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Commission on Security and Cooperation in Europe

"Deterioration of Freedom of Media in OSCE Countries"

Testimony of:

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Good afternoon, Mr. Chairman, members of the Commission. Thank you for holding this hearing and for giving me the opportunity to speak on the subject of promoting press freedom in the countries of the Organization for Security and Cooperation in Europe.

I am Executive Director of the World Press Freedom Committee, a coordination group including 44 affiliated journalistic groups on six continents. Our primary focus is on the ways in which international institutions -- such as the OSCE, the United Nations, UNESCO, Council of Europe and the European Union -- influence press freedom in the world. We are attentive to how their declarations and their actions affect the environment in which the world's journalists do their work. These institutions wield great power, often merely through the moral authority of their resolutions or statements. These words can be forces for freedom and democracy -- or they can provide cover for authoritarians seeking justification for restrictions on the free flow of information.

I wish I could say that freedom of expression and of the press is thriving in the 55 nations participating in the OSCE. Sadly, I cannot. In no fewer than 19 of these, according to the latest assessment by Freedom House in New York, the news media are unfree or only partly free. In addition, the World Press Freedom Committee and other press freedom groups also have been alarmed at a number of developments in countries categorized as having a fully free press.

At the beginning of a new millennium -- and the end of a dark period of communist oppression -- this is not good enough. It is unacceptable.

As long as news media are not free to report the facts of economic, political and social life in countries within the OSCE region, these societies cannot be free, and they cannot be fully prosperous. Press freedom is fundamental to democracy. Without press freedom, all freedoms are compromised.

The Commission, of course, is aware of these truths and knows that all is not well in too many parts of the region. You would not have convened this hearing otherwise. My colleagues on this panel will have described many of the problems facing independent media. I will also offer a brief commentary on some of the most egregious situations of repression by governments.

In addition, I will make note of some perhaps less recognized problems of press controls, those imposed by the very group of allied democracies -- the United States among them -- claiming to work for the promotion of freedom and democracy in Europe. It is doubly sad that our own restrictive actions, beyond their immediate effects, also serve to legitimize -- by example -- restrictions by others.

First, a very brief overview of a few of the most worrisome control attempts by local governments:

Azerbaijan (Rated "Not Free" by Freedom House): Journalists endure harassment, beatings and closures of their news media outlets. In recent weeks there has been sustained and sometimes violent harassment of the opposition newspaper Yeni Musavat and the independent station Sara Radio/TV. Last month, equipment including TV transmitters worth more than \$100,000 was taken from the premises of Sara Radio/TV. According to representatives of the station, the confiscation was ordered by Husein Huseynov, head of Azerbaijan's Motor Transport Agency and director of the state-supported LTV station. The equipment was allegedly seized in compensation for a fine of US\$58,000 levied against the station in November 1999, after it was found guilty of insulting Mr Huseynov's "honor and dignity" during a September 1999 broadcast.

In February, Azerbaijan also instituted a new "law on mass media" in which two articles are especially troublesome:

Article 27 says that government officials can forbid the import and distribution of "foreign print

publications, in which one publishes the information plotting severe injury of integrity of the state and safety of country, and also pornographic materials." The officials, of course, would be the ones to say what material is deemed injurious to the state or pornographic.

Article 50 provides for official licensing of journalists -- and for revocation of this: "In case of failure by the journalist or edition of the rules of accreditation, dissemination of information humiliating honor and dignity of accrediting organizations or distorted or a mismatching actuality, accrediting entity can deprive of the journalist of accreditation." This sweeping provision means that the government will decide who may work as a journalist, and stands ready to revoke accreditation if it dislikes what that journalist writes or broadcasts.

Belarus ("Not free"): The independent press has been the target of systematic harassment, most recently in the form of massive detentions of Belarusian and foreign journalists during the opposition-staged demonstration on March 25. The U.S. State Department condemned what it called this "brutal and unjustified" crackdown on the rally, adding that "the Lukashenka regime's suppression of this demonstration makes clear its disinterest in dialogue."

Turkey ("Partly Free") : Continued jailing of journalists and writers over public discussions of Kurdish autonomy and/or separatism. In February, officials brought charges against five newspapers (Hurriyet, Sabah, Altayli, Takvim, and Oncu) for allegedly defaming the character of Turkey's Justice Minister. These charges appear to represent efforts to prevent legitimate journalistic questions and comment on the work of government authorities.

In December, Turkey's Supreme Board of Radio and Television (RTUK) ordered a one-year suspension of broadcasts by the privately owned Antalya FM, charging that the station had incited listeners to terrorism and ethnic hatred in its broadcasts.

This is an example, Mr. Chairman, of authorities with a will to curb criticism can excuse their censorship as a needed effort to silence what they conveniently refer to as "hate speech" or some other threat to the common good. Turkey is the country with the second most journalists in jail, after China. Most of these detentions are of journalists who dared to report or opine about Kurdish issues in Turkey.

Russia ("Partly Free"): The former communist stronghold that seemed so promisingly heading for democracy just a few years ago has of late -- specifically, since the beginning of Premier-elect Vladimir Putin's leadership in December -- shown alarming slippage back toward intolerance of press freedom. Under his authority, Russian officials have sharply stepped up efforts to control the media and to punish those journalists who attempt to get the news anyway. Particularly in relation to coverage of the war in Chechnya, Moscow has blocked

travel and access to the area.

One recent and blatant example of censorship was the detention and continuing prosecution of Radio Free Europe/Liberty reporter Andrei Babitsky. In another, police attempted to force investigative reporter Aleksandr Khinshtein to submit to a psychiatric examination. The journalist was accused of concealing a psychiatric disorder when he applied for a driver's license.

Serbia (Yugoslavia) (Not Free):

Repression of independent and opposition media in Serbia has never been worse, we are told by local journalists, who refer to the situation as "media cleansing." Since the beginning of 2000, at least 20 news outlets have been the targets of state reprisal, from revocation of operating licenses and imposition of exorbitant fines, to verbal threats by officials.

We also see several worrisome situations indicating a fundamental lack of executive, parliamentary or judicial systems' understanding of press freedom. Most notable examples are found in the Central Asian republics; Bulgaria, Romania and Ukraine.

There are also some promising signs, in Croatia and Slovakia following election of democratic governments.

But press freedom has suffered in some unexpected regions, countries where the press is nominally free.

In Greece, for example, journalists face criminal prosecution, with heavy fines and jail sentences possible, for "insulting" public figures and officials. The feeling among officials there seems to be that they are above public scrutiny. In a democracy, though, officials are more, not less, subject to legitimate examination than the ordinary private citizen.

Hungary also disappoints. While Hungarian law says that the supervisory bodies of state media should include equal numbers of government and opposition members, the parliamentary majority of conservative Prime Minister Viktor Orban's coalition government tightened its grip over state media by approving a four-member, pro-government control body for the state-owned Duna Television, without even considering the opposition's candidates.

Many of the incidents of press controls described by me and others on this panels fall into general, identifiable patterns of restriction such as:

1. Restricting the news media on a pretext of protecting peace by curbing "hate speech" (Bosnia and Kosovo).

2. Imposing disproportionate and punitive damages for the unstated purpose of driving media outlets out of business (Serbia, Azerbaijan and before a change in government, Croatia).

3. Using so-called "insult laws" on which to base prosecution of journalists, labeling critical reporting as "insulting" to the dignity, reputation, etc., of public officials, institutions or symbols

(Kazakstan, Kyrgyzstan, Uzbekistan, Azerbaijan, Belarus, Greece, Turkey, Bulgaria, Romania).

4. Invoking patriotism, national security or territorial integrity to bring journalists into line (Russia, Serbia, Turkey and, before government change, Slovakia).

Mr. Chairman, your commission does have real authority. You can exert influence in those initiatives in which the United States government has a role and a voice, including programs conducted under the auspices of the OSCE, the United Nations and NATO -- all organizations to which the United States is a party.

I speak of programs envisioned to restore peace and democracy in former Yugoslavia and elsewhere. These are perhaps well intentioned, but in some cases they are potentially dangerous for the future of the very principles they are designed to protect.

The Independent Media Commission in Bosnia-Herzegovina and the Department of Media Affairs in Kosovo -- under mandate of the international community -- have established substantial bureaucracies for the supposed purpose of fostering a free, independent and pluralistic media in these areas. In the name of those worthy goals, however, they have laid out restrictions and shut down media outlets, declaring that the content issuing from those media was dangerous to peace. Whatever the motive, this is censorship.

Here in the United States we are so familiar with the idea of public accountability that we accept and even seek to hear and read stories about nearly all aspects of our leaders' and government officials' lives and politics. Our First Amendment protects our right to inquiry, discussion and debate, and we have a robust body of civil law as recourse if and when that right is abused.

Why should that be different elsewhere? You yourselves would certainly reject any attempt by teams of German, French, Italian or Russian officials to regulate news here, even bad news. Yet this is what the United States, as part of the international groups supervising the administration of parts of former Yugoslavia, is engaged in.

Mr. Chairman, restrictions -- even in the name of democratic ideals and goals -- are all the same restrictions. They are censorship. They are authoritarian by nature.

Yes, former Yugoslavia is a terrible confusion of conflicting interests and emotions. Yes, it is a very dangerous, volatile place. But the press controls to which we have become a party in former Yugoslavia would be unacceptable here.

The common reply to this objection -- "Yes, but this isn't the United States" -- amounts to nothing less than a justification for ethnic, racial or cultural discrimination. No country is "not yet ready" to be free, or to have a free press.

I submit, Mr. Chairman, that the answer to hateful speech is not censorship but more speech.

Repressing differences and frustrations merely drives them deeper, to fester and explode at a later -- but inevitable -- occasion.

There is an alternative.

The problem in ex-Yugoslavia or the Caucasus or Central Asia today is not too much free speech and free press but not enough. Expressions of ethnic hatred were severely repressed under Yugoslavia's longtime ruler Josip Broz Tito, with the result that they have a novelty value in the contemporary Balkans. If Marshal Tito had permitted such hatreds to be openly discussed over the years, there would undoubtedly have been some very ugly statements. But there would also have been public debate of them, and we might not have eventually come to bullets over them.

I urge you, and through you those responsible for the reconstruction of independent media in Bosnia Herzegovina, Kosovo and other areas recovering from totalitarianism and conflict, to help by promoting a full and free flow of news and airing of ideas. To offer assistance in building up an infrastructure of free media: printing plants, newsprint supplies, distribution networks, broadcast studios, transmission towers and telecommunications equipment. And to oppose all efforts to restrict or limit such systems.

These are tangible, do-able goals which will go further than rules, restrictions and punishment to foster the kind of dialogue and inquiry that is essential to true democracy.

When Americans act together with the rest of the international community to restore peace in conflict zones, they should not let themselves be pressured by would-be regulators, even well-intentioned ones, into abandoning the shared democratic free speech/press freedom values

that are part of our common democratic heritage, bequeathed to us all by the European Enlightenment.

The United States should be a role model and a standard-bearer for democracy. We fail at this if we legitimize censorship by engaging in censorship ourselves. We must not set this bad example.