detained and deported Ponomaryov and Mitrokhin twice.

Tax and Other Legal Inspections. The financial control of the state media does not in any way differ from similar procedures at any other state institutions, and cannot serve as a pressure mechanism on the activities and editorial policy of the media.

Court Cases and Verdicts. Over the past ten years, there have been no court cases involving the media in Turkmenistan. This is also because of the complete and total state control over the media. Individual incidents have been settled outside court proceedings, with considerable involvement by the Committee for National Security and the Ministry of Internal Affairs. The single media-related court case dates back to 1990-91, and involves the *Dayanch* magazine. However, in this case extra-judicial pressure also prevailed, causing the publisher to cease his activity.

Closure of Newspapers without Legal Involvement. This particular kind of influence over the media had been the most widespread, causing the closure of several relatively independent newspapers in 1991-93. The social and political *Dayanch* magazine was published in Russia by a Turkmen publisher, and subsequently delivered to Turkmenistan.

The *Kontakt* newspaper was closed due to direct pressure on its sponsors, a banking group, which had to cease funding. The *Subbota* newspaper was refused access to publishing facilities. All these acts were undertaken by the Committee for National Security and by officials from the President’s ideological apparatus. Since many individuals directly involved in these events still reside in Turkmenistan, their names are not mentioned.

Discontinuance of Broadcasting. Immediately following the disintegration of the USSR, the Soviet structure of television broadcasting was temporarily preserved in Turkmenistan. In 1994, following broadcasts of several Russian RTR programmes with contrasting views to

the Turkmen Government, RTR broadcasts were discontinued. Broadcasts of ORT have been cut down to a minimum, currently amounting to six hours a day. Moreover, all programmes are broadcast only after being heavily censored, and are essentially apolitical children's and entertainment shows, and one daily news programme.

A phenomenon rather indicative of the current situation in Turkmenistan is the growing number of satellite antennas installed by individuals in their homes. The antennas allow the owners to receive anywhere from 4 to 200 television programmes, broadcast by different companies. A relatively low price (USD 70-100 per receiver) has made this type of broadcasting very popular. The major broadcasting companies include the following: NTV, TV6 Moscow, TV Centre, and RTR (all from Russia). The less popular ones include Turkish and Indian television stations, as well as CNN, MTV, and others.

Foreign Broadcasts. At this moment, the only specialized media source broadcasting in Turkmenistan and in the Turkmen language is the Turkmen *Radio Liberty* Service, *Azatlyk*. As recent polls demonstrate, the station's broadcasts are quite popular. However, the small scale of broadcasting, the lack of a correspondents network in Turkmenistan, as well as an evident political bias in certain programmes, have placed limitations on the station's popularity.

Control over Print Media Imports. Turkmen customs officials tightly control the import of any print media. Numerous cases of newspapers and magazines being confiscated are reported. Criteria for confiscation remain vague at best.

Subscription to foreign newspapers and magazines is done within a limited circle of people, determined by competent government structures. The subscription fees are charged in a foreign currency, thereby reducing the number of subscribers even further. Cases of mass confiscation of foreign periodicals upon delivery are known as well. As a rule, those newspapers contain critical articles regarding the Government of Turkmenistan. Currently, all foreign newspapers and magazines are delivered to the subscribers much later, and only after being screened for articles critical of the regime.

Control over the Internet. In 2000, every single independent Internet provider in Turkmenistan had its licence revoked. At this moment, the Internet and electronic mail services are offered by the state-owned

TurkmenTelecom, which has made the services largely unavailable to the general public by setting unreasonably high prices. Cases of electronic mail tampering and subsequent persecution have also been reported.

Regional Situation. Regional media have virtually no independence, are forced to repeat material published by the media in the capital, and implement state information policies at the regional level.

Print Media

Quantitative Characteristics. Currently, there are 13 state print media sources in Turkmenistan.

Out of those, only the *Neutral Turkmenistan* newspaper is published in Russian; the other 12 are published in Turkmen.

There are two national periodicals: *Neutral Turkmenistan* and *Turkmenistan*.

The following are regional periodicals: *Ashgabat*, *Vatan* (“The Motherland”), *Mary-Shykh-Dzhakhan*, *Balkan*.

Special interest periodicals: *Esger* (“The Soldier”), *Adalat* (“The Patriot”), *Mugallymlar* (“The Teacher”), *Turkmen Duniyasy* (“The Turkmen World”); magazines *Lukman* (“The Doctor”) and *Gurbansoltan-Edzhe* (a women’s magazine, named after President’s Niyazov’s mother).

The only foreign publication functioning inside Turkmenistan is the Turkish *Zaman* newspaper. It has a separate edition entitled *Zaman – Turkmenistan*, as well as its own publishing house. The agreement regarding *Zaman*’s circulation on the territory of Turkmenistan has been made at the highest state level, and confirmed by a separate Presidential Act.

Circulation

Neutral Turkmenistan – published daily, 23,110 copies

Turkmenistan – daily, circa 23,000 copies

Ashgabat – published three times a week, 15,000 copies

Vatab – three times a week, 11,000 copies

Esger – once a week, circa 7,000 copies

Adalat – once a week, circa 7,000 copies

Mugallymlar – published twice a month, 10,670 copies

Turkmen Duniyasy – twice a month, 6,200 copies

Gurbansoltan-Edzhe – a monthly magazine, over 2,000 copies

Lukman – published quarterly, 1,000 copies

Unfortunately, in light of the specifics of the situation in Turkmenistan, it is impossible to conduct any independent representative sociological research regarding the popularity of the media outlets.

Content. As already mentioned, an absolute state monopoly over the media exists in Turkmenistan. The principal task assigned to the media by the Government is essentially ideological catering to the regime. All print media are used as propaganda tools.

Thus, the following are the integral attributes of all print media: a portrait of President Niyazov, one of his numerous pronouncements, and the Oath of Loyalty to the head of the State – the President and the Motherland. In reality, the newspapers differ only in their respective names and formats. A large part of the features in all of the newspapers praise and glorify the accomplishments of Saparmurat the Turkmenbashi (“Father of all Turkmen”) and his services to the Turkmen people. The rest of the articles resemble very closely publications from the Soviet era, focusing on optimistic reports from the workplace, descriptions of various national holidays and customs, stories covering working class heroes, etc.

Publications of a critical nature are not to be found in Turkmen media, besides those specially sanctioned by the Government. The vast majority of critical statements appears in the speeches of the President; the speeches usually take up most of a day’s edition, and are published by all daily newspapers simultaneously.

According to a selective poll, the majority of the population does not read Turkmen newspapers due to the low level of information. In light of this, the State has assumed responsibility for subscriptions to print media. Thus, the staff of State Ministries and other government offices are required to subscribe to newspapers and magazines.

Besides the single edition in Russian (*Neutral Turkmenistan*), there are no editions in Turkmenistan published in a language other than Turkmen, despite the fact that large groups of Uzbeks, Kazakhs, Azeris, and Armenians reside in the country.

Independent and/or opposition media sources are non-existent in Turkmenistan. The only edition that aspires to such status is the *Erkin Turkmenistan* (“Free Turkmenistan”) magazine, published in Russia and funded by its publisher. The magazine is not published regularly and is largely unknown in Turkmenistan due to problems with its delivery.

News Agencies. Currently, there is one state information agency in Turkmenistan. It is known as TDH – *Turkmen Dowlet Habarlar Gullugy* (Turkmen State News Agency), up until recently known as *Turkmen Press*.

According to a structure established by the State, all media correspondents (including those representing the TDH) receive information regarding governmental activity from the President's Press Office, or other commissioned state structures. Up until recently, the President's Press Secretary also served as the head of the TDH.

Foreign news agencies in Turkmenistan are forced to operate within the least favourable framework, which sternly demands that the news is covered only in the context of loyalty to the Turkmen Government and its policies. The vast majority of press releases are in fact documents prepared by the Press Office of the President, or the TDH.

Electronic Media: Television and Radio

Quantitative Characteristics. There are three state television stations that broadcast nationwide on the territory of Turkmenistan: TMT-1, TMT-2, and TMT-3.

Content. All three television stations broadcast in the Turkmen language. Daily broadcasting is 16-17 hours. Domestic news comprises about 10 per cent. 20-25 per cent is devoted to films and cartoons. The remaining time is divided into two information segments: musical programmes (concerts by national dance ensembles, popular and folk singers, etc.), with most if not all performances dedicated to the President. The second segment comprises patriotic and ideological programmes, such as "The Lessons of the Great Saparmurat the Turkmenbashi!", or "The XXI Century as the Golden Century for the Turkmen People!", or "Turkmenistan: Reborn and Independent!" All of these programmes readily inform the public of the "wise policies of the President" and the "happy life of the Turkmen people." There is little if any difference among the programmes broadcast by the three stations. Each station carries the golden logotype of the President's profile in the upper right hand corner of the screen.

This percentage distribution balance is disrupted only when so-called presidential "model government sessions" are broadcast, or the President travels around the country. Reports of these events occupy up to 50 per cent of air-time, and are broadcast up to three times daily.

The national radio of Turkmenistan broadcasts only in Turkmen, and does not differ from television in respect to content. Of all the Russian radio stations, only *Mayak* is re-broadcast in Turkmenistan.

Private television and radio stations are non-existent in Turkmenistan.

Since October 1998, the broadcasts of the Russian television station ORT in Turkmenistan have been reduced to 5-6 hours per day, in the evening. The Government of Turkmenistan motivated this action by citing financial disputes with ORT. However, in his interview to *Nezavisimaya Gazeta*, the Turkmen President announced that all ORT broadcasts, except for news programmes, would be censored due to content disharmonious with the mentality of the Turkmen people. In essence, ORT broadcasts in Turkmenistan are currently limited to daytime programmes (for children and teenagers), and to entertainment ones.

Media Legislation

During its ten years of independence, Turkmenistan has still not developed any substantial media legislation acceptable in the democratic family of OSCE participating States. The current Constitution does not pay due attention to the media, and avoids the subject of information access both on the level of individual rights and the rights of media professionals, which in a democratic setting are intended to exercise a certain control over the functions of the Government. The law Concerning the Press and Other Sources of Mass Media, signed before the disintegration of the Soviet Union, was rather progressive for its time; however, in the current situation, its defects and the lack of practical mechanisms for the protection of journalists are evident.

The other piece of legislation concerning the function of the media and the rights of media professionals is of a fragmentary nature, and deals with peripheral issues. Turkmenistan has no independent law covering television and radio broadcasting. Also missing is any act regulating information rights, including the actual right to receive information.

International Obligations. Turkmenistan is a member of the United Nations and the Organization for Security and Co-operation in Europe. It recognizes the UN Charter, and has ratified the principal international human rights treaties. Thus, in 1997 it ratified the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights.

The concept of Turkmenistan's foreign policy as a neutral state declares that "as a Member State of the United Nations, Turkmenistan recognizes the organization's priority in resolving any issues within its jurisdiction. Turkmenistan's permanent neutral status does not concern the execution of its obligations ulterior of the UN Charter, and will promote the achievement of the goals set forth by the United Nations."

Turkmenistan is a signatory member to the Final Act of the Conference on Security and Co-operation in Europe (Helsinki, 1 August 1975), which also concerns the State's human rights obligations. The Final Act also clearly reads that the participating States "will promote and encourage the effective exercise of civil, political, economic, social, cultural and other rights and freedoms all of which derive from the inherent dignity of the human person and are essential for his free and full development." Apart from the Helsinki Final Act, numerous other OSCE media commitments exist that have been subscribed to by Turkmenistan.

The OSCE Representative on Freedom of the Media has organized three Central Asian Media Conferences that have brought together dozens of professionals from the region (they were held in 1999, 2000 and 2001). On all three occasions, the Government of Turkmenistan (the only one among the five) refused to co-operate with the OSCE Representative and did not allow Turkmen journalists to attend by refusing to issue them exit visas.

The Constitution of Turkmenistan. According to the Constitution, the citizens of Turkmenistan have the right to act freely according to their convictions, as well as the right to receive information, unless it contains state, official, or commercial secrets. The Constitution clauses therefore deliberately constrict the list of rights that are customary for international documents concerning human rights and freedom of the media. Thus, for instance, lacking in the Constitution is the right to collect, create, and distribute information. Nothing is mentioned regarding the restrictions placed on freedom of speech and opinion.

However, constitutional norms in Turkmenistan, including those dealing with human rights, and the country's international obligations are not directly applicable in a court of law.

The Law Concerning the Press and Other Sources of Mass Media in the Turkmen SSR. The law, signed at the time when Turkmenistan was still a republic in the USSR, has preserved every anachronism characteristic of the period. While the majority of the CIS countries had adopted new laws, regulating the media and journalistic activities, it seems that the Turkmen Republic had not felt a need to do so.

The definition of the media in the law Concerning the Press and Other Sources of Mass Media in the Turkmen SSR is of a rather general nature. According to Article 2 of this legislation, the media is defined as newspapers, magazines, television and radio programmes, documentary films, and other periodical forms of public distribution of information. However, the actual notion of “public distribution” on the part of the media is not clearly defined, which, should the Government be inclined to encourage it, could be interpreted differently, which in turn could make the legislation applicable to any form of information distribution (such as the Internet).

Article 7 may serve as an example of an anachronism. This Article determines the list of physical and legal entities with the right to institute media sources. This list still includes the Congresses of People’s Deputies, as well as the citizens of the currently non-existent Turkmen Soviet Socialist Republic.

Another peculiarity in the law is a direct link between the material and technical maintenance of a media source and its functional capability. According to Article 9, the media registration application should include data on publishing facilities, sources of newsprint, etc. The lack of such technical resources may lead to a denial of the registration request. Currently, all enterprises facilitating the material and technical maintenance of the media (printing houses, broadcasting companies, etc.) are owned and tightly controlled by the Government. The Acts regulating the approval of purchasing and using copying and duplicating equipment are such that they effectively exclude the possibility for the emergence of printing houses disloyal to the Government. This situation, in turn, presents the State with an opportunity to exercise complete control over the emergence of new sources of print media.

The law also introduces the notion of a media “action programme”. Thus, according to Article 32, a journalist must continuously implement the action programme of the media outlet that employs him/her, as well as adopt the media’s editorial policy as his/her professional guide. This action programme is approved by the founder of the media outlet, and is implemented by the staff. Since the Government serves as the founder for all Turkmen media, the journalist’s obligation to implement the action programme is equated with compulsory loyalty to the State.

A mechanism for providing information is practically undeveloped in the law. Article 24 confirms the right of the media to receive information regarding the activities of the state structures, associations,

and officials. However, the law does not provide for any deadlines for this legal mechanism, which leads to its complete incapacitation. Besides, the causes for potential denial of information are not defined, either, which leads to a possibility of arbitrary use. The law determines the right of the media representative to appeal to a higher authority or official, and subsequently to a court. However, the lack of legislative criteria for distinguishing between lawful and unlawful denial nullifies this provision as well.

Turkmenistan's Legislation Concerning Access to Information. Currently, this legislation consists of the law Concerning the Protection of State Secrets, adopted in 1995, and the law Concerning Commercial Secrets, signed on 19 December 2000.

The law Concerning the Protection of State Secrets “determines the legal grounds for protecting state secrets in Turkmenistan’s governmental activities, as well as in the activities of enterprises, associations, organizations of all patterns of ownership, military establishments, officials and citizens on the entire territory of the State and beyond its borders.” Despite the declared direction, the norms of this law are of a formal nature. A state secret is defined as “information, distribution of which may have a negative impact on the qualitative state of the military and economic potential of the country, or have other heavy consequences for the defensive capability, national security, economic and political interests of Turkmenistan.” Yet despite stating that much, the law is missing any additional criteria or means of evaluating the consequences of classified information distribution. A list of information not subject to restriction is limited to a single category: “information concerning the rights, liberties, and lawful interests of the citizens and their realization, as well as information that cannot be classified due to a threat to personal security and health of the citizens.” The Committee for Protection of State Secrets exercises preliminary censorship over the media. Officially, that is considered as part of protecting state secrets.

The law Concerning Commercial Secrets defines the legal norms of providing, using, distributing, storing, and protecting information classified as a commercial secret. Adopted fairly recently, this law is primarily a component of the existing economic, rather than media, legislation. Up to the present time, this law has not had a substantial impact on Turkmen journalists and their activities.

Turkmenistan's Criminal Legislation Curbing Media Freedom.

Turkmenistan's Criminal Code contains a rather substantial number of articles that may be applied to journalists in one way or another. Traditional to the countries of the CIS is the establishment of criminal liability for libel and insult. The Criminal Code of Turkmenistan also contains these norms, and provides for penalties in the form of fines or imprisonment.

The Criminal Code also contains articles establishing liability for war propaganda, appeals for forcible changes to the constitutional order, stirring of social, national, or religious unrest and enmity, and violation of state symbols. Perpetration of these acts through the use of mass media is considered a more serious crime, and is punished more severely. In addition, these norms are somewhat vague, and carry no legal definitions, with their interpretation varying. Thus, for instance, Article 178, Violation of State Symbols, defines the *corpus delicti* as a "violation of the State Banner, State Emblem, or State Anthem of Turkmenistan", which naturally assumes a subjective view of whether or not a specific act could be categorized as a violation.

One of the more notable peculiarities of the Turkmen Criminal Code, quite logically in line with the general ideology of President Saparmurat Niyazov's personality cult, is the Article that establishes liability for defaming the President. Part II of this Article introduces the notion of liability for defamation and insult of the Turkmen President. These criminal acts are punishable by imprisonment for up to five years.

Some Conclusions. Unfortunately, the current legislation does not have a substantial impact on the activities of media in Turkmenistan. Preliminary censorship, lack of information received by the population as well as the media itself, and government ownership of all media cause the legislation to exist in a vacuum, as well as to be used only as an official cloak for various government actions. In this situation, there is no need to correlate the law with reality. This fact is largely responsible for the existence, yet also a complete lack of use for the law Concerning the Press and Other Sources of Mass Media.

Also notable is the referring nature of the legislation. Many of its norms refer the regulation of various issues to the jurisdiction of the Council of Ministers, or other government structures. Formally declaring the rights and liberties, the State makes their de facto realization impossible by issuing specific accessory laws.

All publications obtained by the media are subject to strict censorship, justified by the need to preserve state secrets. The activities of the media have a clearly ideological direction, yet even that may not necessarily prevent the displeasure on the part of government officials and the President. Thus, the *Sedar Ely* ("The Leader's Path") newspaper, published in April 2001, was confiscated on the grounds of being published without Turkmenbashi's official permission. This happened despite the fact that the newspaper had not only never strayed from the prevailing ideology, but rather was dedicated specifically to the life of Saparmurat Niyazov.

Conclusions and Recommendations

Turkmenistan is a member of the OSCE. It has also ratified the majority of international human rights treaties and together with the other OSCE participating States has established the institution of the OSCE Representative on Freedom of the Media. However, the specifics of various types of liberties in Turkmenistan are dictated not by the laws, but rather by a verbal right, exemplified and vocalized by the President, whose maxims are almost immediately considered to be, if not laws, then at least instructions for numerous government officials. While preserving the legislative basis on paper, these officials completely emasculate its essence with accessory laws and bureaucratic indoctrination. Thus, it is mandatory in Turkmenistan to centrally register all copying and duplicating equipment; the list of available foreign publications is rather limited because of aims to protect the nation's morality; it is common practice for customs officials to confiscate foreign newspapers and magazines at the border; instances of mail tampering are not uncommon, either. Additionally, there is a strict government monopoly over the use of the Internet in Turkmenistan.

Without exception, the President names the editorial boards of all Turkmen media. Therefore, the guarantee of freedom of speech in Turkmenistan carries but one meaning: guaranteeing the absolute power of the state ideology, with the media fully subordinate to it.

Independent journalists had to leave Turkmenistan, facing the threat of reprisals. Those remaining are forced to work under conditions of severe and total censorship.

Turkmenistan is a country where the notion of freedom of the media has not undergone any real changes since the days of the Soviet regime. Furthermore, in the course of the entire decade since the

disintegration of the Soviet Union, the Turkmen Government has carried out a deliberate policy of subjecting all of the nation's media to the interests of building their totalitarian State.

In certain aspects of media activities, this usurpation of the absolute right to the truth by the Government is so evident that one hardly needs to comment on it: for instance, the Turkmen President appears as the founder of all national and regional newspapers; a golden logo-type of his profile in the upper right hand corner of the screen accompanies every programme on Turkmen television. The timid attempts on the part of Turkmen journalists and publishers in the early and mid-1990s to take the initiative and change the situation were harshly suppressed by the Government.

The notion of freedom of speech is completely and utterly absent in Turkmenistan. The media serve as a component of the larger state structure, catering to the existing political regime. In light of this role played by the media as a mechanism for expressing the political will of the existing system, any recommendations for change may be viewed as attempts to interfere with the internal affairs of the State, as an attempt to alter the very foundation of the Turkmen system. The President has repeatedly rejected the "attempts at introduction of alien models of democracy", and is quite sensitive to any criticism directed against himself and his policies, most notably those concerning human rights in general and freedom of speech in particular.

Any recommendations to the Government of Turkmenistan regarding possible changes of state media policies may only be made within the wider context of a global and fundamental change in the State's attitude towards freedom of speech, in the context of adhering to the entire spectrum of international human rights.

The following recommendations can be made to the Government of Turkmenistan:

- To strictly adhere to the norms of its national legislation and to the country's international human rights obligations.
- To correlate national media legislation with international norms and standards.
- To conduct detailed investigations of violations of journalists' rights, especially the cases of Natalia Sosnina and Nikolai Gerasimov.
- To implement significant changes in the state media, as well as to facilitate the liberalization of the publishing and information services market.
- To provide freedom of access to foreign media.

Joint Statements by OSCE, UN and OAS

Joint Declaration on Challenges to Freedom of Expression in the New Century by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media and the OAS Special Rapporteur on Freedom of Expression

London, 20 November 2001

Having met with representatives of NGOs, UNESCO, journalists associations and human rights experts in London on 19-20 November 2001, under the auspices of *ARTICLE 19, Global Campaign for Free Expression*, assisted by *Canadian Journalists for Free Expression*, we:

Recall and reaffirm our Joint Declarations of 26 November 1999 and 30 November 2000;

Condemn the criminal terrorist attacks of 11 September 2001 and extend our deepest feelings of sympathy to the victims;

Are of the view that the events of 11 September 2001 and their aftermath highlight the importance of open public debate based on the free exchange of ideas, and should serve as a catalyst for States all over the world to bolster guarantees of freedom of expression;

Express our concern about the consequences these events are having for the right to freedom of expression at the advent of the “electronic century” which is witnessing the growing dominance of forms of communication such as broadcasting and the Internet;

Are aware of the fact that broadcasting remains the most important source of information for most people in the world;

Recognize the growing importance of the Internet, and its potential as a tool to enhance the right to freedom of expression and freedom of information;

Note the importance of regional mechanisms in promoting the right to freedom of expression and the need to promote such mechanisms in every region of the world, including in Africa and Asia;

Recall the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban and our Joint Statement on Racism and the Media of 27 February 2001, which stated: “Promoting an optimal role for the media in the fight against racism, discrimination, xenophobia and intolerance requires a comprehensive approach which includes an appropriate civil, criminal and

administrative law framework, and which promotes tolerance, including through education, self-regulation and other positive measures”;

Adopt the following Declaration:

Countering Terror

- Terror must not triumph over human rights in general, and freedom of expression in particular;
- Certain governments have, in the aftermath of the events of 11 September, adopted measures or taken steps to limit freedom of expression and curtail the free flow of information; this reaction plays into the hands of the terrorists;
- Guarantees for freedom of expression have developed over centuries but they can easily be rolled back; we are particularly concerned that recent moves by some governments to introduce legislation limiting freedom of expression set a bad precedent;
- We are of the view that an effective strategy to address terror must include reaffirming and strengthening democratic values, based on the right to freedom of expression;
- The events of 11 September have brought in their wake a rise in racism and attacks against Islam; we call on governments, as well as the media, to do all within their power to combat this dangerous trend;

Broadcasting

- Promoting diversity should be a primary goal of broadcast regulation; diversity implies gender equity within broadcasting, as well as equal opportunity for all sections of society to access the airwaves;
- Broadcast regulators and governing bodies should be so constituted as to protect them against political and commercial interference;
- Effective measures should be adopted to prevent undue concentration of media ownership;
- Media owners and media professionals should be encouraged to conclude agreements to guarantee editorial independence; commercial considerations should not unduly influence media content;
- We are of the view that elected political officials and members of government who are media owners must separate their political activities from their media interests;

The Internet

- The right to freedom of expression applies to the Internet, just as it does to other communication media;
- The international community, as well as national governments, should actively promote universal access to the Internet, including through supporting the establishment of information communication technology (ICT) centres;
- States should not adopt separate rules limiting Internet content.

Abid Hussain

UN Special Rapporteur on Freedom of Opinion and Expression

Freimut Duve

OSCE Representative on Freedom of the Media

Santiago Canton

OAS Special Rapporteur on Freedom of Expression

Projects 2001/2002

Free Media in South-Eastern Europe: *Protection of Journalists and their Role in Reconciliation, Promoting Interethnic Peace and Preventing Conflicts*

Zagreb, 28 February – 02 March 2001

The Conference on Free Media in South-Eastern Europe, organized by the OSCE Representative on Freedom of the Media, the Council of Europe and the OSCE Mission to Croatia, took place in Zagreb, Croatia, on 28 February – 2 March 2001. The President of Croatia, Stjepan Mesic, opened the conference calling on media in South-Eastern Europe to be free of politics and underlining that journalists should work to rehabilitate the “partly compromised” profession.

A set of recommendations had been adopted by the conference, with the main emphasis on promoting freedom of expression and the protection of journalists against attacks and other forms of harassment. The participants called upon all institutions responsible to take measures to ensure that any such attacks are investigated and those responsible prosecuted.

The conference gathered media professionals from most countries in South-Eastern Europe. It provided insight into the differences and similarities throughout the region. Through debate and discussions, participants were able to exchange ideas and promote reconciliation and interethnic tolerance.

Recommendations Adopted by the Conference on Free Media in South-Eastern Europe

Governments at all levels should

- Take immediate steps to bring their law and practice into line with international standards, guaranteeing freedom of expression through an open, participatory pluralistic process which includes consultation with media organizations and professionals

- In particular, the above should include review of defamation laws, criminal restrictions on the content of what may be published and abolishing any licensing of the print media or of journalists
- Exercise tolerance in relation to criticism in the media, and refrain from interfering in the media and from abusing legal measures to limit media freedom
- Provide adequate protection to media professionals against attack and other forms of harassment and take measures to ensure that any such attacks are investigated and those responsible prosecuted
- Ensure non-discriminatory treatment of the media and media professionals in all areas of public sector activity including in relation to placement of advertising, access to state-owned means of production and/or dissemination of the media and provision of information
- Promote an economic environment in which the media can flourish, including by considering the following measures:
 - lowering the tax and duty burden on the media
 - providing non-discriminatory economic benefits, such as subsidies, to the media
 - lowering the cost of broadcasting licences
 - guaranteeing that journalists enjoy adequate labour rights
- Adopt comprehensive freedom of information legislation based on the principle of maximum disclosure and take other measures to ensure effective access in practice to information held by public bodies
- Provide training to judges and other relevant officials on the right to freedom of expression, including European Court of Human Rights case law
- Protect by law the right of journalists not to reveal confidential sources of information
- Ensure effective protection against sanction of whistle-blowers who reveal in the public interest information on wrongdoing
- Ensure the rights of minorities to effective access to the media
- Take measures to ensure appropriate transparency of media ownership and to limit excessive concentration of media ownership
- Take all necessary measures, including adopting appropriate legislation, to rapidly transform state-controlled broadcasters into free public service broadcasters able effectively to promote pluralism in the broadcasting sector
- Adopt and enforce appropriate hate speech laws in line with international standards
- Promote reconciliation, tolerance, non-discrimination
- Take all necessary measures to ensure that any bodies which exercise

regulatory powers over broadcasters, including in relation to licences and frequencies, are independent from political or other interference and operate in a transparent and fair manner

***Inter-Governmental Organizations and
Non-Governmental Organizations should***

- Monitor governments with a view to ensuring that they act in accordance with their international human rights obligations, in particular regarding freedom of expression and information and, where necessary, respond appropriately to human rights violations
- Provide support and assistance to governments seeking to promote the right to freedom of expression
- Support and promote the development of the independent media including through training, and financial, technical and logistical assistance
- Undertake a re-evaluation of donor support to the media with a view to promoting better co-ordination
- Co-operate with and support NGOs/IGOs working in the media field
- Continue to elaborate and clarify international standards relating to freedom of expression
- Promote greater public awareness of freedom of expression, media issues and access to the media, including by disseminating and popularizing international standards, educating the public and exposing cases of hate speech in the media

The Media should

- Develop professional codes of ethics as well as self-regulatory systems for applying those codes, and adhere to those codes
- Refrain from promoting violence, discrimination, intolerance and hatred, and take measures to promote reconciliation and mutual understanding
- Take action to expose and combat attacks against and interference with the media
- Provide support for professional training for journalists especially among newcomers to the profession
- Provide more information of an impartial nature on human rights issues, including refugees returns and war crimes.

Legal Assistance to the OSCE Field Presences

In May 2000, at one of the regular round tables that bring together the media and public information focal points in more than twenty OSCE Missions, one of the problems that was identified based on the experience of many field offices was the lack of legal advice in various media matters. The need arose regularly when, for example, discussing current and draft media and broadcasting laws and their compliance with international media obligations and standards, advising on new press codes, and sharing “best practice” examples on different media issues from other OSCE participating States.

As a result, among the recommendations formulated at the meeting was a request for more assistance and advice to the field presences by the Office of the Representative on Freedom of the Media on legal issues related to media.

When specific budget funds had been obtained for this purpose in 2001, the Representative requested information from all the Heads of Missions about their specific needs. Some prompt – and creative – responses were received, and several projects have been started or fully implemented in 2001.

The first assistance project focused on Kazakhstan, where a new draft media law was causing concern for the OSCE Centre in Almaty. The Representative’s Office engaged an independent expert to conduct an analysis of the draft law and its compliance with OSCE commitments and other international media standards.

The analysis raised concerns about some of the proposed features of the law, e.g. restricting the re-transmission of foreign programmes and the definition of websites as mass media, thereby subjecting them to registration requirements. A number of examples were also provided regarding the way in which similar questions have been solved in other countries. The OSCE Centre distributed the analysis widely in Kazakhstan as a contribution to the public debate. All reviews can also be found on the Internet: <http://www.osce.org/fom>.

A request was also received from the OSCE Mission in Croatia. An analysis of media legislation was commissioned in order to assist the Croatian authorities and Croatian media professionals in the process of transforming broadcasting legislation. The analysis recommends that a number of key amendments to the laws be adopted so as to provide Croatian Television and Radio (HRT) with the legal basis

to move successfully towards an independent public broadcasting service. The analysis recommends the development of a separate broadcasting law, which would establish a fully fledged, independent broadcasting regulatory body responsible for overseeing all broadcasting stations, including HRT.

Within the programme of legal assistance, but with separate funding from the British Government and in co-operation with the Council of Europe, three legal reviews of media legislation were carried out and forwarded to the authorities in Ukraine. As a follow-up to the analysis of all the laws relating to broadcasting, a seminar was organized in Kiev in December. The seminar brought together international experts and relevant Ukrainian partners from Government and parliament to discuss the amendments recommended in the analysis and the ways to move forward with changes in media legislation. Further follow-up activities related to the reviews are being planned.

The OSCE Office in Baku approached the Representative for assistance on the question of broadcasting licences in Azerbaijan. The Representative again engaged an independent expert who works for the international body regulating broadcasting in Bosnia. A round table was organized in May by the OSCE, focusing on licensing, at which recommendations were drawn up for an improved framework for licensing Azeri television and radio companies.

The establishment of an independent, non-political, licensing commission was proposed. The recommendations of the round table were presented at a conference on media hosted by the Council of Europe.

The OSCE Centre in Bishkek and its field office in Osh had a different type of request for the Representative: direct legal advice to journalists. The field office is preparing a legal project trying to increase the knowledge among journalists of their rights and obligations. With assistance from the Representative, the field office will engage a lawyer to provide free-of-charge legal advice and consultations to print and electronic journalists from the region, both before and after broadcasting or publishing a report or article.

However, the most substantial request for assistance so far has been made by the OSCE Mission to Tajikistan. There the Mission is undertaking a project to develop and promote a new media law for the country. A 15-member committee, consisting of Tajik legal experts, parliamentarians, leaders of political parties, and NGO representatives, has been set up to discuss and propose draft legislation. The project is expected to take six months. Meanwhile, the public will be kept up to date on the drafting process through articles in the local media.

Finally, as part of the legal assistance project, the Representative prepared a bilingual brochure in English and Russian with the collected OSCE commitments related to freedom of expression, freedom of media and access to information. The brochure has been distributed widely through the field presences.

Freedom of the Media in Belarus

Public Workshop, Vienna, 31 May 2001

On 31 May 2001 the OSCE Representative on Freedom of the Media, in co-operation with the OSCE Advisory and Monitoring Group, and with the financial support of the Governments of the United Kingdom and of the Netherlands organized a Public Workshop in Vienna on Freedom of the Media in Belarus. The aim of the workshop was to facilitate an exchange of views among the representatives of Belarusian authorities, state-run and private media with participation of representatives of OSCE Member States and European journalists. Among the topics discussed were:

- *presidential elections and the media*
- *structural problems of independent media in Belarus*
- *information security policies and state authorities*
- *obstacles to proper functioning of Belarusian independent media*
- *support for the independence of the media.*

With a dozen Belarusian participants present, the workshop provided a unique opportunity for a frank and constructive exchange of views between governmental and non-governmental media.

Based on the materials of the Public Workshop the Office of the OSCE Representative on Freedom of the Media published an English and Russian booklet *Freedom of the Media in Belarus** (circulation 1,500 copies). The booklet was distributed to all the OSCE countries, Missions and institutions, and to the Belarusian participants of the workshop and Belarusian media NGOs. The appearance of this publication in Belarus has resulted in a broad positive feedback and will hopefully offer guidance and serve as a further incentive for debate on media freedom in the country.

* See Chapter 3: Freedom of the Media in Belarus: Belarusian Journalists about the Media Situation in their Country, p. 75-90.

Media Freedom in Times of Anti-Terrorist Conflict

Third Central Asian Media Conference, Almaty, 11 December 2001

On 10-11 December 2001, the Third Central Asian Media Conference was held in Almaty, Kazakhstan. The conference was organized by the OSCE Representative on Freedom of the Media, Freimut Duve, and the OSCE Centre in Almaty in co-operation with the International Foundation for Protection of Freedom of Expression Adil Soz and the Friedrich Ebert Foundation. More than 80 journalists from all five Central Asian countries, government officials, members of parliament and NGOs took part.

As in the last two conferences (Bishkek in 1999 and Dushanbe in 2000) the lively debate was focused on the latest developments in the media field. Structural issues, such as legal media framework and media ownership, were also discussed. The crucial role of the media in the development of civil society was particularly underlined. Special attention was paid to the opportunities for the next generation in journalism. The new challenges for the media in times of anti-terrorist conflict, especially in Central Asia that is affected by the conflict, became the main point of discussion. The participants noted that the problems highlighted in the Dushanbe Declaration, adopted at the conference last year, still remain of great concern.

Almaty Declaration on Freedom of the Media in Times of Anti-Terrorist Conflict

The debates during the conference in Almaty stressed these conclusions.

1. The governments of the Anti-Terror Alliance should not, in times of conflict, use national security arguments to limit human rights at home and reduce their support elsewhere.
2. In particular, the governments of the Central Asian States should not take the new conflict situation as a justification for repressive steps against opposition media. On the contrary, they should use it as a catalyst for further steps towards creating a free media landscape in their societies.
3. The media should be free to exercise their corrective function towards economic, ecological and military decisions in their countries especially in times of conflict. Free public debate is imperative.

4. The media should be free to play its fundamental role as society's watchdog against corruption, which is a serious obstacle for all countries on their way to democracy. Especially after 11 September the media should not be prevented from informing the public about existing financial links between terrorist group activities and corruption.
5. Leading international media have to be, and must remain, more actively engaged in the region, both as an important source of information and as an example of professional journalism for their colleagues.
6. Under the conditions of increased international tension and continued contradictions in Central Asia journalists should manifest more solidarity and support for each other.
7. Journalists must undertake further efforts to report objectively and edit carefully their coverage of the conflict. Journalistic ethic is needed more than ever in times of conflict and the journalists have to be aware of their increased responsibility.
8. The international community, governmental and non-governmental organizations must do more to safeguard journalists working in conflict zones. The leading media outlets could provide the needed training and insurance and can establish so-called security pools. Media foundations can be approached to financially support these pools. The creation of more efficient identification documents for professional journalists working in conflict zones should be promoted.

Developing Freedom and Responsibility of Media in Azerbaijan

Training Seminar for Young Journalists, Baku, 14-15 December 2001

On 14-15 December 2001, the Office of the OSCE Representative on Freedom of the Media, in co-operation with the OSCE Office in Baku, sponsored a seminar entitled *Developing Freedom and Responsibility of Media in Azerbaijan* hosted by the OSCE Office in Baku. The two-day seminar was designed for young, promising, educated Azerbaijani journalists from independent mass media, government media and NGOs who had demonstrated a commitment to their profession. The purpose was to stimulate discussion on how to improve journalistic professionalism in Azerbaijan and to propose a plan for future activities.

Over thirty representatives from principal newspapers, information agencies, television and radio companies, governmental press services, journalistic faculties and embassies took part in the seminar. The OSCE Representative on Freedom of the Media Office provided two international experts in journalism to facilitate the seminar. The OSCE Office in Baku arranged for guest speakers from influential international and grassroots media NGOs to make introductory remarks on the topics selected.

The topics discussed included:

- *Freedom and Responsibility in Journalism: Developing Standards of Conduct.* The speaker shared with the audience the generally accepted criteria for non-biased and objective reporting and stressed the importance of adhering to facts, avoiding libel and protecting journalistic integrity. The presentation was followed by a discussion on the protection of sources of information, identification of reliable sources, and facts versus commentaries.
- *Access to Information.* Presentations were made on the inter-relationship between journalists and government officials, advantages of media self-regulation, and editorial independence. In connection with the discussion on the code of conduct all participants were provided with brochures containing Guidelines for Good Journalistic Practice prepared by the Finnish Union of Journalists.

- *Upcoming Generation of Journalists.* The trainers pointed out educational opportunities in and outside the country, emphasized the importance of encouragement of young journalists by editors, and discussed the basic professional skills a journalist should possess.

The seminar attracted the attention of various mass media, which provided a rich coverage of the event, and received positive feedback from the participants. This event has provided a good basis for further co-operation of the OSCE Representative on Freedom of the Media and the OSCE Office in Baku in order to continue assisting Azerbaijan with the goal of improving journalistic professionalism, building up civil society and strengthening the democratic process in the country.

Protection of Journalists in Conflict Areas

What is Being Done: An Ongoing Project by the OSCE Representative on Freedom of the Media

I. General Considerations

The increasing risks for journalists to be killed or attacked while covering a military conflict have compelled the OSCE Representative on Freedom of the Media to raise this matter within the OSCE frequently since 1999, and to look for an international strategy to enhance the level of safety of journalists working in regions plagued by violence. Two major reasons can be identified that increased the dangers for media professionals:

1. The definition of “war” in international law since the establishment of the International Committee of the Red Cross (ICRC) has changed considerably. During the last two decades most of the journalists killed became casualties of armed conflicts which did not fit into the rules and regulations established by the Geneva Conventions. The type of “terror warfare” has considerably changed the conditions on the ground not only for military personnel but also in particular for the different forms of international humanitarian assistance. Most of the belligerents are not part of a recognized state or government structure (they are separatist or religious or other radical movements). The situation became even more complicated in the aftermath of the tragic events of 11 September 2001.

2. The media techniques and the global media market often puts “pressure of presence” on journalists who lack the professional experience needed in dangerous situations.

The OSCE participating States had committed themselves in Moscow in 1991 to protect journalists particularly in cases of armed conflict. However, the negative trend does not seem to be limited to the OSCE regions. Journalists tend to be more present in conflict areas and cover them faster than ever – enhancing their own risks of becoming targets.

Because the nature of conflict has changed during the last decade, basically parallel with a revolution in new technologies, more and more people are able to cover wars in real time. However, the conflicts they now cover are of an internal nature where governments have little if any control over belligerents. At the same time, the

pressure has increased for journalists to be the first to report the latest developments. As reporter Peter Maass wrote in *Brill's Content*: "As demand for war footage to air on the network news heats up, more journalists are taking chances in dangerous situations."

Notwithstanding the fact that senior network managers insist that "no story is worth getting killed for; no piece of video, no slice of audio is worth getting seriously injured for", reality tends to be somewhat different and is best described by Nik Gowing from the BBC as "the tyranny of real-time".

How to protect journalists? A special "sign of protection" could be used which shows any potential killer: the outside world will know that you knew – your victim was a journalist. This was discussed by the OSCE Representative on Freedom of the Media with several media NGOs. The discussion made it clear that the theme is much broader than the concrete question of a "protective sign" for reporters in conflict areas. In reality, de facto signs already exist: many journalists put "Press" or "TV" on their vehicles, some on their flak jackets. However, most protection mechanisms were either ad hoc, or developed by leading news providers, such as BBC and CNN. They are not yet part of any international agreement to identify the killing of a journalist as a particular war crime.

II. What can be done – at different levels – to minimise the risks for correspondents working in war zones? Possible Activities

1. International Commitments

In international armed conflict zones, the Geneva Conventions provide journalists with the minimum protection due to all civilians. Article 79 of Additional Protocol I (1977) to the Geneva Conventions states: "1. Journalists conducting dangerous professional assignments in armed conflict zones will be considered as civilians as defined by Article 50, Paragraph 1. 2. They will be protected as such in accordance with the Conventions and with this Protocol provided that they do not undertake any action that harms their status as civilians and without prejudicing the right of war correspondents accredited with the armed forces to benefit from the status provided for under Article 4.4 of the Third Convention. 3. They may obtain an identity card (...) which will be issued by the government of the state of which they are nationals, or of the state where they are resident, or in which the medium or news agency which employs them is based, [and which will] confirm the holder's status as a journalist."

Accredited war correspondents have a specific status. War correspondents are defined as journalists authorized to accompany the armed forces of their countries. The armed forces are obliged to issue them with an identity card. Holders of this card who fall into enemy hands have the status of prisoner of war. War correspondents are therefore protected by the Third Geneva Convention of 1949 concerning the treatment of prisoners of war. However, they enjoy no special protection when travelling in zones where military operations are taking place.

a. The situation seems relatively “clear” when sovereign states go to war, fully aware of the existence of the Geneva Conventions. However, how does one deal with internal conflicts often involving separatist regions and rogue states? Or with criminal clans involved in governance? When a journalist is harassed, arrested, kidnapped, or even killed in Chechnya, Abkhazia, Nagorno-Karabakh, Sierra Leone, East Timor, or Afghanistan what can be done?

b. According to a leading ICRC expert Hans-Peter Gasser “the law applicable in internal conflicts, namely Article 3 common to the four Geneva Conventions and protocol II, does not cover members of the press. This is no reason why journalists carrying out dangerous missions and who abstain from committing acts of hostility should not be granted the same protection as civilians. Although different approaches may be adopted according to the category of armed conflict, it is preferable to use identical concepts as far as possible.”

2. Possible Action

What is not always taken into account is that arguably the majority of reporters covering conflicts are freelancers, who often have no insurance, very little, if any, training and lack the basic skills needed in a war zone. Some of these reporters are covering a war for the first time in their life. As a result, many of them do not survive, often because of a lack of relevant experience. However, the death toll is not only limited to first-time freelancers. In May 2000, Kurt Schork and Miguel Gil Moreno, arguably two of the most experienced war correspondents, were killed in an ambush in Sierra Leone.

Although, as Jeremy Bowen from the BBC put it at a recent conference - “you can be the best trained person, the most experienced but anybody that’s been in a war zone knows that if you’re in the wrong place at the wrong time then you’re dead” - a number of practical measures can be taken to reduce the risks.

a. What Can Be Done by Governments? During the Moscow Meeting of the Conference on the Human Dimension of the CSCE (October 1991)

it was stressed that “the participating States will adopt, when 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.”

Governments can and should ensure that all the commitments they have signed up to as members of the OSCE are followed.

In addition, governments can make it a priority to prosecute individuals and/or groups who have targeted journalists. Although, under the Geneva Conventions, journalists receive the same protection as civilians, i.e. killing a journalist is already a war crime, more can be done to bring perpetrators to justice.

b. What Can Be Done by International Organizations? For example, the OSCE in general provided access to its flights to journalists, especially when no commercial flights were available. This has been done in Sarajevo, Pristina and a group of journalists were taken by helicopter to the Georgian-Chechen (Russian Federation) border. This practice should be encouraged.

Journalists were also allowed to board UN aircraft in Croatia, Bosnia and Herzegovina, and Afghanistan, however, only after signing a waiver releasing the UN from any responsibility for their safety.

Press cards. In any conflict zone where the OSCE is in charge of accrediting journalists it should ensure that all journalists, local and foreign, receive the same press card. In former Yugoslavia, the UN issued different press cards to foreign and local journalists, and while the press card given to foreign journalists allowed for certain privileges (access, in some cases, to UN transport and/or bases), the local one did not.

Also, under these circumstances, police at numerous checkpoints in former Yugoslavia knew who was a local reporter and who was a foreign one and could act accordingly: often detaining the local journalist. This practice was not of the UN's making but was insisted upon by the Governments, especially by the Bosnian authorities who were afraid that people in Sarajevo would flee the draft by using the press card to leave the country.

Training is also already being conducted by NGOs. Governments should be encouraged to work closely on this matter with national associations and, when possible, provide financial support. In some cases similar training can be offered by OSCE field missions but this will demand additional funding for trainers, office space, etc.

For example, on 12-13 February 2002, a two-day workshop on Security of Journalists Working in War Zones was organized in Moscow, the Russian Federation, by the OSCE Representative on Freedom of the Media and the Center for Journalism in Extreme Situations (CJES) of the Russian Union of Journalists. Funded by voluntary contributions from Great Britain and the United States, the workshop's focus was survival techniques in conflict areas and a manual was produced for this seminar. Seventeen journalists from regional Russian media, including newspapers and TV stations working in southern Russia, the Volga region and the Urals took part in the workshop. All participants had had experience working in Chechnya or Afghanistan or have job assignments as war reporters. They agreed that the workshop was a success because its agenda embraced the full scope of information and skills that journalists may need in conflict areas. The CJES engaged outstanding war reporters, legal, medical and military experts for the workshop.

In March 2002, *Reporters sans frontières* (RSF) published a *Charter for the Safety of Journalists Working in War Zones or Dangerous Areas*. The Charter was drawn up by representatives of the French Foreign and Defence Ministries, the ICRC, the Council of Europe, the OSCE, UNESCO, French journalists' trade unions (CFDT and SNJ), RSF and the World Press Freedom Committee, together with doctors and the IPS Bellini-Gutenberg insurance group (Annex 1).

c. What Can Be Done by Media Organizations and NGOs ? How to support freelancers. Most of these journalists lack relevant training, insurance in cases of disability or death, means of protection (armoured vehicles and flak jackets), access to medical and medical evacuation facilities. Some work in this area is already being done by non-governmental organizations, mostly dealing with training.

Insurance in cases of disability or death. This can be done through national journalists' associations and trade unions. They can also be encouraged to provide flak jackets for reporters. However, the OSCE Representative or OSCE Missions on the ground may also provide flak jackets on request for freelancers.

Training. The BBC, it seems, has the best training programme for journalists covering military conflicts. It is a course that tackles basic problems: how to behave in a minefield, how to negotiate your way through a checkpoint, how to avoid shelling and sniping, how to provide first aid to your wounded colleague, etc.

3. RSF Practical Guide, Damocles Network and Hotline

According to the *RSF Practical Guide for Journalists*, all the main international TV channels, radio stations and news agencies that include news in their programmes have come up with their own recommendations, but it is the guidelines produced by the BBC which now appear to many journalists to be a model in this respect.

The *RSF Practical Guide* in itself is a very useful document that deals with, among other things, the practicalities of working in a war zone and dealing with belligerents. The guide, published in several languages in 1998, also provides information on other international organizations that support journalists.

The *Damocles Network* was set up by RSF to try to end the impunity of killers and torturers of journalists. Funded by the European Union, it sends field investigation teams (a legal expert and a journalist) to establish the facts of a situation and works with victims and their families through national and international legal authorities to bring offenders to trial. The honorary president of the *Damocles Network* is Judge Baltasar Garzon, who issued a warrant to arrest former Chilean dictator General Augusto Pinochet in 1998.

RSF has also established SOS Press Hotline – (33) 1 47 77 74 14 – which allows people to call – in English or French – to report the arrest, expulsion or disappearance of a journalist.

Annex 1

Charter for the Safety of Journalists Working in War Zones or Dangerous Areas

The safety of journalists working on dangerous assignments is not always guaranteed, even if international law provides adequate protection on paper, because warring parties these days are showing less and less respect for that law. News-gatherers cannot get assurances from belligerents that they will be fully protected.

Because of the risks they run to keep the public informed, media workers, journalists and their assistants (whether permanent staff or freelance) working in war zones or dangerous areas are entitled to basic protection, compensation and guarantees from their employers, though protection must never be taken to mean supervision by local military and governmental authorities. Media management also have their own responsibility to make every effort to prevent and reduce the risks involved.

The following eight principles shall apply:

Principle 1 - Commitment . The media, public authorities and journalists themselves shall systematically seek ways to assess and reduce the risks in war zones or dangerous areas by consulting each other and exchanging all useful information. Risks to be taken by staff or freelance journalists, their assistants, local employees and support personnel require adequate preparation, information, insurance and equipment.

Principle 2 - Free will. Covering wars involves an acceptance by media workers of the risks attached and also a personal commitment which means they go on a strictly voluntary basis. Because of the risks, they should have the right to refuse such assignments without explanation and without their being any finding unprofessional conduct. In the field, the assignment can be terminated at the request of the reporter or the editors after each side has consulted the other and taken into account their mutual responsibilities. Editors should beware of exerting any kind of pressure on special correspondents to take additional risks.

Principle 3 - Experience. War reporting requires special skills and experience, so editors should choose staff or freelancers who are mature and used to crisis situations. Journalists covering a war for the first time should not be sent there alone, but be accompanied by a more experienced reporter. Teamwork in the field should be encouraged. Editors should systematically debrief staff when they return so as to learn from their experiences.

Principle 4 - Preparation. Regular training in how to cope in war zones or dangerous areas will help reduce the risk to journalists. Editors should inform staff and freelancers of any special training offered by nationally or internationally qualified bodies and give them access to it. All journalists called upon to work in a hostile environment should have first-aid training. Every accredited journalism school should familiarize its students with these issues.

Principle 5 - Equipment. Editors should provide special correspondents working in dangerous areas with reliable safety equipment (bullet-proof jackets, helmets and, if possible, armoured vehicles), communication equipment (locator beacons) and survival and first-aid kits.

Principle 6 - Insurance. Journalists and their assistants working in war zones or dangerous areas should have insurance to cover illness, repatriation, disability and loss of life. Media management should take all necessary steps to provide this before sending or employing personnel on dangerous assignments. They should strictly comply with all applicable professional conventions and agreements.

Principle 7 - Psychological counselling. Media management should ensure that journalists and their assistants who so desire have access to psychological counselling after returning from dangerous areas or reporting on shocking events.

Principle 8 - Legal protection. Journalists on dangerous assignments are considered civilians under Article 79 of Additional Protocol I of the Geneva Conventions, provided they do not do anything or behave in any way that might compromise this status, such as directly helping a war, bearing arms or spying. Any deliberate attack on a journalist that causes death or serious physical injury is a major breach of this Protocol and deemed a war crime.

Visits and Interventions

February 2001 – February 2002*

The Office of the Representative on Freedom of the Media visited or corresponded with the following governments of the OSCE participating States:

Armenia

Interventions

- 28 May 2001 to Foreign Minister Vartan Oskanian about the alleged harassment of the journalistic media outlet *Chorrord Ishkhanutium*.

Azerbaijan

Visits

- 17-22 June 2001, assessment visit of senior adviser Diana Moxhay, accompanied by academic researcher Ana Karlsreiter, to Azerbaijan.

Interventions

- 4 May 2001 to Foreign Minister Vilayat Gouliyev on cases of alleged harassment of the media outlets *Khayal TV*, *Aygun TV*, *Mingechevir TV*, *Dunya TV* and the editor-in-chief of the newspaper *Hurriyyet*.
- 24 October 2001 to Foreign Minister Vilayat Gouliyev urging that a fair and just trial will be given to the founder and deputy editor of the *Ulus* newspaper.

Belarus

Interventions

- 27 March 2001 to Deputy Prime Minister and Foreign Minister Mikhail Khvostov because of the detaining and beating by police of Dmitry Yegorov, a correspondent of the private newspaper *Birzha Informatsii*.
- 12 April 2001 to Deputy Prime Minister and Foreign Minister Mikhail Khvostov on the media situation in the year of presidential elections.
- 20 July 2001 to Deputy Prime Minister and Foreign Minister Mikhail Khvostov regarding the burglary at the Minsk offices of the independent newspaper *Dyen*.
- 31 July 2001 to Deputy Prime Minister and Foreign Minister Mikhail Khvostov with questions regarding the unexplained disappearance of the cameraman Dmitry Zavadsky.

* This is a selected list of our activities during the year.

- 20 August 2001 to Deputy Prime Minister and Foreign Minister Mikhail Khvostov expressing concerns about the seizure of 400,000 copies of a special issue of the independent newspaper *Nasha Svaboda* at the private publishing house *Magic*.
- 6 December 2001 to Deputy Prime Minister and Foreign Minister Mikhail Khvostov because of the ordered closure of the independent newspaper *Pahonya*.

Bosnia and Herzegovina

Visits

- 6 June 2001, visit of Freimut Duve to Tuzla for the opening of the **mobile.culture.container** project.
- 10 November 2001, visit of personal adviser Jutta Wolke to Gorazde to attend the closing ceremony of the **mobile.culture.container** project for the winter season.

Bulgaria

Interventions

- 26 March 2001 to Foreign Minister Nadezhda Mihailova expressing concerns about the current state of the conflict in Bulgarian National Radio.
- 15 February 2002 to Foreign Minister Solomon Pasi on the upcoming appointment of a new director of Bulgarian National Television.

Croatia

Visits

- 28 February - 2 March 2001, visit to Zagreb of Freimut Duve, accompanied by senior adviser Alexander Ivanko and academic researcher Ana Karlsreiter, to attend the Conference *Free Media in South-Eastern Europe: Protection of Journalists and their Role in Reconciliation, Promoting Interethnic Peace and Preventing Conflicts*.
- 26 July 2001, visit of Freimut Duve to Osijek to take part in the opening ceremony of **mobile.culture.container** project.
- 24-25 September 2001, visit of senior adviser Alexander Ivanko to Zagreb to attend a meeting of the OSCE Heads of Missions and Offices in South-Eastern Europe.

Czech Republic

Visits

- 9-10 March 2001, visit of Freimut Duve to Prague to hold a speech *Media, Xenophobia and Racism* at the Conference on *Racism and Xenophobia* organized by IUSY.

- 11 October 2001, visit of Freimut Duve to Prague to take part in the Conference *Strengthening Civil Society and the Role of the Media* organized by Transparency International.

Interventions

- 30 October 2001 to Foreign Minister Jan Kavan expressing concerns about the threat of a joint lawsuit from the Czech Government against the weekly magazine *Respekt* for its reporting on corruption issues.

Estonia

Interventions

- 16 March 2001 to Foreign Minister Hendrik Ilves asking for a thorough investigation on the murder of Vitaliy Khaytov, chief executive of the Russian-language daily *Estoniya* and the weekly *Vesti Nedelya Plus*.

Federal Republic of Yugoslavia

Visits

- 2-3 September 2001, visit of Freimut Duve to Cacak to take part in the round table on the perspectives of Croatian young people in the EU organized by **mobile.culture.container**.

Interventions

- 25 July 2001 to Foreign Minister Goran Svilanovic expressing concerns about a) Predrag Radojevic and Dusanka Novkovic, both regional correspondents for the Belgrade daily *Blic*, being invited by the police for an “informative talk” and b) the security of Milica Ivanovic, a reporter for the Belgrade news agency *Beta*.
- 1 August 2001 to Foreign Minister Goran Svilanovic informing him that a letter has been sent to Zoran Djindjic, Prime Minister of Serbia, raising certain concerns regarding the moratorium on frequency allocation and on the fate of RTV B92.
- 6 December 2001 to Foreign Minister Goran Svilanovic on the court decision regarding the former editor of the Podgorica daily *Dan*.
- 30 January 2002 to Foreign Minister Goran Svilanovic about the decision of the Belgrade First Municipal Court that sentenced NIN editor-in-chief Stevan Niksic to a suspended five-month jail term for libel.

France

Visits

- 5-7 January 2001, visit to Paris of Freimut Duve, accompanied by senior adviser Alexander Ivanko, to take part in the 10th OSCE

Parliamentary Assembly Annual Session and to meet with officials from UNESCO.

- 27-28 September 2001, visit of Freimut Duve, accompanied by senior adviser Alexander Ivanko, to Strasbourg for briefings at the Council of Europe.

Georgia

Interventions

- 6 April 2001 to President Eduard Shevardnadze on the alleged harassment of the Tbilisi newspaper *Meridiani* and its staff.
- 25 June 2001 to Foreign Minister Irakli Menagarishvili expressing concerns about the serious harassment against the staff of *60 Minutes*, a programme on the independent television station *Rustavi-2*.
- 1 November 2001 to Foreign Minister Irakli Menagarishvili because of the raid by security police on Georgia's main private television station *Rustavi-2*.

Germany

Visits

- 22 February 2002, visit of Freimut Duve to Berlin to hold a lecture *The Cultural Dimension of the Stability Pact* at the Committee for the European Union of the German Bundestag.
- 25-27 February 2002, visit of personal adviser Jutta Wolke to Berlin to present the new book *In Defence of our Future: mobile.culture.container 2001* at the Federal Press Office and to hold consultations in parliament and various federal ministries.

Hungary

Visits

- 6-7 March 2001, visit of adviser Hanna Vuokko to Budapest to attend the Central Asia Donors' Forum.
- 17-18 May 2001, visit of adviser Diana Moxhay to Budapest, to attend a meeting *Media Support in the Caucasus and Ukraine* organized by the Open Society Institute Network Media Program.

Italy

Interventions

- 1 June 2001 to Foreign Minister Lamberto Dini on the separation between media and politics.
- 27 July 2001 to Foreign Minister Renato Ruggiero expressing great concern about the actions by Italian police against journalists during the G8 summit in Genoa.
- 7 November 2001 to Foreign Minister Renato Ruggiero asking for clarification of the Government's decision not to ratify a deal between *RAI* and *Crown Castle*.

Kazakhstan

Visits

- 3-5 June 2001, visit to Kazakhstan of adviser Hanna Vuokko with the OSCE Chairman-in-Office, Minister of Foreign Affairs of Romania, H.E. Mircea Geoana.
- 10-11 December 2001, visit to Almaty of Freimut Duve, accompanied by adviser Hanna Vuokko and academic researcher Ana Karlsreiter, to attend the Third Central Asian Media Conference.

Interventions

- 16 March 2001 to Foreign Minister Erlan Idrisov expressing concerns about the situation of the newspaper *SolDat* and its editor-in-chief Ermurat Bapi.

Kyrgyzstan

Visits

- 5-6 June 2001, visit to Kyrgyzstan of adviser Hanna Vuokko with the OSCE Chairman-in-Office, Minister of Foreign Affairs of Romania, H.E. Mircea Geoana.

Interventions

- 15 March 2001 to President Askar Akaev expressing concerns about attacks on free journalism, especially a) the developments around the independent newspapers *Asaba* and *Res Publica* and the publishing house *Uchkun* and b) the reopening of the trial against Modosali Ibraimov from the newspaper *Akyiat*.
- 22 January 2002 to Foreign Minister Muratbek Imanaliev regarding the conflict between the publishing house *Uchkun* and the independent newspaper *Moya Stolitsa-Novosti*.

The former Yugoslav Republic of Macedonia

Visits

- 12-13 September 2001, visit to Skopje of Freimut Duve, accompanied by senior adviser Alexander Ivanko, to meet with Macedonian editors and journalists.

Poland

Visits

- 29-30 May 2001, visit of adviser Hanna Vuokko to Warsaw to attend the OSCE/ODIHR Human Dimension Seminar on Elections.
- 17 September 2001, visit of personal adviser Jutta Wolke to Warsaw for the opening of the OSCE/ODIHR Human Dimension Implementation Meeting.
- 24-25 September 2001, visit to Warsaw of Freimut Duve, accompanied by adviser Hanna Vuokko, to address the OSCE/ODIHR Human Dimension Implementation Meeting.

- 8-9 November 2001, visit of Freimut Duve to Warsaw to take part in the European Forum *Europe's New Borders: The Eastward Enlargement of the European Union*.

Portugal

Visits

- 17 July 2001, visit to Lisbon of Freimut Duve to meet with a member of the OSCE Troika, Minister of Foreign Affairs of Portugal, H.E. Jaime Gama.
- 22 January 2002, visit to Lisbon of personal adviser Jutta Wolke to attend the meeting of the Portuguese Chairmanship and the OSCE Secretariat with Heads of Missions, Field Operations, Institutions and the CoEEA.

Romania

Visits

- 19-20 June 2001, visit to Bucharest of Freimut Duve, accompanied by adviser Hanna Vuokko, to attend the meeting of the OSCE Ministerial Troika.
- 3-4 December 2001, visit of Freimut Duve, accompanied by personal adviser Jutta Wolke and adviser Hanna Vuokko, to Bucharest to attend the OSCE Ministerial Council.

Interventions

- 24 July 2001 to Foreign Minister Mircea Geoana regarding the rejection of the activities report of the Romanian Radio Society for the year 2000 by the Parliamentary Commission on Culture, Art and Media.
- 6 November 2001 to Foreign Minister Mircea Geoana asking for clarification regarding the effects of the subordination of the national news agency *Rompres* under the newly established Ministry of Public Information.
- 29 January 2002 to Foreign Minister Mircea Geoana a) on the blocking of distribution of the national daily *Jurnalul National* and b) the arresting of Ovidiu Christian Iane and the indictment of Iane and Migur Ciuvica.

Russian Federation

Visits

- 11-12 February 2002, visit to Moscow of Freimut Duve, accompanied by academic researcher Vladimir Kondratsky, to meet with senior officials at the Ministry of Foreign Affairs, Ministry of the Press and Ministry of Education, and to attend the OSCE-sponsored workshop *Security of Journalists Working in War Zones*.
- 13-14 February 2002, visit to St. Petersburg of Freimut Duve, accompanied by senior adviser Diana Moxhay, to participate in the OSCE-sponsored seminar *Freedom and Responsibility in Russian Journalism*.

Interventions

- 7 March 2001 to Foreign Minister Igor Ivanov expressing concerns about the alleged mistreatment of Anna Politovskaya by military officers.
- 14 May 2001 to Foreign Minister Igor Ivanov expressing concerns about the actions against Moscow radio station *Ekho Moskvy*.
- 25 May 2001 to Foreign Minister Igor Ivanov on the harassment and threatening of Olga Kitova.
- 30 November 2001 to Foreign Minister Igor Ivanov on the dissolution of TV-6 ordered by a Moscow court.

Tajikistan

Visits

- 6-7 June 2001, visit to Tajikistan of adviser Hanna Vuokko with the OSCE Chairman-in-Office, Minister of Foreign Affairs of Romania, H.E. Mircea Geoana.

Interventions

- 1 October 2001 to Foreign Minister Talbak Nazarov regarding the denial of a visa to a *Der Spiegel* journalist who wanted to report from northern Afghanistan.

Turkey

Interventions

- 11 May 2001 to Foreign Minister Ismail Cem expressing concerns about the recent developments of the media situation in Turkey.

Turkmenistan

Visits

- 7-8 June 2001, visit to Turkmenistan of adviser Hanna Vuokko with the OSCE Chairman-in-Office, Minister of Foreign Affairs of Romania, H.E. Mircea Geoana.

Ukraine

Visits

- 18-19 December 2001, visit of senior adviser Alexander Ivanko and adviser Hanna Vuokko to Kiev to attend the *Round Table on Broadcasting Laws* organized by the OSCE and the Council of Europe and to meet with senior officials.

Interventions

- 19 April 2001 to Foreign Minister Anatoliy Zlenko regarding the licence for *Radio Continent*.
- 29 August 2001 to Foreign Minister Anatoliy Zlenko expressing concerns on the brutal beating of Alexei Movseyan, a cameraman for the independent television channel *Efir-1* in Lugansk.

United States of America

Visits

- 22 October 2002, visit of Freimut Duve, accompanied by senior adviser Alexander Ivanko, to Washington DC to meet with senior officials at the US State Department.

Interventions

- 20 February 2002 to Secretary of State Colin L. Powell expressing concerns about the planned creation of an Office of Strategic Influence that should use the media, the Internet and a range of covert operations to try to influence foreign public opinion and the professional media.

Uzbekistan

Visits

- 21-22 October 2001, visit to Uzbekistan of adviser Diana Moxhay with the OSCE Chairman-in-Office, Minister of Foreign Affairs of Romania, H.E. Mircea Geoana.

Interventions

- 19 March 2001 to Foreign Minister Abdulaziz Kamilov asking for additional information on the murder of Eminzhan Osmanov, the writer and former head of the Uighur section of the Writer's Union of Uzbekistan.
- 2 May 2001 to Foreign Minister Abdulaziz Kamilov because of the confiscation of the frequency of ALC TV.
- 7 August 2001 to Foreign Minister Abdulaziz Kamilov regarding the refusal of a licence for ALC TV and the opening of a criminal case against Shukhrat Babadjanov.

The Office participated in the following OSCE and other international meetings and conferences:

OSCE meetings:

- OSCE/ODIHR Supplementary Human Dimension Meeting on Freedom of Expression, Vienna, 12-13 March 2001
- OSCE/ODIHR Human Dimension Seminar on Elections, Warsaw, 29-30 May 2001
- OSCE Ministerial Troika, Bucharest, 19-20 June 2001
- OSCE Heads of Missions' Meeting, Vienna, 3 July 2001
- 10th OSCE Parliamentary Assembly Annual Session, Paris, 6-10 July 2001
- OSCE/ODIHR Human Dimension Implementation Meeting, Warsaw, 17-27 September 2001
- Meeting of the OSCE Heads of Missions and Offices in South-Eastern Europe, Zagreb, 24-25 September 2001
- OSCE Ministerial Council, Bucharest, 3-4 December 2001
- OSCE/Council of Europe Round Table on Broadcasting Laws, Kiev, 18-19 December 2001
- OSCE Chairmanship, OSCE Secretariat, Heads of Missions, Heads of Institutions and CoEEA Meeting, Lisbon, 22 January 2002
- OSCE Parliamentary Assembly, Vienna, 21-22 February 2002

Other international meetings and conferences:

- Conference *Free Media in South-Eastern Europe: the Protection of Journalists and their Role in Reconciliation, Promoting Interethnic Peace and Preventing Conflicts*, Zagreb, 28 February – 2 March 2001
- Central Asia Donors' Forum, Budapest, 6-7 March 2001
- Conference on *Racism and Xenophobia* organized by IUSY, Prague, 9-10 March 2001
- Meeting *Media Support in the Caucasus and Ukraine* organized by the Open Society Institute Network Media Program Budapest, 17-18 May 2001
- Stability Pact Media Task Force, The Hague, 20-21 July 2001

- Stability Pact Media Task Force, Brussels, 10-11 October 2001
- Conference *Strengthening Civil Society and the Role of the Media* organized by Transparency International, Prague, 11 October 2001
- *International Mechanisms for Promoting Freedom of Expression*, Article 19, London, 18-20 November 2001

VI. Media NGOs in the OSCE Region

Note: This is a list of NGOs with which we have established contact or whose materials have proven useful to our work during the past years. However, this is not an exhaustive list of all those NGOs which are doing valuable work on freedom of media issues in the OSCE region.

For more information about the NGOs on the list please check the new database of media NGOs on the website of the OSCE Representative on Freedom of the Media: <http://www.osce.org/fom>

Accuracy in Media
 Alternativna Informativna Mreza
 American Society of Newspaper Editors (ASNE)
 Amnesty International
 Andrei Sakharov Foundation (ASF)
 Article 19
 Association of Independent Electronic Media (ANEM)
 Association of Journalists (Gazeteciler Cemiyeti)
 Balkanmedia Association
 Belarusian Association of Journalists (BAJ)
 Canadian Civil Liberties Association (CCLA)
 Canadian Journalists for Free Expression
 Center for Journalism in Extreme Situations (CJES) of the Russian
 Union of Journalists
 Committee to Protect Journalists
 Commonwealth Press Union (CPU)
 Czech Helsinki Committee
 Derechos Human Rights
 Electronic Frontier Canada
 European Alliance of Press Agencies
 European Ethnic Broadcasting Association (EEBA)
 European Institute for the Media
 Fairness & Accuracy in Reporting
 Feminists for Free Expression (FFE)
 First Amendment Centre
 Free 2000
 Freedom Forum
 Freedom House
 Glasnost Defence Foundation
 Global Internet Liberty Campaign
 Greek Helsinki Monitor (GHM)
 Human Rights Centre of Azerbaijan
 Human Rights Watch
 Independent Journalism Centre, Moldova (IJC)
 Index on Censorship
 International Centre for Journalists

International Committee to Protect Free Media in Yugoslavia
 International Consortium of Investigative Journalists (ICIJ)
 International Federation for Information and Documentation (FID)
 The International Federation of Journalists
 International Federation of the Periodical Press
 The International Freedom of Expression eXchange (IFEX) Clearing House
 International League for Human Rights (ILHR)
 The International Press Institute
 Internews International
 IREX/ProMedia
 Journalist Safety Service
 Media Centre Belgrade
 Medienhilfe Ex-Jugoslawien
 National Freedom of Information Coalition
 New Generation Union of Journalists of Azerbaijan
 Norwegian Forum for Freedom of Expression
 Norwegian People's Aid
 Open Society Institute Network Media Program, Soros Foundation
 Press Council (Basin Konseyi)
 Press Now
 Progressive Journalists Association (Cagdas Gazeteciler Dernegi)
 The Reporters Committee for Freedom of the Press
 Reporters Sans Frontières
 RUH Azerbaijani Committee for Protection of Journalists
 Statewatch
 Women Journalists Association of Azerbaijan
 World Association of Community Radio Broadcasters (AMARC)
 World Association of Newspapers (WAN)
 World Press Freedom Committee (WPFC)

Authors

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