



United States Mission to the OSCE

Response to FOM Representative Miklos Haraszti

As delivered by Acting Deputy Chief of Mission
Bruce Connuck to the Permanent Council, Vienna
June 8, 2004

Thank you, Mr. Chairman,

I would also like to welcome Mr. Haraszti to the Permanent Council and to thank him for his first quarterly report to this Council. This report is comprehensive and does a good job of focusing on the main task of the OSCE Representative on Freedom of the Media – to work to promote free media throughout the OSCE region.

As Mr. Haraszti has correctly pointed out in his report, the main responsibility for ensuring that media can work freely and independently lies with government. We cannot allow governments to violate the basic right to freedom of expression, even in a time of heightened security concerns, as well as of concern about the effects of hate speech.

We commend the government of Ukraine – as well as the government of Moldova - for decriminalizing libel. As we said in March, however, the United States remains concerned about developments in Ukraine that have had the effect of undermining media freedom.

These concerns include registration obstacles, jamming of broadcasts, and seizure of equipment. There have also been credible reports of a significant increase in efforts by the State Tax Administration (STA) to use administrative regulations selectively against journalists who do not support pro-presidential forces and against companies that belong, or are presumed to belong, to opposition supporters. In addition, the United States remains deeply concerned about violence against journalists in Ukraine and calls for a full and transparent investigation of the murder of Heorhiy Gongadze and other cases.

Mr. Chairman, freedom of the media is a core OSCE commitment and central to the conduct of free and fair elections. Unfortunately, measures that reduce the space for a free and independent media undermine the credibility of Ukraine's commitment to free and fair elections. We call upon Ukraine to demonstrate its support for media freedom and for free and fair elections by lifting measures targeting journalists and media outlets that offer Ukrainians an independent voice on political matters.

We also are concerned about media developments in Belarus. We do not agree with Mr. Haraszti's description of Belarus State Television as a "public-service broadcaster", or his efforts to draw parallels between the Belarusian authorities' misuse of the official media to attack pro-democracy parties with what happened at RTK in Kosovo, which was set up expressly to ensure that it would not be government-controlled. We hope that Mr. Haraszti will use the power of his

office to press Belarusian authorities to follow Ukraine's example in decriminalizing libel, to establish a full accounting into the disappearance of ORT cameraman Dmitry Zavadsky that was highlighted in the Pourgourides report, and to allow full disclosure and public debate over the provisions of a draft media law.

We urge Mr. Haraszti to follow developments in Belarus closely and to speak out clearly when the Belarusian government uses official media to attack and slander the opposition, as happened with the broadcast of the program, "The Road to Nowhere," or seeks to muzzle a free press. We look forward to hearing Mr. Haraszti's proposals on these matters and the Pourgourides report and note that his proposals should be commensurate with the egregious violations of media freedom that are occurring daily in Belarus.

We are disappointed to learn that the Armenian government has not yet responded to Mr. Haraszti's April 19 letter to the Foreign Minister requesting information about the investigation into violence against journalists during the demonstrations in Yerevan in April. We hope a full investigation is being conducted and that the results will be made public.

We continue to have serious concerns about freedom of the media in Azerbaijan. There are numerous documented cases of violence and harassment against journalists, particularly around the time of last year's elections. We encourage the authorities to take appropriate measures in this regard.

The United States joins Mr. Haraszti and the OSCE Mission to Serbia and Montenegro in condemning the May 27 murder of "Dan" editor-in-chief Dusko Jovanovic. We call on the Montenegrin authorities to investigate this case thoroughly and to prosecute fully those responsible for this crime. Investigative journalism can be a key tool in the fight against organized crime and corruption, and those who enter this potentially dangerous field need to know that law enforcement authorities are on their side.

In addition, we remain concerned about the overall lack of freedom of media in Turkmenistan.

Mr. Chairman, we would note that on May 19 of this year, the European Court of Human Rights ruled that criminal proceedings and detention on remand were used as part of commercial bargaining strategies against former Media-MOST head Vladimir Gusinsky. The court found that "the restriction of the applicant's liberty...was applied not only for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence, but also for alien reasons."

Mr. Chairman, the United States encourages Mr. Haraszti to pay early visits to those participating States with the most serious problems regarding freedom of the media.

Once again, we wish to thank Mr. Haraszti for his report, and we look forward to working with him to address the issues we have raised.

Thank you, Mr. Chairman.