DETERIORATION OF FREEDOM OF THE MEDIA IN OSCE COUNTRIES

HEARING

BEFORE THE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

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DETERIORATION OF FREEDOM OF THE MEDIA IN OSCE COUNTRIES

APRIL 4, 2000

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DETERIORATION OF FREEDOM OF THE MEDIA IN OSCE COUNTRIES

TUESDAY, APRIL 4, 2000

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met at 1:00 p.m. in room 334, Cannon House Office Building, the Honorable Christopher H. Smith, Chairman, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman; Hon. Joseph R. Pitts.

Witnesses present: David W. Yang, Senior Coordinator for Democracy Promotion, Bureau of Democracy, Human Rights and Labor, U.S. State Department; Freimut Duve, OSCE Representative on Freedom of the Media; Thomas A. Dine, President, Radio Free Europe/Radio Liberty; Linda K. Foley, President, Newspaper Guild-Communications Workers of America and Vice-President, International Federation of Journalists; Emma E.D. Gray, Europe Program Director, Committee to Protect Journalists; and Marilyn J. Greene, Executive Director, World Press Freedom Committee.

OPENING STATEMENT OF HON. CHRISTOPHER H. SMITH, CHAIRMAN

Mr. SMITH. Good afternoon. This hearing of the Helsinki Commission will come to order. Today's hearing is being held to draw attention to the deteriorating status of free speech and press throughout the OSCE region, to raise alarm about this deterioration, and to call upon the OSCE participating states to recommit themselves to these freedoms.

About one-third of the 34 journalists who lost their lives during 1999 were killed in the OSCE region. Nearly a quarter of those imprisoned were in Turkey, Uzbekistan, and Yugoslavia. More than a decade after the fall of the Berlin Wall independent reporters often suffer under the heavy hand of government authorities, and journalists are plagued with violent assaults and even attempted assassinations.

The criminal libel laws which remain on the books have been widely used against the press in countries from Bosnia and Croatia to Azerbaijan and the Ukraine. The news media laws have the potential of being restrictive under consideration in many other countries.

In Russia, the case of Andrei Babitsky has sent a chilling message to journalists who wish to report truthfully when the government prefers that such truth be not known. A veteran Radio Liberty corre-

spondent, Mr. Babitsky disappeared in Chechnya in early February after Russian authorities had seized him and then "exchanged" him with Chechen forces in return for some Russian prisoners of war.

Eventually he was freed and taken to Dagestan. He is now back in Moscow under threat of criminal prosecution for allegedly "participating in an unlawful armed formation." His real crime, however, may be that he was broadcasting the truth from inside Chechnya rather than relying on official military communiques.

The OSCE participating States have committed to the protection of freedom of expression and to permit independent pluralistic media which are essential for a free and open society and for accountable systems of government.

Three years ago, the States created the mandate for an OSCE Representative on Freedom of the Media to strengthen the implementation of the commitments in the field of the media. This Commission hearing will examine the implementation of these critical OSCE commitments.

Today's hearing falls 1 week shy of the first anniversary of the assassination of Slavko Curuvija, editor of the independent newspaper, *The Daily Telegraph*, who was gunned down outside his Belgrade apartment by masked gunmen.

A few months earlier, testifying before this Commission in this room, Mr. Curuvija said regarding the legal harassment which preceded his assassination:

"I come from a country where there is no rule of law. By making an example out of me, the [Milosevic] regime sends a message to all who oppose it, intimidating and bullying all the independent media in the process . . . After all his other wars, Slobodan Milosevic appears to be preparing to wage war against his own people in Serbia and Montenegro . . . "

Recently, as we know, this war by Milosevic against his own people has continued. His henchman, Seselj, recently and publicly threatened the media, the property of some media outlets have been seized by the authorities, and Yugoslav military activities in more open and tolerant Montenegro are ominous indeed.

As far as free speech, scores of Serbian students involved in the Resistance Movement were arrested a little more than 1 week ago for demonstrations which paralleled those officially organized on the anniversary of the NATO campaign.

Finally, last Thursday, a Belgrade court held its first hearings in the trials of several opposition leaders for allegedly slandering prominent regime politicians during opposition rallies in late 1999.

I welcome the opportunity to hear the testimony of our very distinguished witnesses today and will appreciate receiving your recommendations on how best this Commission can contribute to efforts to reinvigorate free speech and free press throughout the OSCE region.

At this point I would like to yield to my good friend and colleague from Pennsylvania, Mr. Pitts, fellow Commissioner.

OPENING STATEMENT OF HON. JOSEPH R. PITTS, COMMISSIONER

Mr. PITTS. Thank you, Mr. Chairman, and thank you for holding this important hearing on the Deteriorating Freedom of Media and Speech in OSCE Countries. Unfortunately, the fundamental human right of freedom of speech is under assault in several countries.

I am looking forward to hearing the reports of today's witnesses, particularly their suggestions about specific actions the Commission and the Organization for Security and Cooperation in Europe can take to address these issues.

Professional journalists can face a deadly and dangerous job. Reports show that 87 journalists or media workers were killed or murdered in 1999 and violations against the media were committed in 165 countries. The danger can be seen throughout the OSCE, both in existing and transitional democracies.

For example, Serbian officials have closed radio and television stations, shut newspapers, and have been rumored to be behind programs of harassment and intimidation for foreign journalists.

In Greece, media freedom organizations have repeatedly denounced a vast array of convictions to prison sentences for libel, holding that slander, libel, and defamation should be covered in the civil code and that no citizens, including journalists, should face the prospect of a criminal record and a prison sentence for what they say or write.

In Russia, authorities attempted to forcibly take investigative reporter Alexander Khinshtein to a psychiatric clinic for testing, recalling Stalinist times when dissidents were disposed of for years, or permanently, in mental hospitals. In a number of post-Communist countries, charges have been brought against journalists under laws that prohibit the release of "state secrets"—the definition of which is very difficult to establish.

When raising concerns about violations of freedom of speech, it is vital that we not only address the effect on the media. Freedom of speech applies not only to journalists and the media, but also to individuals throughout a society. When individuals are prohibited from speaking about their political or religious views, the basic right of freedom of speech is violated.

As we know from many other Commission hearings, religious believers in Eastern and Western Europe and Central Asia have been imprisoned for publicly stating their religious beliefs. In Uzbekistan we have seen reports that on March 8, Uzbek police confiscated reports published by Human Rights Watch carried by one of their representatives who was monitoring the trial of twelve men charged with membership in Hizb-ut-Takhrir, a peaceful Muslim organization banned in Uzbekistan.

The problems for religious individuals or groups are limited not only to speaking about their views person-to-person, but also speaking through the media. Access to the media for religious groups is linked to OSCE guarantees of free speech and religious liberty.

In the 1989 Vienna Concluding Document paragraph 16.11, the OSCE participating States specifically addressed issues relating to media access by religious groups. The participating States recognize that the media is part of a public dialogue and, therefore, have committed to favorably considering access to the mass media by religious groups.

However, religious broadcasters, particularly those affiliated with minority religious groups, continue to experience bureaucratic obstacles in several OSCE participating States, such as unexplained delays in renewing broadcast licenses, or a change to a less desirable frequency or time slot.

The Commission has followed cases in Spain, Greece, and Romania where there were credible allegations that religious broadcasters experience discrimination primarily because of their denominational affiliation.

Besides free speech pertaining to religion, free speech regarding a person's political views also is violated. In Russia the Putin administration has taken measures to control information. Officials report about the "problem" of media giving air time and print space to views of "terrorists, " claiming that journalists have a "civic responsibility" in reporting the news.

The Russian Security Council plans to review national information policy in the future. In Greece and Turkey, two western countries, criminal defamation laws have been used to restrict speech.

Mr. Chairman, thank you again for holding this timely hearing to examine how Members of the Commission as well as Members of the United States Congress can act to fan the flames of democracy and encourage OSCE participating States to uphold and protect freedom of speech and freedom of the media.

Mr. SMITH. Commissioner Pitts, thank you very much.

I would like to now welcome our very first witness today. We are very happy to have Mr. David Yang, the Senior Coordinator for Democracy Promotion in the State Department's Bureau of Democracy, Human Rights and Labor.

Mr. Yang has served since 1996 in his capacity to Assistant Secretaries and Commissioners Harold Koh and John Shattuck. He coordinates DRL's diplomatic and programmatic efforts to promote democracy globally. He has also developed DRL's oversight of the entire U.S. Government's budget for democracy programs.

Mr. Yang has served in the Clinton Administration since 1993, having first worked in USAID on democracy programs in Asia and the Middle East, and then as a speech writer for Secretaries of State Warren Christopher and for Madeline Albright.

He has also worked in the fields of journalism, research, and theater. Born in Hong Kong, Mr. Yang holds a BA in Politics from the University of California at Santa Cruz and an MA and Ph.D. in International Relations from the School of Advanced International Studies, Johns Hopkins University.

Mr. Yang, thank you and please proceed.

TESTIMONY OF DAVID W. YANG,
SENIOR COORDINATOR FOR DEMOCRACY PROMOTION,
BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR,
U.S. DEPARTMENT OF STATE

Mr. YANG. Thank you, Mr. Chairman. I would like to request that my written testimony be entered into the record so I could just touch very briefly on it here.

Mr. SMITH. Without objection, your full statement will be made a part of the record.

Mr. YANG. Thank you very much. Mr. Chairman and Congressman Pitts, I thank you for this opportunity to present the Administration's views on the status of freedom of the media in the OSCE region. I commend the Commission for bringing attention to this very important topic.

I also convey the regrets of Assistant Secretary Koh for being unable to be here today. He greatly values his partnership with you in his dual role as Assistant Secretary and fellow Commissioner. We invite you to provide us with ideas and materials on this and other topics of concern to you.

We look forward to continuing to work with the Commission to ensure that the promotion of human rights, democracy, and the rule of law remains a fundamental element of U.S. foreign policy in this region.

Mr. Chairman, the freedoms of speech and media enshrined in Article 19 of the Universal Declaration of Human Rights and Principle 7 of the Helsinki Final Act lie at the heart of democracy. Without the freedom to express one's views and to exchange them with others through the media, citizens are truly without the means to participate in self-governance.

The free access to information is essential to the health of a democracy for two basic reasons. First, it ensures that citizens make responsible, informed choices rather than acting out of ignorance. Second, information serves as a check on elected officials by ensuring that they uphold their oaths of office and carry out the wishes of those who elected them.

Especially for countries emerging from totalitarian rule, a free media provides one of the most effective instruments for developing civil society as an independent sphere of political life.

Mr. Chairman, the Administration recognizes our obligation to promote media freedom. While our efforts can at times be demanding, we carry out our work with the knowledge that our partners in countries in transition often exhibit great courage in confronting their daily challenges.

In this regard, Mr. Chairman, as have you, I would like to invoke the memory of Mr. Slavko Curuvija. Next week, as you said, will mark the first anniversary of his death and I wish to pay tribute to his bravery and to honor his dedication to the principles that bring us together today.

Without doubt, much progress has been made since the heady days of the collapse of the Berlin Wall and the signing of the Charter for a New Europe. Nevertheless, attacks on independent media remain as commonplace in this region as they do globally. Journalists continue to risk harassment, arrest, and even death to report the news.

Governments continue to use a variety of means to silence independent voices. These include censorship, licensing, taxation, jamming of airways, limits on access to newsprint and printing facilities, control over advertising, and vague or punitive libel laws that can be readily exploited by prosecutors.

Mr. Chairman, the Administration continues to be concerned about threats to free speech and media in many countries in the region. In my written testimony I have highlighted our concerns in Serbia, Turkey, the Czech Republic, Hungary, Romania, Russia, Ukraine, Belarus, Azerbaijan, and the five nations of Central Asia.

The State Department's most recent Country Reports on Human Rights Practices supports the Commission's view that certain countries in the region have suffered deterioration in the status of the freedom of speech and media in their countries. However, the Department's findings also show that most of the region's problems are abiding in nature.

Of course, this is not news to the Commission. During the past decade we all have come to acknowledge that for most of the 30 nations of the former Soviet world, the transition to democracy and a market economy will be slow and painful.

Yet, our acknowledgment of this truth has not led to despair. On the contrary, it has redoubled our commitment of America's diplomacy and programmatic assistance to accelerate and ease those twin transitions.

The strength of our commitment is first and foremost demonstrated in our bilateral diplomacy. Every day the State Department speaks out, both in public and private, against violations of freedom of speech and the media.

Let me cite two examples, Mr. Chairman, in our work in this region. In Belarus the Government has continued, as you know, its suppression of the media. In response, the State Department has repeatedly called on the Belarusian government to honor its commitment to international standards in this area.

We have strongly protested specific cases of harassment with both the Belarusian ambassador in Washington and the government in Minsk. Furthermore, our Embassy's Democracy Commission and our USAID program provide direct financial support to the independent media there.

We support as well cross-border radio broadcasts into Belarus. In these ways, we have helped to keep alive the independent media in the face of political and economic strangulation.

Equally important is the moral support that the U.S. Government can offer. Assistant Secretary Koh visited Belarus last November. He delivered a strong message to the government on the need for press freedom. Afterwards he met with journalists and spoke at a conference of human rights defenders. His expressions of support to the journalists and activists were overwhelmingly received.

One independent weekly wrote, "The visit to Minsk of Assistant Secretary Koh is a remarkable event not only for the conference participants but for all Belarus . . . His visit is proof to the fact that Americans take our problems very personally and perceive the world from the viewpoint of the need to help others."

I offer Turkey as my second example, Mr. Chairman. There, limits on freedom of speech and the press remain a serious problem. While the media criticize government leaders and policies daily, persons who write or speak out on highly sensitive topics risk prosecution and imprisonment. These topics include the role of religion in politics and society, some Kurdish issues, and the Kurdistan Worker's Party, or PKK.

To address these continuing problems, the administration officials involved in this work have regularly encouraged reform that would enhance freedoms of Turkish citizens.

In addition, within the last eight months President Clinton, Secretary Albright, and Assistant Secretary Koh have visited Turkey. The issue of human rights has figured prominently in their private and public remarks. Assistant Secretary Koh has offered interviews to independent media and met with journalists to learn of the conditions they face and draw attention to their struggle. He stressed to Turkish officials our interest in the expansion of media freedom.

Mr. Chairman, we also display America's long-term commitment in the comprehensive approach we take to the promotion of democracy. We support the development of free and fair elections, political parties, constitutions, legislatures, judiciaries and other legal institutions, local governments, civilian controlled militaries, civic education, advocacy NGOs, labor unions and, of course, free and independent media.

The depth of the Administration's commitment is evident also in our programs for the development of free media. USAID's estimated fiscal year 2000 budget for media programs in Europe and the NIS is $21 million. In these programs we apply a very multi-faceted strategy.

First, we support the establishment of a legal environment in which independent media can thrive. This, as you know, can require the repeal of bad laws or the passage of good laws, including those pertaining to freedom of information, libel, sedition, obscenity, privacy, taxation and licensing.

Second, we assist advocacy groups, indigenous ones, to organize the constituencies that will push such legal reform.

Third, we help independent media to remove barriers that prevent them from gaining access to the means of producing and distributing their publications or broadcasts.

Fourth, we strengthen the ability of independent media to manage their business operations, attract advertisers and secure loans for capital investment.

Finally, we of course train journalists to hone their basic skills of investigation, reporting and analysis.

Mr. Chairman and Congressman Pitts, as the Helsinki movement begins a second quarter-century, thousands of journalists throughout the OSCE region continue to bravely occupy its vanguard. I salute you and the Members of the Commission for keeping their struggle high on the agenda of American foreign policy. Together we must ensure that America remains steadfast in support of their great cause. Thank you.

Mr. SMITH. Mr. Yang, thank you very much for your testimony and for the fine work you are doing on behalf of free press and for the beleaguered journalists that we care so deeply about.

Let me just ask you a couple of questions. Do you have any comments regarding the role of the OSCE Representative on the Freedom of the Media? Has that office worked out the way, in your view, it was envisioned?

Mr. YANG. First, let me say we very much push for the creation of the function. We believe it's a very important function. Our bilateral efforts can only be effective if, as you would agree, they are coupled with multilateral efforts around the world, including with the OSCE.

We do believe that the OSCE and the representative for Media Freedom have done a good job in carrying out this function and we continue to work closely with him.

Mr. SMITH. Have they yielded any success by raising issues and by pushing codes of conduct and other kinds of initiatives? Is there anything tangible that they can point to yet?

Mr. YANG. Yes, sir. To take one recent example that's very timely. I believe that, again, multilaterally and bilaterally together, we and the OSCE, the Office of the Special Representative, work very closely to ensure that in Kosovo there are not only broadcasting codes but also regulations against hate speech—which is a big problem, as you know.

We both work very closely together to see that those regulations and broadcast codes came into practice and they are already, as you know, yielding fruit in the sense that at least two hate speech radios in the Albanian community have been closed down.

Mr. SMITH. They have closed down?

Mr. YANG. Yes.

Mr. SMITH. Very good.

Mr. YANG. I would cite that as one good example of our cooperation together.

Mr. SMITH. Are there others still operating?

Mr. YANG.

Yes. There are both Serbian and Albanian Kosovar Radio stations that continue to broadcast substantively questionable material. Officials in Kosovo are exploring ways of managing this problem.

For example, a draft "Regulation on the Licensing and Regulation of the Broadcast Media in Kosovo" was recently approved by U.N. officials in New York. Based on this regulation, the OSCE interim media commissioner has issued a "Broadcast Code of Practice," now pending final approval. This code provides definitions of material unacceptable for broadcasting and requires broadcasters to "Be vigilant in identifying statements …that carry a clear risk of inciting public harm or intolerance."

Mr. SMITH. I would appreciate it if you would provide that for the record. Let me ask you about the OSCE review conference and the implementation review. Does the Administration plan on bringing up the issue of journalists and freedom of the press in those fora?

Mr. YANG. : I have to admit, sir, I'm not aware of our preparations for this forum. I will get you that answer but—

Mr. SMITH. Let me encourage you to do so. I think it behooves us likewise to seek passage of language at the OSCE Parliamentary Assembly that would reiterate our deep concerns about this issue and especially about the individual journalists who have been killed or are at risk of being killed.

Mr. YANG. I would assure you, sir, that on our human rights agenda certainly freedom of the media and speech occupy a very high rung of our ladder in that sense, in that we would regularly raise those issues within the OSCE.

Mr. SMITH. Could you expand, if you would. I know in your written testimony you've touched on this, but perhaps even over and above that about the restrictions on the independent press in Russia's war in Chechnya.

I remember reading recently *The New York Times* piece that talked about the soldier's point of view, and highlighted some Russian soldiers and the horror that they have faced, the coffins, the snipers. One of them was just blown apart right in front of the others.

It seems to me if that kind of reportage were to get back to Moscow, this semi- euphoria for Alexander Putin's war might be mitigated. Could you talk about that a little bit? What kind of pressures are they putting on the media in Moscow and elsewhere to keep the truth from getting to the Russian people?

Mr. YANG. Well, as you know, we were disheartened, as you were also, by the recent reports that the continuing pressure exhibits itself in this sense: that they've said that any quotations from rebel leaders or from the president of the republic in Chechnya will also be grounds for prosecution under their various criminal codes. That pressure to us is the most egregious form of most recent pressure.

Just to review our policy, sir, we have, as you know, at the highest levels of our Government conveyed to the highest level of their government our displeasure over the handling of the Babitsky case. It is a very disturbing trend, in our view. Although we are happy that he was released, we continue to push for speedy resolution to the further investigations on his case and we will continue to press until that speedy resolution has occurred.

We also, as I've alluded to in my report, we take a very systemic approach to these problems. We provided $10 million in emergency assistance to independent media in Russia in the wake of the financial crisis in 1998.

We supported the Internews program to support 300 independent regional radio and television stations around Russia. Just when we are pressing very hard on the specific Chechnya case, we're trying to ensure that the independent voices across Russia will not be silenced also.

Mr. SMITH. Just an aside, more than 10 years ago members of the Helsinki Commission--before the first real election was held in Russia--met with members of the appointed Duma for about three days of round table discussions. We had breakout sessions and we talked about freedom of the press.

I'll never forget Mickey Edwards, who is a journalist himself, then a Member of Congress. They were marveling at us as political figures and as public officials as to our inability to express ourselves if the press slandered or libeled any of us.

We talked about some of the recourse. One would be a suit, but that's very hard to do. We also talked about letters to the editor and things like that. Dismissed so cavalierly by our friends sitting across the table. "Throw them in jail," was their bottom line.

It seems as if the bad old days and the pendulum, as you pointed out, has come back with a vengeance. Even more reason in an international forum like Helsinki, follow-on conferences, and the Parliamentary Assembly, we need to aggressively promote this. Without freedom of the press, there is no freedom because all the others then crumble at the will and caprice of the ruling leadership.

Let me just ask a couple of other questions before yielding to my good friend, Mr. Pitts. What action has the Department taken to encourage equal access by religious broadcasters to the mass media?

Mr. YANG. Well, sir, through our special ambassador for international religious freedom, Mr. Bob Seiple. He has addressed these issues in all his bilateral discussions with other governments that we have concerns with.

Regularly he works closely with his DRL colleagues to ensure that on his agenda in all his travels, all his meetings in Washington, and all his public speeches, that religious freedom related to media issues are raised in his remarks and his interventions. In that sense, he is the frontlines of the Department's effort and we ensure that we provide a very integrated approach in our diplomacy.

Mr. SMITH. Ambassador Seiple has appeared before us and we all wish him well. We think he's doing a great job. Let me ask two final questions. The increased intimidation of independent media in Kyrgyzstan and the crackdown of media in Belarus. Could you elaborate on those, on what we're doing to counter it and maybe briefly to focus on the nature and scope of that crackdown?

Mr. YANG. Yes. Both situations to me are very disturbing and very depressing. The trend in Kyrgyzstan continues to go badly since the elections. There is continuing pressure on opposition press in addition to the arrest of Mr. Kulov last week or the week before.

This again is a disturbing sign of the bad direction that Kyrgyzstan is going in. We again are speaking out strongly at every turn to protest each of these cases. I'm sorry. I was just reminded that you raised Kazakhstan rather than Kyrgyzstan.

Mr. SMITH. No, I said Kyrgyzstan.

Mr. YANG. You said Kyrgyzstan?

Mr. SMITH. Yes, I did.

Mr. YANG. Okay.

Mr. SMITH. I mean, Kazakhstan is a great concern. We've had a hearing recently on Kazakhstan to focus on its abuses of human rights. If you would like to touch on it, that would be fine.

Mr. YANG. We are very disturbed by the trend in Kyrgyzstan, as you are, and we're taking every turn to protest and we will protest this incident that happened yesterday as well.

Mr. SMITH. And Belarus?

Mr. YANG. Belarus, we are very disturbed by the continuing crackdown there as well. The roundups in Minsk, the crackdown not only on domestic media but on international media is abominable in our view.

Again, there we are continuing to follow up Assistant Secretary's Koh's inspiring trip to Minsk and to follow up the contacts we made with the human rights and the independent media community there, and to continue to press hard with their embassy here and the government at the highest levels to issue our utter condemnation of the continuing crackdowns.

Mr. SMITH. Mr. Yang, thank you very much.

Commissioner Pitts.

Mr. PITTS. Thank you, Mr. Chairman. Mr. Yang, charges have been brought against journalists in some post-Communist countries under laws that prohibit the release of "state secrets." The definition of what constitutes a state secret seems to be rather an elastic concept. Have you seen a pattern for such cases? Do you think that such laws are used to restrict free speech? What is your analysis of the situation?

Mr. YANG. I think overall, Congressman Pitts, the two greatest abuses are laws—throughout the region and globally, but particularly in this region—laws, on the one hand, on state secrets and national security and laws, on the other hand, on libel and slander.

I believe both are vestiges of the old Soviet world. They are vestiges of government officials who do not want to enter the new era of democracy in a world of free speech and media.

In that sense I do agree with you that if not a trend in a bad direction, there is a continuing pattern in both of those instances, slander and libel laws, and state secrets, national security laws, that governments throughout the region are continuing to exploit.

We need to work very closely with organizations like the OSCE to highlight this continuing pattern and to highlight the exploitation of these laws.

Mr. PITTS. You mentioned that Ambassador Seiple has raised these issues in discussions on religious liberty and religious broadcasting. Could you comment on the current situation for religious broadcasters in the OSCE region?

Mr. YANG. I am not as familiar with this topic, sir, as I should be. I would like to go back to the Department to consult with Ambassador Seiple and his colleagues and present an answer in writing to do justice to your question, sir.

Mr. PITTS. Are there plans within the USAID programs in Central Asia, for instance, to emphasize the role of free speech, free press, and the development of a free and independent media in Central Asia?

Mr. YANG. Yes. We have, in fact, in preparation for the Secretary's trip to the region later this month developed new initiatives, including in the media and free speech areas. We hope to be able to consult with you as we develop these programs.

Mr. PITTS. Do you feel that sanctions would be appropriate against governments that suppress a free press, the media? Are there any plans or anticipated actions for sanctions against unreformed countries in Central Asia or Serbia?

Mr. YANG. Our approach to sanctions overall, Mr. Congressman Pitts, is that we approach each case separately, as you know. What we try and do is take a very systemic, comprehensive approach to that country.

For example, when I mentioned the twin transitions to democracy and the market economy, it behooves all of us in the Administration and in America as we try and pressure these governments and these societies to open further, not to undercut our own efforts.

For example, Congressman Pitts, on the one hand, if we want to consider taking economic sanctions against a country that abuses human rights or, in particular, abuses freedom of speech or media, we have to think very carefully if those economic sanctions will undercut the further development of the entrepreneurial sector, the market economy, which will, over the medium and long-term, we believe, serve as a foundation for a thriving independent press.

In that sense, those are some of the dilemmas. We do consider all the tools in our kit, sanctions included, but we try to balance the use of those to consider the long-term effect of particularly economic aspects that may backfire in terms of its support for media activists and independent journalists.

Mr. PITTS. Do you see the carrot and stick approach working, for instance, vis-a-vis the free media and AID dollars?

Mr. YANG. I have worked in this field since 1993 as a democracy officer in AID and then I've had the privilege to serve Assistant Secretaries Koh and Shattuck. In these capacities, Congressman Pitts, I have been very satisfied that the carrot and stick approach does work.

On the one hand, we use every opportunity to use forceful diplomacy—both public and private—and other sticks in our arsenal. At the same to not give short shrift to those heroic figures on the ground in these countries who need our support, certainly not giving support to government printing presses that don't allow private newspapers to function, to use their printing facilities.

In that sense, we use the stick there also, but to use the carrots for those heroic figures who are doing the great work to press forward these freedoms in the area. It is carrots, sir, for those who deserve the carrots and the sticks that deserve those.

In that sense, the combination, as my boss says, of an inside-outside approach. External pressure plus inside engagement with reformers, I believe, is the only credible and compelling policy for this government.

Mr. PITTS. Now, when you look at the situation of human rights abuses, there are perhaps many goals you might have in U.S. policy. How important are human rights abuses in evaluating who the good actors are and the bad actors are as to whether you are going to cooperate with them and reward them on certain issues like interdiction of drugs?

In the last few weeks we raised the issue of the U.S. Government giving a Coast Guard cutter to Turkmenistan, for instance. The Turkmen Government has been quite aggressive in abusing human rights. Where does this human rights issue fall on the scale of evaluating the good actors and the bad actors?

Mr. YANG. As you can imagine, every debate like this on whether or not to engage or, on the other hand, criticize and disengage are strongly and openly debated within the Administration.

We must, every time, including the recent case that you cite, balance on behalf of the American people our great interest in advancing human rights and democracy versus our other interests, particularly in the case of anti-narcotics, anti-proliferation of both weapons of mass destruction and conventional weapons, global crime of all sorts.

It's a very difficult dilemma for a bureau like mine charged by Congress and the American people and the President to put democracy and human rights issues at the forefront. I can say that a debate never goes by without those concerns being raised and being considered as part of the result of our policy and programs.

Mr. PITTS. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Chairman. John Finerty.

Mr. FINERTY. Thank you, Mr. Chairman. Just one question for Mr. Yang. Mr. Yang, you mentioned that USAID had allotted $10 million for the Russia program after the collapse of the ruble, and you mentioned various aspects of that.

On one hand you can certainly see how media would need technical assistance and things like this. On the other hand, as you yourself mentioned, there is always the danger that some local official, some

government type, can file some libel suit or something and a compliant court can find against the newspaper. They can close things down and just take away all the material and things like this.

I just wondered, I know that these programs take a long time to germinate and to produce success but I just wondered if you have any details on the programs? Have there been any cases where we have helped concretely a press or a newspaper stay alive that has been under siege or something like that?

Mr. YANG. I don't have the names of the newspapers but there are literally hundreds of newspapers that have stayed alive because of USAID support. I can fully document that for you. Both as our emergency assistance and as part of our continuing assistance we have in Russia and many other countries throughout the region truly been the lifeline for many independent voices. I will get you that in writing.

Mr. SMITH. Mr. Yang, let me just ask you a few follow-up questions or final questions. Turkey, as we know, is second only to China in the number of journalists in jail according to the International Press Institute. What are we doing, if anything, to get these journalists out of jail and out of Turkey, or certainly out of harm's way?

Mr. YANG. Here again we are continuing to raise our concerns about both the laws and the application of those laws and the result of incarcerations because of those prosecutions.

We were pleased, on the one hand, that in the past year there was a law passed giving 3-year suspension both of sentences and current trials of people prosecuted on the basis of freedom of expression rules.

On the other hand, we continue to be concerned because it was not a suspension of those laws. It was not a removal of those laws but just a suspension of its application for 3 years. It is a situation of half full/half empty. We are pleased that the Turkish Government took a step forward. We are trying to push them to take a another step forward in other instances on press freedom issues.

As I said, President Clinton, Secretary Albright, and my boss, Secretary Koh, continue to raise this in every bilateral meeting. We hope to see the bonafides of the new government continue to demonstrate themselves.

Mr. SMITH. As do we. Linda Foley in her testimony for the International Federation of Journalist points out that her member unions represent more than 300,000 working journalists within the OSCE. She makes a very strong and broad statement that the IFJ believes OSCE countries must do much more to support media freedom and independent journalism.

She singles out as not free, using Freedom House's rating, Azerbaijan and Belarus.

In Azerbaijan she talks about in February that they instituted a new law on mass media in which the two articles are essentially troublesome, Article 27 and Article 50. Have we objected to Azerbaijan's new promulgation of these laws?

One of them says that foreign print publications in which one publishes the information plotting severe injury of integrity, whatever that means, of the state. It sounds like the old Soviet laws against the welfare of the state type of thing.

The other one is in case of failure by the journalists or addition of rules of accreditation, dissemination of information, humiliating honor, and dignity of accrediting organizations are distorted or mismatching actuality, accrediting entity can deprive the journalists of accreditation. They can just revoke and pull your ability to operate.

She cites those two articles as most troublesome. What are we doing to try to get Azerbaijan, which we have a significant relationship with, to can this new broadside against free press?

Mr. YANG. Mr. Chairman, we share your concerns on this issue. We highlighted the development of these laws in our most recent Country Report in the chapter on Azerbaijan within the section on free speech and media.

We will work, if we have not already, with our embassy to convey our concern over these, and I will personally vis-a-vis the embassy here in Washington. I will check to see if our embassy has already conveyed our concerns based on the report, but they were highlighted in our report.

Mr. SMITH. Just finally, Mr. Duve makes the point that he has been working his office in particular with much focus on the Ukraine. What is your sense on the Ukrainian development? What glide slope are they on, toward more repressive crackdown or are they moving in the direction of more openness?

He seems to indicate that it's the latter. In fact, he points out that two of his staff members were present last year when a leading independent, *Kiev Daily*, was evicted from its premises. When they do it right in front of OSCE personnel, that certainly shows a certain brazenness. What is your sense on Ukraine?

Mr. YANG. To be fair, I think there is an existence of a lively press in Ukraine. On the one hand, I would say that the events around the elections last year were disturbing to us and the pressure exerted on behalf of the government on independent press and opposition press was a movement in the wrong direction as far as we were concerned and we have raised those concerns.

Again, I would say that overall the picture is good but if it continues to go in the pattern of the pre and post-election activities, I would say it would be a cause for greater concern on our part.

Mr. SMITH. Thank you very much for your testimony. If you have anything further you would like us to consider or any additional recommendations, we would love to work with you as we do so well with Secretary Koh in this area of great mutual concern. We do thank you for being here, Mr. Yang.

Mr. YANG. I would like to say one thing, sir, if you will allow me a moment of indulgence.

Mr. SMITH. Absolutely.

Mr. YANG. As a former theater artist, I would use this forum to publicly condemn the government of Turkmenistan for sending their Minister of Culture to every rehearsal of a play in Turkmenistan. On behalf of all theater artists in the world, I would challenge the Turkmen government to allow freedom of artistic expression in that country.

Mr. SMITH. Thank you.

Mr. YANG. Thank you.

Mr. SMITH. I'd like to ask our second panel to the witness table, Mr. Freimut Duve, who is the OSCE Representative on Freedom of the Media. Mr. Duve started his career as a political editor at Stern Magazine and as chief editor of Germany's Political *Pocketbook Issues*. In the 1980s he published the political works of Vaclav Havel and Mario Soare's *Manifesto* against the Portuguese dictatorship.

As a member of the German Parliament, he served on the Foreign Affairs Committee and the Subcommittee for Human Rights and Humanitarian Aid. He was a member of the German Delegation to the OSCE Parliamentary Assembly chairing the General Committee on Democracy, Human Rights, and Humanitarian Questions.

Mr. Duve received the Hannah Arendt Award for Political Thinking, and we are very pleased and very grateful to have him here to testify this morning.

TESTIMONY OF FREIMUT DUVE,
OSCE REPRESENTATIVE ON FREEDOM OF THE MEDIA

Mr. DUVE. Thank you very much, Mr. Chairman. It's an honor and it's a fantastic feeling to be back in the hall with colleagues of Parliament. I always say, and I say this to you, if you ever leave Parliament, you will have some phantom pain. Today my phantom pain is diminished. Thank you very much.

Mr. Chairman, ladies and gentlemen, I was appointed as the OSCE representative on Freedom of the Media at the Ministerial Council in Copenhagen in December of '97. Fifty-four foreign ministers including the United States Secretary of State voted for that candidacy.

I want to take the opportunity here to thank especially the one member country, a participating state in the OSCE hosting me today, the United States, for the support both in organizing the mandate, maintaining its support for the mandate, and the help during the two years and two months of work we have done so far.

I want to say here that I was very grateful that we have a leading diplomat seconded to our office from the United States Administration who is leaving us now. I am very pleased that the government will continue this assignment with somebody in our office. Thank you.

My function is to observe relative media developments in all 54 OSCE participating states and I continue to do that very same task in the one suspended country, the Federal Republic of Yugoslavia. This means that my function is a very different one from my friends who just spoke.

I am not a spokesperson for one government. I have to respect in my critical work the membership and the participation and the signature of all the 54 governments which makes things sometimes very difficult, especially with governments which have been mentioned here and I'll mention later.

I am mandated to provide an early warning on violations of freedom of expression. I am also tasked with helping participating states by advocating and promoting for compliance with OSCE principles and commitments regarding freedom of expression and free media.

At this point I want to say that there is only one element which allows me to go into the content of what is written or broadcast and that is hate speech. Usually I am asked sometimes by NGOs, "Why

don't you say something?" Or I get letters, "Why didn't you say something on this terrible article?" I say this is not my business. Not at all.

On the hate speech discretion, which is a very difficult definition, as you all know, my mandate is allowing me to raise my opinion and my critical comments which I do.

I'm supported in my work by an international staff of six including four advisers. One of them is seconded by your country which shows that we are very small regarding the huge area of the OSCE participating states. I think we try to remain small and not become a bureaucracy. One of our endeavors is to remain small but remain active.

My office has been involved in freedom of expression issues in many participating states. I will just name a few. Azerbaijan mentioned, Belarus again and again, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Moldova, Uzbekistan.

Just a few days ago I had to be very critical on Uzbekistan as I had to be on Kyrgyzstan last week. Romania, Russian Federation, Slovak Republic, Tajikistan, Turkmenistan, Turkey, and the suspended Federal Republic of Yugoslavia.

In all these states in one form or the other I have intervened, after we developed two years ago a form of intervention, as you know. We started this office and there was no preceding organization or institution and no other United Nations or regional organization so we had to develop our own method of intervention. Maybe we can discuss this later.

What are some cases we have to deal with? I have to be very brief. I'm asked to limit myself to seven minutes and I'm trying to do that. I believe you all know the case of Babitsky. He was missing on the 15th of January. He resurfaced in the custody of Russian authorities in a bizarre and highly illegal manner.

He was exchanged for a number of Russian officers. He spent a long time in custody. He was released and rearrested by the Russian authorities on the 25th of February. After an international outcry he was freed a few days later.

He is currently charged for some contact with illegal arm formation and, therefore, he's not allowed to leave Moscow and Russia.

We started our intervention at a very early date. We started the intervention without outcry in January and had a direct possibility of informing the people surrounding the acting president and the Kremlin.

When nothing happened we went public. I think we have been the first international organization to raise that case and for the method we used I think that it is something which we will continue to do in other cases.

My staff continued to be in daily contact with Radio Liberty. I think they were great in informing us day by day getting regular updates on the situation and reporting this to relevant governments.

We informed at a very early stage your Government but we continued to inform those elements of the Russian government where we had the feeling that they were not involved in everything because part of the case, and that's why it's an interesting case, is that there is not a unitarian power structure regarding the war situation.

I will not name it here but apparently there was one unit of the government which organized something and which had to try to organize the reappearance without being the culprit. That was the problem after we had started to intervene. I am very glad that he resurfaced alive and that his name was not added to the long list of those missing in action in Chechnya.

We will continue to monitor the media situation in Russia very carefully. I expect the Russian government to adhere to its commitment, the new government, on media freedom as a leading, and I repeat leading, OSCE member state.

Mr. Chairman, there's one thing we know very little about and we don't have a lot of information. The media situation in the provinces is a real challenge and the journalistic situation in the provinces. You remember there was one woman journalist killed one and a half years ago because she was looking into mafia things in a province area.

How do we get a real good overview over what happens to freedom of journalism and free journalists in these vast regions outside Moscow? That is a deep concern of mine because, of course, the western embassies don't have much information on that.

The NGOs do have some and I'm very glad that we get the information from IFEX and others. Without them we couldn't work. Every day we get their information.

My office has been very actively involved following the media situation in Serbia after the adoption in October '98 of the draconian Serbian law on public information I stated that this law was a declaration of war against independent journalists.

My worse fears are turning into a terrifying reality on a daily basis for many Serbian journalists who are threatened, harassed, whose newspapers, radio, and television stations are either heavily fined or closed down. The heavy fines, this is another trap we all are in.

This Government needs money and that government needs money and wants to kill free journalism. Now, they are trying to do both with that law. Get-out dollars because they know that many people, NGOs and others, in government want to help the independent journalists. I want to help them.

I had a meeting with them in Budapest. I had a meeting with them in Montenegro three weeks ago. I have once a meeting in Belgrade when I got a visa. Usually I'm denied a visa. So the government uses the law in a very interesting way, to get huge funds out of them knowing that there are some of us who would like to help them to survive.

Naturally one must help them. Then they come and grip the money. It's a very perverse misuse of a law which in itself already is a misuse of that very law.

May I, Mr. Chairman, mention one very fruitful event three weeks ago when I had the meeting with the journalists in Montenegro. For two days we were discussing not the *law*. They were discussing the *guilt,* the truth, and the chances of reconciliation like the South Africans did and like the Chileans did.

For the first time in the Balkans a group of intellectuals of writers and journalists, most of whom are known to those present here, met to discuss for two days that very topic: "What are the crimes committed by people who belong to our own nation," the Serbs? I was there

and I gave a testimony on my own experience as a German and the postwar situation of Germany. It was a very impressive event. If you can, you should try to get more information on that.

My office has also monitored events in Kosovo where together with the OSCE mission we are working on establishing a pluralistic and hate free media environment that will be conducive to an open and free public debate on the future in the province. This debate must include all citizens of the province, especially citizens who are identified as belonging to minorities but they are citizens.

I'll use this opportunity, Mr. Chairman, to present here for the first time a report on the post-Yugoslav states and the media which we published last week. We did not publish it as yet. It can be distributed here. I brought some copies.

It is the first of its kind which compares the international assistance in the post-Yugoslav war situation in Slovenia, Croatia, Bosnia-Herzegovina, Macedonia, and Kosovo. It is critical. It's even critical on OSCE but I'm very glad that it was critical.

For the past year my office had concentrated in detail, and this was mentioned before, on media developments in Ukraine. I have to admit our findings are far from optimistic.

Recently we issued a report on the media situation in Ukraine. We have done a lot within the Ukraine. We have worked closely with the Ukrainian government to help them on improving—let's use a very soft word—improving the libel law.

The libel law situation is one of the most dramatic situations in many of the post-Communist countries. Why? Because some leading officers of the ministries, the ministers, they don't really accept that their ministry as such is being criticized by, and must be criticized by, the free journalists.

They always claim that once some actions of their ministry is being criticized by journalists, that this is something which hurts personally the minister. That exactly is a Soviet thinking because there was no criticism on whatever a Ministry of Transport, or a Ministry of the Interior, or Ministry of Economics ever did in the Soviet Union. Now there is criticism and then the minister says, "Oh, they are attacking my personal dignity." It's a very crucial point.

As was quoted, two of my staff members were present last year when a leading independent Kiev Daily was evicted from its premises.

Mr. SMITH. Unfortunately, there's a series of votes but we still have a few more minutes. If we could go to some questions pretty soon, I would appreciate that. If you have more you want—

Mr. DUVE. I just want to finish by saying this all is the iceberg only. It's the tip of the iceberg of our work. We are involved in Central Asia. We are involved in Belarus. We have found the acting censor in Uzbekistan. I went into his office. Although the minister in the government had told me and sworn to me there's no censorship anymore, I found the office of the censor.

I went into it with two staff members so we have testimonies and I presented this to the council that I saw the censor and I saw the way they did the work, line by line every day at half past 4:00 when the young women come from the different print media and have to bring the lines to the censor. Otherwise, it will not be printed.

Thank you very much, Mr. Chairman. I apologize for being a bit longer.

Mr. SMITH. Thank you, Mr. Duve. I'll just ask a few opening questions and then yield to Mr. Pitts. You talked about the size of the office that you lead. What is not being done? Many of us believe that money often is policy and money buys sufficient personnel to do a job, providing one doesn't adopt a bureaucratic mentality of let him do it or let her do it. It seems to me that more people might be advantageous.

I'll give an example. My Subcommittee on International Operations and Human Rights just concluded last year a rewrite of the Foreign Relations Act, a 287-page bill which, I'm happy to say, President Clinton signed on November 29.

In that bill there was language calling for doubling of the human rights officers because we do believe that there needs to be more prioritization of that function because if you have more people doing the work, you are more likely to get better results.

I do believe in the old adage, "if you want something done, ask a busy man or woman." If you ask many busy men and women to do something, you're going to get more work. You might want to touch on that issue of how an expansion of your office might lead to even more productive results.

I also wanted to ask you about how many journalists are at risk right now in OSCE countries, both the indigenous reporters and journalists and editors. Do you keep a list of journalists of interest to the OSCE similar to what the UNHCR does or other people so that there's a clear listing of those individuals both at risk and those that are already in trouble with the regime?

Also, visiting journalists. We have in our presence Roy Gutman who wrote *A Witness to Genocide*, the 1993 Pulitzer prize winning dispatch, a fiercely independent journalist who was somewhat apprehensive about testifying when we had him because he maintains his fierce independence. He wants to call them exactly the way he sees them.

This Commission has nominated Roy and David Rief for the OSCE Parliamentary Assembly Journalism prize for their book *Crimes of War*. He did break the story about those concentration camps that caused many people to say, "God, what is happening?" in that part of the world with regards to the Nazi-like concentration camps.

Also visiting journalists. People who are on assignment, for example, could be put in grave risk as well if they call it the way they see it the way Mr. Gutman has done for *Newsday*. Could you answer those two questions?

Mr. DUVE. Yes. I'll start with first the first question. I think our staff is all right. We will have one more adviser. We may have one next year. What we lack is money to give to specialists to make certain analytical things.

One thing I learned throughout those two years, it's good to know the philosophy and the ethics of freedom of speech. You have 200 years of history more with the First Amendment. We had two terrible dictatorships in Germany. We had two different experiences. There are some countries who had 70 years of totalitarian dictatorship.

What I would like and what I would need is to have somebody to really look into it and describe why are we lacking the personnel when the law is good but the personnel is not doing well. Why don't we have professionalism of journalism when the law is fantastic?

It's not just, you know, that our philosophy is here and the philosophy will change the reality. Your situation now in your country is a combination of your philosophy and your history and we can't sort of reinvent your history in a month.

What I do need is money, for example, to have a report like this one by Mark Thompson or other areas where I commission somebody and say, "Please give me an information on why this and this and this is very difficult." If we could get some help there, I would appreciate it.

I do get help but from some private organizations, foundations. For example, I founded some school papers, for "school journalism" for the 15 and 16-year-olds. One in Uzbekistan and one in Kazakhstan.

I went there and I send a team there and this money was given to me by a private foundation. We are doing this in the Caucasus now. To train young people in schools to have their conflict even with their teachers why are they doing this and that.

How many journalists are in prison? We are careful not to copy exactly what the NGOs are doing. That is to say, sum up the figures. You know that some NGOs have different figures. The definition of a journalist, for example. The Reporters Sans Frontières in France have a very limited definition of the professional journalist.

Now, we have in some countries the problem that people are caught and brought to prison because of something they have said. I would intervene but not necessarily call this person or have to call this person a journalist. We have many different problems. Therefore, so far I'm a bit reluctant to make a sort of Olympic game list, who has the most and so on. We use the list given to us by the NGOs and they are important.

Mr. SMITH. Mr. Duve, if you wouldn't mind just suspending briefly. We have five minutes to make our way over to the floor and there are three votes in succession. Both Mr. Pitts and I and other Commissioners will rush back when we're done. I apologize to our other witnesses as well for this delay. If we could suspend just briefly and then we'll be right back.

Mr. DUVE. This is your job.

Mr. SMITH. Thank you.

(Whereupon, at 2:22 p.m. the hearing ceased until 2:57 p.m.)

Mr. SMITH. Again, I apologize for this interruption. We did have three recorded votes that could not be avoided.

Mr. Duve, were you in the middle of making a comment? Or would you want us to go to some additional questions?

Mr. DUVE. I think you had three questions, and I was finishing up on the journalists.

Well, let me say that with a number of journalists in prison, although we don't enumerate and give the figures, we try to intervene whenever we have their names. I even go into prisons if I can. That's what I did in Azerbaijan. I saw the president and then I went to the prison. I did not tell the president I would go to the prison. I saw the journalist, who was in prison because he was a journalist, and it took some time to get the assurance of the president to relieve him. After this assurance it took a few more months but we got him free.

The figure is very different. If I may say so, because you mentioned Turkey before, we have what I call—and I was in my parliamentary life dealing a lot with human rights in Turkey—we have a Kafkaesque law system and a Kafkaesque situation of country laws stemming from the constitution, the Turkish constitution.

They had ways of putting people in prison on account of what they had said or written because they have violated the constitution. Although when we went then to Turkey discussing with the members of Parliament, even those who were against this culprit, they couldn't do anything because some judge said that is in the constitution.

The trouble for your country, for our country, and for my job is to find the institution which would be able to really organize the legal steps to get a person out. We have tried several times.

We had this incident some time ago that the Istanbul mayor said as the Kurdish people in Istanbul use a Kurdish letter, we do not allow this and this may be a criminal offense using a Kurdish letter.

All the other governors in other cities allowed for the first time this year the huge celebration of that festival. We have a very intriguing contradictory situation but we watch it very closely.

Mr. SMITH. Let me ask you, Mr. Duve, how do you respond to the IFJ, Linda Foley's statement, and I would just read part of it, that they acknowledge that, "Although it includes a list of interventions and y our view is that it [the OSCE, our office] is not providing clear and comprehensive strategies in support of independent journalism."

She goes on to say, "Because the OSCE Representative often develops strategies on his own without coordinating with journalists' organizations in the affected countries, the OSCE efforts have not been effective as they could have been. Instead of operating independently, we believe the OSCE Representative should support programs and activities developed jointly by all journalists' organizations and professional groups that are striving for change within the new democracies." Is there a reason why they feel this way?

Mr. DUVE. I don't know this statement but I'll look at it and I hear it. To have an immediate answer, I'll look more in detail to this, is the following. I cannot select the NGOs. There are many NGOs. Therefore, we have a strategy. If we go to visit a country, we all meet with four constituencies although the man who elected me, or the woman, is the foreign minister so I have to deal with the government.

I deal with the Parliament in that country and I deal with all those NGOs in that country, be they national or international representatives of NGOs in that country. I deal with the journalists as much as I can and I meet with journalists.

If one NGO has a strong criticism that we don't follow their advice, it is difficult to say because we may have another NGO—I just hear what you say because I haven't read it—who evaluates our work quite differently. I appreciate and respect this criticism but I cannot share it.

Mr. SMITH. Is it fair to say there are only a few larger organizations, or are there so many that it wouldn't be possible to accurately discuss this issue now?

Mr. DUVE. Your country has the most outstanding NGOs on freedom of journalism especially because here you had many personalities who at a certain time of your history were ready to give some money to foundations. That is a history. We have a similar smaller history in Europe but we have very different NGOs.

As I said earlier, I am the representative for 54 participating states. One of these 54 is your important state. Nevertheless, the others are, too, so I have to look at the other NGOs but you are right. There are sometimes very small NGOs. If I would judge the argument of an NGO by its size, this would not be the right criteria with regards to the definition of freedom of press.

If I would say a huge NGO is more because of its size or its money, it's more precise on defining the freedom than a small one, I think you would agree, Mr. Chairman, this would be a wrong criteria.

Mr. SMITH. Well, before I go on to the next question, I think the only point would be how representative is that NGO if the size really does cut across a large swath of people and is very inclusive of journalists. It's almost like the AMA. Since they do include so many medical doctors when they speak, it is a voice that is usually largely listened to, although there are other district voices that are out there because they do have such a cross-section of representation.

Mr. DUVE. I'm sorry. Then I mistook your question. Of course, as soon as we have an NGO which is an organization of journalists of such as the IPI in Vienna and here in America, that is a different kind. I was thinking of the NGOs, Freedom Forum, and others who do important work. It's not the number of journalists working in there. At least I don't know the different numbers so I just have to respect their comments and I do so.

Mr. SMITH. Let me just ask, while the international community focused extensively on Southeastern Europe, Albania is frequently left out of the discussion. Generally the media there has been extremely partisan on both sides of the political divide. Could you comment on the media in Albania today, whether there is any harassment of opposition media, and how the media functions in a country with such political chaos and economic problems?

Mr. DUVE. You mean the state of Albania?

Mr. SMITH. Yes.

Mr. DUVE. Well, my American adviser who is leaving me, Stan Schrager, has just contributed to my last report to the Permanent Council—you should have it, Mr. President—where I made the statement that there is an enormous freedom of speech in Albania on the one hand, but on the other hand there's no structure of free media.

That is to say, there are many—as many as in those first *Glasnost* moments; we had in all the countries a huge variety of media. The media are attached to political groups, small and large. They have the freedom to publish what they want, but lack a professional approach to journalism depite that freedom. That is a serious concern.

Mr. SMITH. Thank you very much, Mr. Duve. Mr. Pitts.

Mr. PITTS. Thank you, Mr. Chairman. Mr. Duve, in a recent report to the Permanent Council of the OSCE, you refer to a decree on hate speech and you spoke earlier about hate speech.

Mr. DUVE. Decree in what country?

Mr. PITTS. The UN Civilian Administration issued it and you refer to it as an important step. First, could you give us a short definition of hate speech? What do you mean by hate speech?

Mr. DUVE. Can I, Mr. Chairman, give a definition which has something to do with my life?

Mr. PITTS. Of course.

Mr. DUVE. I am a German. My father was a Jew and my mother was a German. Now, there was hate speech from Goebbels' Press which organized the acceptance by the vast majority of the Germans, even those who were not anti-Semitic, that somewhat the politics organized the disappearance of the Jews, even for those who did not realize that they were killed.

Got rid of them. So there is a history of hate speech in my country. There was a hate speech in Europe to say it's good to conquer Poland. When this really happened, the readiness to accept it was great.

I envy you, member of Parliament, member of Congress, citizen of the United States. You did not have a war since 1865 where slavery and other issues brought war on your own territory.

in Europe We have lived throughout the last century through wars against smaller countries in which usually modern media were used, the emerging modern media throughout the 20th century, to prepare for war, not only the Germans. Therefore, hate speech meaning prepare people not to do the killing themselves but to accept it.

Now, you are probably referring to the Kosovo administration, what you were asking me. I must say that the fact that the international military closed down a small broadcaster who had shown pictures and addresses of Serbian citizens who had remained in the country and who had not fled to Serbia. Most probably they themselves were not the killers because the killers had left Kosovo last year.

Addresses of these people to urge people who were full of anger because of what the brutality of the Serbian army had done to their children or their women last year. Hate speech means if you multiply the culprit and if you don't identify the real culprit but just say we have to kill all or we have to expel all Jews or all Serbs or all blacks.

This in a media situation where the anger, the anxieties are such there is no economy. There are no other things to identify with because the economy doesn't work. The market doesn't work. The role of the individual professions doesn't work as yet. It is very easy in such an empty situation, mentally empty situation, to organize hate speech.

I agree that one must be very careful in not having a hammer on different opinions. I think one should have the right to say this was done by this man or this woman and, therefore, I think the criticism of Article 19 on what you were quoting was that one should be very careful with the hate speech law.

My office agrees to that criticism. In general terms, yes, when in such a situation where language becomes a deadly danger, when language, the communication between you and me becomes a deadly danger if you say a Russian word in Chechnya today or you may be killed because they think you are a Serb.

In such a situation media hate speech should be by the international community, not the local, should be pushed down as long as the international community has a responsibility there.

Mr. PITTS. What would you think the proper role of governments should be in determining the speech content of independent media?

Mr. DUVE. Well, a government in a province like Kosovo, the international government is a very unclear definition. We don't have local judges who can act freely. We don't have judges, for example, who dare to rule on hate speech law because if they would put any man or women who does hate speech or did hate speech in prison, then he as a judge might be a dead man.

The law you are referring to is very difficult to use.

What is a government? I think the symbolic things you do, the body language of politics of this institution is very important. I give you one example. I tried little things.

I organized to republish the children's book in the Kosovo/Albanian language when the children were all in the camps but we could distribute these books only now. They were printed in Macedonia and they were brought, now that the people are back, to the schools.

To do the grass-roots work and give the children books. Give the children a text which they can read by themselves. Maybe ask some questions with their parents who are full of anger, full of sadness, and full of hatred. To build up a culture of pluralism of dialogue takes some time.

There are quite a few young Kosovo/Albanians who came in with the military help who don't want that pluralistic view at all. Others who keep their mouth shut because they are called a traitor, they are persons who have proven during the last 10 years of repression that they know very well what a pluralistic democracy is.

Mr. PITTS. Would you comment on the situation for religious broadcasters in the OSCE region? Religious broadcasters, particularly those affiliated with minority religious groups continue to experience bureaucratic obstacles in several of the participating states such as unexplained delays for renewing broadcasting licenses or a forced change to a less desirable frequency or time slot.

The Helsinki Commission has followed cases in Spain and Greece and Romania where there are credible allegations that religious broadcasters experience discrimination primarily because of their affiliation with some church or denomination. Could you comment on that?

Mr. DUVE. I could comment on that but I must say that my office did not go into the subject at all because of its size and because of its media task. If I would express things, it would be my private opinion. I think that is not important. I think religious freedom is included in the freedom of speech.

The question of whether a company making money and maintaining that it is a religious group and making money through being a religious group, then the institution which gives the license to a media broadcaster should look into it. Is it a church or is it a company?

Mr. PITTS. Do you have any plans to get into this area?

Mr. DUVE. Not so far because this is maybe a question for your Government or for Parliament but not for the OSCE media freedom because if we would go into this we would have to enlarge with the 54 states. We would have to double our staff.

Mr. PITTS. In the past you've been quite critical of the U.S. media and their reporting practices. What are your views on the U.S. media?

Mr. DUVE. Who was critical on the U.S. media?

Mr. PITTS. I'm asking. Have you been critical? If so, what are your views on the U.S. media.

Mr. DUVE. How many minutes do you give me? You have another meeting?

Mr. PITTS. Do you advocate certain controls over the U.S. media?

Mr. DUVE. No. I don't know whether you are referring to a text which I wrote when some colleagues of yours gave a tape when your President was interviewed by a commission of your Parliament. The commission decided to have this tape given to the public.

I thought as a Member of Parliament I would never have given this to the public because you are either in a democracy or in a hypocrisy. That is to say, you are either selling a service where you serve the curiosity of people, or whether you serve your country as a member of Parliament.

This to my mind should not have happened because, of course, in Germany or in the United States everybody would jump on that and publish it. I think there are things—I know that you have a discussion on privacy act but there are things that if they are not political that the public doesn't need to know.

There's one other thing, though. I give you the text, a large article I wrote last year in the *Frankfurter Algemeine Zeitung* on what I call the industrialization of the First Amendment. The First Amendment or the Article 5 of our constitution are articles which are the essential central shields to democracy. They are part of the shield of your work as a parliamentarian, freedom of speech.

Today the media industry is in Germany larger than the former steel industry or the coal industry. It has become a real economic structural element of all our economic future. The corrective function of the First Amendment, that's to say to be able to criticize industry on their decisions is at stake, for example, in Russia when it's the big industry, the only one who can buy a media and they buy media.

Now, one Russian tycoon can stop the corrective function when he buys a chemical industry. We wouldn't have had many industrial catastrophes in the former Soviet Union, if we would have had a free press there because a corrective function is so important.

Now, if an industry which in itself is a major element of the economic structure of the whole country is outside any criticism, can't be criticized because it owns the journalist who should do it. Then we might enter into a problem and that is something which I describe in the article. I have an English version here and I give a copy.

I don't think it happens in our countries because in our countries usually we have the media, stemming from a journalistic background which becomes a huge industry so they have some knowledge on what journalism once meant.

In many OSCE countries this industry, which becomes an important industry, is not let by people stemming from the publishing business so we have a problem there.

Mr. PITTS. Thank you, Mr. Duve.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Commissioner Pitts.

Thank you, Mr. Duve, for your testimony. We are very appreciative of your coming here and we look forward to working with you in the future.

Mr. DUVE. Thank you very much for having me.

Mr. SMITH. Let me invite our third panel to the witness table beginning with Thomas A. Dine who is the President of Radio Free Europe/Radio Liberty, which broadcast every day to 23 countries of Central and Eastern Europe and across Eurasia and to two countries of the Persian Gulf, Iran and Iraq, promoting and advancing democracy.

Mr. Dine previously served as the Assistant Administrator for Europe and the Newly Independent States at USAID from 1993 to 1997. Earlier he headed the American Israel Public Affairs Committee from 1980 to 1993.

He previously worked on the Hill for Senators Frank Church, Edmund Muskie, and Edward Kennedy. He received his BA from Colgate University and MA in South Asian History from the University of California at Los Angeles.

Linda K. Foley is the first woman President of the Newspaper Guild of the Communication Workers of America and Vice President of the International Federation of Journalist. She was instrumental in negotiating and implementing the Guild's merger with the CWA. The Newspaper Guild represents approximately 33,000 media workers throughout the United States, Canada, and Puerto Rico.

She served for five years as Executive Secretary of the Guild's Contracts Committee and as such administered the union's collective bargaining program and advised its more than 70 locals on contract enforcement, bargaining, legal rights, pensions, and other contract issues. She also served as Vice President of the Lexington-Bluegrass Central Labor Council. Linda has a BS in journalism from Northwestern University.

Emma Gray is the Europe Program Coordinator for the Committee to Protect Journalists. Before joining CPJ in January 2000, Ms. Gray worked in broadcasting for a decade. A fluent Russian speaker, she lived and worked in the Russian capital from 1988 to 1993 covering the pivotal events that shaped the post-Communist era.

As Moscow producer for Independent Television News of London and for Monitor Television, Ms. Gray traveled throughout the region filming news stories and features from Siberia, the Caucasus, and Central Asia. She was nominated for an Emmy Award for her work at an attempted Soviet coup of August of 1991.

In 1994 she won a Citation of Excellence from the Overseas Press Club for her coverage of crime in Russia. In 1992 Ms. Gray co-founded a news agency, FSN, which provides coverage of events to broadcasters around the world.

Based in the agency's Washington, D.C. headquarters from '93 to '97, Ms. Gray also produced stories from South Africa, France, and Canada, and worked on documentaries for the BBC TV's Panorama and Horizon and PBS TV's NOVA. She was based in Britain from 1997 to 1999 and she earned a master's degree in Russian studies from the University of Bristol.

Finally, Marilyn Greene is Executive Director of the World Press Freedom Committee, a nonprofit organization devoted to preservation of press freedom where it exists, and promotion of it where news and commentary is still restricted. She was a foreign affairs reporter for *USA Today* for 10 years, prior to that a reporter and editor for Gannett newspaper. She is a graduate of Northwestern University's Medill School of Journalism.

Tom Dine, if you could begin.

TESTIMONY OF THOMAS A. DINE,
PRESIDENT, RADIO FREE EUROPE/RADIO LIBERTY

Mr. DINE. Thank you, Mr. Chairman, Mr. Pitts. The possibility of the emergence of a free media in the post-Communist countries is threatened by a combination of three factors: government efforts to restrict or even suppress media freedom; survival of communist-era attitudes about the press among officials, the population, and even journalists; and some unintended and unexpected consequences of the transition period itself.

Both the extent of each and the mix of all three of these factors, of course, vary widely across the countries of the region. But almost all of them are found to one degree or another in most places, and consequently I believe it is most useful here to consider them as a syndrome affecting almost all of them rather than to examine each of the many countries of this region individually.

The governments in these countries have used a variety of tools to control the media. The most dramatic ones involve open repression. Ten days ago, for example, as was mentioned earlier, the Lukashenka regime in Belarus violently broke up a demonstration and arrested some three dozen journalists, including seven who worked for Radio Free Europe/Radio Liberty.

Even when Lukashenka goes abroad, Mr. Chairman, he brings his fear of a free press with him. Today he arrived in Dushambe, Tajikistan. He had a so-called press conference with the President of Tajikistan, E. Rahmonov.

Our correspondent, who is accredited in Tajikistan and was assigned to cover this event, was then dropped from this press conference. He was told by the Tajik president's spokesman about his condition, saying, "We do not need an RFE/RL correspondent" with Lukashenka here.

Last week in Stepanekert, the main city of Nagorno-Karabakh, reporter Varon Agajonian was arrested. His apartment was looted and documents seized. For the moment no charges have been brought against this journalist. All in all, we have here government policy promoted, willy-nilly, the indiscriminate use of police power.

In Belarus, the warring states of Azerbaijan and Armenia and others, need not only to stop state-sponsored violence but to start practicing free speech and free press.

Earlier this year, as everyone has mentioned so far, the Russian authorities arrested our correspondent Andrei Babitsky for the so-called crime of reporting the truth. It was an international effort, and I want to thank those here who participated in calling attention to the capture of Andrei Babitsky. Andrei is now home, but he is not yet free.

Over the past several years, officials have either sponsored or done nothing to stop the killing of journalists in Russia and the North Caucasus—the firebombing of newspaper offices in Kazakhstan; the harassment of journalists by destroying computer files (which took place in Moscow last month); or simply beating them up, which takes place in every country in the region of the world that we broadcast to.

Perhaps most insidious and therefore most difficult to mobilize against are other forms of government pressure: the exploitation of tax police to harass those who speak out, the denial of travel documentation and journalistic credentials, and the use of both control of the paper supply and licensing of print and electronic media.

These so-called level maneuvers are the weapons of choice for governments that don't want to see a free media but also don't want their reputations to suffer.

Finally, the state which cast an enormously large shadow can do a variety of other things that limit the free press. In almost every country the government, not the private sector, dominates the electronic media. As in Soviet times, the governments frequently control who gets newsprint and when, and also in as Soviet times, these regimes can determine which newspapers get subsidies and when.

In Russia, three of the four television networks are controlled directly by the government, and the fourth is subject to government suasion because of the power the state has over its principal owner, in this case Gazprom.

All these arrangements subvert the possibility of a free media. But few of these draw the fire of Western defenders of freedom of the press. Only RFE/RL documents them on a regular basis.

Behind these government policies is a set of values that we might call "survivals of the past," a set of attitudes, institutions, and arrangements that reflect the experience of the communist period.

Whatever labels they now give themselves, most of the current leaders of the post-Communist countries were part of the old party state. Their attitudes were shaped by that experience and so that even when they call themselves democrats and say they are committed to a free press, their understanding of both of those assertions is very different from what ours would be.

The hangover from communist times is not limited to the government itself. There are also problems with the understanding of journalism among journalists and among the population at large. Most practicing journalists today began to work in Soviet times and they were profoundly affected by that experience, even if they ultimately rejected it.

Sometimes that survival of the past takes the form of uncritical deference to the authorities, but sometimes it takes another but equally pernicious form; the view that journalism should be subordinated to a political cause, that it is all right to lie in order to advance this or that "good" agenda.

Because of government pressure, because journalists in this region often behave that way, and because of their own experience with the media in Soviet times, many readers and listeners in these countries are profoundly cynical about what they see.

In the USSR people used to joke that there were only three kinds of news in the newspapers; obituaries which were certainly true, weather forecasts which were possibly true, and everything else which was certainly false. Such cynicism has only increased in the last few years.

The unintended consequences of all of this are profound. It really leads to another group of challenges to media freedom. Many people expected that privatization of the media would lead to independence of the media. That has not happened.

On the one hand, owners dominate the newspapers and radio stations because there is still not yet a serious advertising sector that can provide the foundations for genuine media independence.

On the other hand, in the new environment journalists are paid so poorly, $50 a month in the Russian Federation, for example, that they are easily subject to bribes of one kind or another.

Perhaps the most serious and unrecognized of these unintended consequences is the fact that people overwhelmingly now turn to television rather than newspapers as their primary source of news. Newspapers have priced themselves out of the market. People are frequently forced to choose between bread and a newspaper and so people watch television instead of reading.

As a result, the authorities can tout the existence of a free press in their countries with a fair amount of confidence that few people will ever see it.

In the face of these threats, the defense and promotion of media freedom in the post-communist countries are taking place on two closely related fronts; from abroad and from within each of these countries.

Regarding outsiders, Mr. Chairman, the role of the U.S. Government is absolutely crucial. When U.S. officials do not make free speech—free press—a top talking point, it is noticed by all of these dictators and quasi-dictators.

I have great faith that when Secretary of State Albright goes to Central Asia on the 14th of April, a very short period of time from now, she will be speaking out on these issues in Kazakhstan, Kyrgyzstan, and Uzbekistan.

I urge this Commission to do what you can to encourage her to have a fulfilling trip, to speak out on these issues, and to make the values, the principles for which we all stand and the crushing of free speech and free press in these three Central Asian states such an important issue.

Speak up and speak out every day, and give speeches on this subject so that the people who are following her trip will know what she is talking about.

From the most repressive countries like Belarus, Turkmenistan, and Uzbekistan to those like Estonia and the Czech Republic, where I live, media freedom and a free society look stronger but still have serious weaknesses.

Brave journalists and thoughtful citizens recognize what is at stake. When the Russian government arrested Andrei Babitsky, it was independent journalists of Russia led by our Moscow Bureau staff who worked the hardest to secure his freedom. These folks organized demonstrations, they put out special newspapers, they held Putin responsible, they demanded his release.

At RFE/RL, we were all encouraged by their actions. Even more, we were encouraged by the thousands and thousands of e- mails, letters, and personal messages from ordinary Russians. Again and again they told us that they understood that the battle for Andrei's release was a battle not only for media freedom but also for the very possibility of the creation of a free society and, hence, they were on his side and on our side in this struggle.

They also sent another message, one that I think is especially important for us at this hearing. They told us that they knew they could not win this struggle on their own. They were delighted that RFE/RL was there to help them with this fight.

I'm very proud to be part of RFE/RL in large measure because of such messages. Yes, for almost 50 years Radio Free Europe/Radio Liberty has been broadcasting to the nations of Eastern Europe, the former Soviet Union, and now for the past two years to Iran and Iraq as well.

In the aftermath of the collapse of communism in Europe and the disintegration of the Soviet Union, many thought that our radio station had lost its reason, but our role today is both different and larger than it was in the past.

Until the late 1980s we broadcast to a region under tight communist and Soviet control, and we performed the only role many people still think we have to play, as a surrogate broadcaster to countries whose populations lack a free press.

Even in the darkest days of the Cold War, our mission was frequently misunderstood. We were anti-communists because we were committed to the free flow of information. We were not committed to the free flow of information because we were anti-communists.

In recent years we have acquired two additional roles; as a kind of insurance policy for countries making the first halting steps toward democracy and a free media, and as a model for how journalism should be conducted.

With regard to the first, our very existence tends to moderate the behavior of officials inclined to apply censorship. They know that if they try to silence someone, he or she can turn to us. That possibility works against a return to the past.

With regard to the second, our journalists work closely with journalists in many countries, showing them what professional journalism is all about and helping to give them the courage to practice it in the face of enormous odds.

Promoting free media and free societies presents both the people of these countries and ourselves with intellectual and political challenges. On the one hand, we need to understand the role media plays in promoting a free society, the ways in which governments and others are restricting its emergence in the post-Communist countries, and the ways in which the suppression of media freedom limit or even make impossible the development of other kinds of long-term relationships with government there.

On the other hand, we need to expand our own efforts in promoting media freedom and to help those in these countries who understand the importance of media freedom and want to see it flourish. As we do that, we need to acknowledge to ourselves and to others that this struggle will not bring any final victories anytime soon and that on the media front, we are likely to see retreats and also advances in these countries and elsewhere in the years ahead.

The intellectual challenge is being met by meetings like this one. I give both of you credit for not only calling this hearing but also participating in it throughout.

I would again like to take this opportunity to thank you for holding such hearings on the values that we all hold so dearly. The political challenges remain; we are going to have to face up to the need for more and better ways to communicate to the people of these regions.

My experiences with the U.S. aid programs and now with U.S. international broadcasting lead me to assure you that our broadcasts and those of our sister stations under the direction of the Broadcasting Board of Governors, are playing and will continue to play the key role in helping these countries transform themselves to the point where they will share in a free media, and hence a free society, and be in a position to live in peace and cooperation with their neighbors and with us.

That bright possibility is still ahead even now when the threats to such a future are all too clear. Thank you.

Mr. SMITH. Mr. Dine, thank you very much for your eloquent statement. Having known you since your human rights days with AIPAC, there is no disagreement and I think as you very clearly stated, people often read about the democrat and republican differences of opinion on this issue or that issue, tax policy for example.

When it comes to human rights, we do join ranks. When it comes to this oppression of journalists and free speech and media, I don't think there's one scintilla of difference between the administration and this bipartisan Commission. Thank you for your fine statement.

I would like to ask Emma Gray if she would—

Mr. DINE. Excuse me, Mr. Chairman. I thank you for your kind words. I would hope that my full statement would be put into the record.

Mr. SMITH. Without objection your full statement and the full statements of all of our witnesses will be made a part of the record.

TESTIMONY OF LINDA K. FOLEY, PRESIDENT, NEWSPAPER GUILD-COMMUNICATIONS WORKERS OF AMERICA AND VICE-PRESIDENT, INTERNATIONAL FEDERATION OF JOURNALISTS

Ms. FOLEY. Good afternoon. Chairman Smith and Representative Pitts, thank you for allowing the International Federation of Journalists to present its views on the status of free speech and media in the OSCE countries.

I'm Linda Foley and I'm President of the Newspaper Guild CWA and I'm the Vice President of the International Federation of Journalists.

By way of background, Mr. Chairman, the International Federation of Journalists, IFJ as we are called, is the largest journalist organization in the world. We represent unions and associations in more than 100 countries and in all member states of the OSCE including all territories and republics of former Yugoslavia, Russia, and the Caucuses region. Our member unions represent more than 300,000 working journalists within the OSCE.

In general, the IFJ believes OSCE countries must do much more to support media freedom and independent journalism. Transitional countries trying to create lasting and effective structures for democracy require more guidance on drafting and implementing laws and regulations that will sustain transparency, accountability, and pluralism.

We have been following the work of the OSCE Representative for Media Freedom, Mr. Freimut Duve, and the annual report of 1998/1999. Although it includes a long list of interventions and visits which is quite impressive, our view is that it does not provide clear and comprehensive strategies in support of independent journalism.

Because the OSCE representative often develops strategies on his own without coordinating with other journalists' organizations in the affected countries, the OSCE's efforts have not been as effective as they could have been, in our view.

Instead of operating independently, we believe the OSCE representative should support programs and activities developed jointly by all journalists' organizations and professional groups. By this we're not just talking about NGOs but member-based organizations all of which are striving for change within new democracies.

In other words, there is work already underway by member-based organizations that should be supported. Journalist organizations and media professionals are best placed to defend press freedom and independent journalism.

As an example, Mr. Chairman, Mr. Duve could use his influence to promote truly independent public service broadcasting in these regions. In countries where the free market cannot sustain private broadcasting networks and where private broadcasters are controlled by a mix of economic and political interest, media are used as political and economic weapons. As we have heard, Russia is a vivid example of this abuse.

Additionally, Mr. Chairman, we believe the Representative on Media Freedom should investigate the impact of media concentration and should speak out against media monopolies. In the United States, where free speech is codified in our Constitution, the alarming and escalating trend toward a few powerful corporations controlling all the major media threatens to undermine our valued national tradition of an independent press.

In his book, *Rich Media, Poor Democracy,* noted communications expert Robert W. McChesney writes, "The Media have become a significant anti-democratic force in the United States and, to varying degrees, worldwide. The wealthier and more powerful the corporate media giants have become, the poorer the prospects for participatory democracy."

"Behind the lustrous glow of new technologies and electronic jargon," he continues, "the media system has become increasingly concentrated and conglomerated into a relative handful of corporate hands. This concentration accentuates the core tendencies of a profit-driven, advertising-supported media system, hypercommercialism, and denigration of journalism and public service."

If media ownership concentration threatens democracy in the United States, you can imagine, Mr. Chairman, how it imperils democratic processes in those OSCE countries where citizens just recently received the right to vote.

Already media concentration is an issue of concern in Hungary, Poland, and the Czech Republic, for instance, where foreign media owners dominate the private media scene.

Finally, Mr. Chairman, there's the issue of safety of journalists. According to the IFJ's annual report, 87 journalists and media staff were killed in 1999, many of them in OSCE countries.

Serbia continues to be a particularly dangerous place for journalists. Over the past two months the IFJ has been an unprecedented assault on independent media in Belgrade. Journalists have been prosecuted, radio stations closed, newsrooms raided, transmitters silenced and hundreds of media workers have been fired and victimized and even killed.

As you know, Mr. Chairman, during the bombing of the former Yugoslavia last year, even NATO took aim at the media. The IFJ welcomed the misgivings expressed by the OSCE representative about NATO's willingness to make government media targets for bombing.

Military targeting of media, any media, no matter motivation or content, has the dangerous effect of silencing all media in countries such as Serbia where the line between propaganda and fact-based news isn't always so clear.

Still, a hysterical, concerted campaign of vilification against independent journalists in Serbia by the authorities there has created a dangerous situation which we fear will silence all independent media voices for good.

This grave situation has prompted the IFJ and other organizations representing editors, publishers, broadcasters and press freedom groups, including the Committee to Protect Journalists, to launch Prime Time For Freedom, a project that will provide solidarity and assistance to journalists, media staff, and independent media organizations struggling to survive in the face of Slobodan Milosevic's onslaught.

We hope very much that the OSCE media representative will give his backing to this project, and we ask all OSCE member states to give their support to the professional campaign of solidarity. The international community cannot stand back as the Milosevic regime tries to wipe out journalists and media staff who defend democratic values and press freedom.

With this project, as with others, we believe the work of both the IFJ and the OSCE will be strengthened if the OSCE's representative listens to the voice of media professionals and supports the work of journalists' organizations in these regions. The journalists themselves are the only ones who truly understand the importance of press freedom. They are the ones who suffer the direct consequences of not having it.

Thank you very much, Mr. Chairman, for this opportunity to address the Commission.

Mr. SMITH. Thank you very much for your excellent testimony and we'll have a few questions in a moment or two. I would like to ask Emma Gray if she would now proceed.

TESTIMONY OF EMMA E.D. GRAY, EUROPE PROGRAM DIRECTOR, COMMITTEE TO PROTECT JOURNALISTS

Ms. GRAY. Thank you, Mr. Chairman, Congressman Pitts for this opportunity. The Committee to Protect Journalists is a New York-based, nonpartisan and nonprofit organization that monitors press freedom conditions around the world.

CPJ is the only such organization in the United States with a full-time professional staff that documents hundreds of attacks each year on journalists and news organizations, and takes action on their behalf.

The attacks verified by CPJ are corroborated by more than one source for accuracy, confirmation that the victims were journalists or news organizations, and verification that intimidation was the probable motive for the attack.

The statistics compiled by the Committee to Protect Journalists and recorded in our annual survey, Attacks on the Press, make chilling reading. In the course of the past 10 years, we have documented a total of 153 journalists killed in the line of duty in OSCE countries. That is just over a third of the total of 458 journalists killed, and is a figure we see reflected again in the latest statistics we have; in 1999 almost a third of the 34 journalists killed died in OSCE countries.

The number of journalists killed is the most dramatic barometer of press freedom. Less headline-grabbing forms of attack which the CPJ records are many and are outlined in my written remarks.

The Europe program at CPJ includes most, but not all, of the OSCE countries (a notable exception is Turkey, which is covered by our Middle East desk). The focus of my work is on the emerging democracies of Central and Eastern Europe, and the republics of the former Soviet Union.

As these nations emerge from totalitarianism, and from decades of the state's monopoly control of the media, local journalists face specific problems relating to the transition to market economies, and to private ownership of the media.

I would like to look at four key areas of those regions of Europe and the former Soviet Union which impact on journalists' ability to work. These are the general economic situation, ownership of the media, the rise of conflict, and government repression.

In the post-Soviet era, many countries have found themselves struggling as they move from state-controlled to market economies. A common trend is the rise of an extremely small, extremely wealthy elite, co-existing with a vast impoverished mass. Such economic circumstances affect journalists in the most fundamental ways.

Where can they get paper on which to publish their news? How are bills and office rent and salaries to be paid? Another important feature is organized crime and corruption, which often flourish in conditions of economic turbulence. Journalists who investigate such stories can and are silenced by threats or even murder.

Secondly, the vital issue of ownership. Those who control the media in many post-Soviet countries can wield enormous political and economic power. Many analysts point to the crucial role played by television in the Russian parliamentary and presidential elections of the past decade. The repercussions of media privatization and control are important factors in political life, particularly in countries where democracy is fragile.

Third, the rise of conflict. In many cases the increases in the number of killings and attacks on journalists are attributable to war. The number of OSCE countries continues to grow as member nations split into smaller and smaller units, usually as a consequence of armed conflict.

Journalists often fall victim in those conflicts; in the early to mid-1990s our statistics showed dramatic increases in the numbers of journalists killed because of wars in Tajikistan and the Balkans. Last year, all but one of the journalists who were killed in Europe died in conflict situations, in the wars in Chechnya and Yugoslavia. There

were also a number of disappearances connected to the conflict in Chechnya, in which Russian and foreign journalists were among those kidnaped for ransom.

Finally, government repression, which of course takes many forms. One of the most virulent examples is Yugoslavia, where government officials have made indirect threats on the lives of some independent journalists.

Police harassment and seizure of broadcast equipment are regular occurrences, and over the past three months independent media have been subject to an unprecedented barrage of economic, quasi-legal and administrative sanctions.

Since the adoption of a draconian information law in October 1998, through the end of February this year, the Serb media have been fined 47 times, often in huge sums totaling $2.1 million.

President Slobodan Milosevic is slowly strangling the remaining independent print and broadcast media in Yugoslavia, and the outlook is grim. Independent Serb journalists are frightened, and believe their only hope for survival lies with the West.

In Yugoslavia, as elsewhere in the OSCE region, we see more cases of governments using tax laws, state control of the printing presses, control of newsprint and other bureaucratic techniques to muzzle the media. We are concerned about Russian President Vladimir Putin's record so far on press freedom, and will be watching Russia closely in the months ahead.

CPJ did see significant improvement in one important press freedom measure this last year. Our book documents 87 journalists' cases who were held in prison at the end of 1999 and that is down from 118 a year earlier. Turkey tied with China as the leading jailers of journalists, with 18 incarcerations each. The number in Turkey was down from 27 the previous year.

Turkish human rights activists caution that the laws under which many journalists have been put in prison remain unchanged. Uzbekistan, another repeat offender, had three journalists in prison last year, and Yugoslavia had one, who was released last month.

CPJ believes that the number of journalists held in prison at the end of 1999 went down because some leaders no longer want to pay the diplomatic and political price of holding their journalists in jail. Local journalists in countries like Kazakhstan tell us their leaders are much more sensitive to their international standing than they might appear.

Governments have to weigh their desire to impose a climate of fear on dissenting voices against the negative publicity of an international outcry which may ensue if they are caught treating journalists badly.

So we do believe that one of the most effective methods of improving the conditions in which journalists work in OSCE countries and elsewhere is to shine a very public light on attacks on the press.

Two of the CPJ's Enemies of the Press, a list we compile each year of the 10 worst offenders around the world, came from the OSCE region last year. They are President Milosevic of Yugoslavia, and President Leonid Kuchma of Ukraine.

President Kuchma replaced the Belarus leader, Aleksander Lukashenko, not because we believe Lukashenko has improved his record, but because we wish to draw attention to Ukraine's deteriorating record.

CPJ's efforts to document attacks on journalists in the OSCE region, and our protests to leaders who fail to uphold the standards of press freedom are welcomed by the media in the countries in which we work. On their behalf, we continue to draw attention to their plight. Thank you very much.

Mr. SMITH. Thank you very much for that excellent testimony. I would like to ask our final witness if she would present. Mrs. Greene, your testimony.

TESTIMONY OF MARILYN GREENE,
EXECUTIVE DIRECTOR, WORLD PRESS FREEDOM COMMITTEE

Ms. GREENE. Thank you, Mr. Chairman.

Mr. SMITH. I just note for the record the bells that are going off are final passes of the pending bill on the House floor. I will leave in a moment to go cast my ballot. Mr. Pitts will return and then we will resume the questioning.

Ms. GREENE. Thank you for holding this hearing and for giving me the opportunity to speak on the subject of press freedom in the countries of the Organization for Security and Cooperation in Europe.

I am Marilyn Greene, 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 authorities 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 54 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.

Since 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. In the interest of time, I will forego reading the portion of my testimony dealing with these details and ask that you put my full testimony in the record. Copies of the full text are available, however.

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

There are some promising signs as in Croatia and Slovakia following the election of democratic governments there. 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 incidents of press controls described by me and others on this panel fall into general identifiable patterns of restriction such as:

1. Restricting the news media on a pretext of protecting peace by curbing "hate speech" as in Bosnia and Kosovo.
2. Imposing disproportionate and punitive damages for the unstated purpose of driving media outlets out of business as in Serbia and Azerbaijan and before a change in government in 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 as in Kazakhstan, Kyrgyzstan, Uzbekistan, Azerbaijan, Belarus, Greece, Turkey, Bulgaria, and Romania.
4. Invoking patriotism, national security or territorial integrity to bring journalists into line as in 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.

I hope you will take time to review the blue background folders I've provided which include details of these problems. The Independent Media Commission in Bosnia-Herzegovina and the Department of Media Affairs in Kosovo, both 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 might be, "Yes, but it isn't the United States." This argument amounts to nothing less than a justification for ethnic, racial or cultural discrimination. There is no country that 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 program in ex-Yugoslavia or the Caucasus or Central Asia today is not too much free speech and free press but too little. Expressions of ethnic hatred were secretly repressed under Yugoslavia's longtime ruler Josip Tito.

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 have been a 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, 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, doable goals which will go further than rules, restrictions and punishment to foster the kind of dialogue and inquiry that is essential to true democracy. They are goals now being embraced by the World Bank whose president, James Wolfonsohn, told the World Press Freedom Committee in November, "Freedom of the press is not a luxury. It is not an extra. It is absolutely at the core of equitable development."

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, in which, after all, originated in Europe.

The United States is 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. Thank you.

Mr. PITTS. Thank you, Ms. Green. Chairman Smith asked me to go ahead and begin the questions until he returns..

Ms. Gray, what is the best way to hold governments accountable for their failure to protect journalists? Or, at least, at the very least, to investigate crimes against journalists? Could you offer some suggestions?

Ms. GRAY. I think where the CPJ feels the greatest impact can be had is on shining the light of negative publicity on regimes. I think we saw a very successful international campaign that happily resulted in the release of Mr. Babitsky from Russian custody. I believe that the CPJ's efforts along with other groups and international organizations to make public cases where journalists fall foul of regimes is a very important way of securing their release.

Mr. PITTS. Any of the witnesses can answer this question: What can or should the United States Government be doing to promote media freedom in Central Asia, the post-Communist countries that are in transition?

Mr. DINE. I'll take a crack at that, Mr. Pitts. First of all, let me be self-critical. I heard the figure $21 million earlier by our U.S. Government official witness that AID is spending on democratic institution building, particularly in the promotion of a free and independent media.

Having been at AID for four years and knowing how little relatively is spent on this subject was a big reason why I left. My wife asked me, "Why would you give up a $1.5 billion portfolio to go to Radio Free Europe?" I said, "Because we can do more with less." We're not doing enough for various reasons. It won't happen. Putting in electronic stock markets and restructuring banks had a higher priority.

Well, I think it all starts with what all of us are talking about here today and it goes from there. I don't think the United States Government, or any Government, or any of the European development organizations or, in fact, the international ones, for instance, the World Bank and the International Monetary Fund, none of the development agencies in the world today are doing enough to build a free and independent media in these countries.

How you do it we can debate, but the fact that there is no visible commitment because of where the money is, I think, it starts and stops there.

Secondly, we are the moral voice in the world today. Let's not kid around. If the United States Government does not speak up on an issue and does not speak up publicly and proudly and often, nothing is heard. These nice conversations that take place in private are not good enough.

That's why I urged what I did when the Secretary of State goes to Central Asia in 10 days or so, because it's got to be done fully in front of the public, fully in front of the light, if you will, and let it all hang out.

Mr. PITTS. Okay. Now, you're talking about positive steps. What about on the negative? Are there any negative actions such as sanctions that should be done when there's a violation of press freedom or human rights?

Mr. DINE. The first thing you have to do is shine the light on it as we already heard from Ms. Gray. That in itself often hurts the perpetrators. We discovered during the Babitsky case that we knew how to hit the Putin government where it hurt. The independent Russian media did this as well, even though their own existence was at stake. We together made public what was happening; we together held Putin and his government accountable.

Secondly, it was done by the European press and European parliaments. Third, it was done by human rights and press organizations. Fourth, it was done by what took place in this city.

I testified a month or so ago before the Senate Foreign Relations Committee. It was Senator Helms and Senator Biden who sent the first public expression by elected officials in any government to Putin and said, "You're absolutely wrong. Stop it. You've captured and you've silenced a member of the press in violation of your own laws, your own constitution, Article 19 of the Universal Principles, and you're going to be held accountable." Putin is accountable still for what took place with Andrei Babitsky.

Mr. PITTS. Would any other panelist wish to add anything? All right. Let me ask you, Mr. Dine, or anyone else, if you would give us any specific recommendations or specific cases which should be raised in the letter one of you suggested to Secretary Albright.

Mr. DINE. Me. What would you say in the letter?

Mr. PITTS. Well, can you give us some specific recommendations, yes, that we should say in the letter? You can get this to us if you want to provide details in the next 24 hours. We don't have long.

Mr. DINE. I will. Let me speak up a little bit. I'm sure my colleagues sitting here will also want to speak up. Our relationship with Kazakhstan is not just about oil and gas. It is not just commerce from Houston to Almati. It is about principles. It is about values that we all stand for.

I would make the thrust of the trip the deterioration of press freedoms and other freedoms in Kazakhstan, Kyrgyzstan, and Uzbekistan. Kyrgyzstan used to be held up, and I was one voice, who said it was a democratic oasis in an authoritarian desert. Well, it's now an almost complete authoritarian desert.

The latest developments in Bishkek have not been encouraging. They have been discouraging because the former democratically-oriented president is now acting like the rest of them, an oriental despot. We have to speak up about the lack of democratic institutions and from democratic institutions come free economics and free societies and political stability.

Mr. PITTS. Does anyone else want to suggest other actions we might take?

Ms. GRAY. I would like to echo Mr. Dine's comments. I think it is very important that in the course of the Secretary of State's visit she speak openly so that the local press hears and so that the international press also hears that there is a concern about human rights and press freedom.

In relation to Kazakhstan I met last week with a gentleman who has just emerged from a year in prison for insulting the dignity of the president. I think it would be worthwhile raising U.S. concerns about those kinds of imprisonments.

I would also add that there are three journalists still in prison in Uzbekistan. They've been tortured. They are still in prison for their work in Uzbekistan and perhaps some mention could be made of them. I'm intending to write a letter to the State Department detailing the cases and the work that the CPJ has done on those three individuals.

I would echo that raising the voices saying that the U.S. takes issue with those kinds of imprisonments would be a great thing to do.

Mr. PITTS. Go ahead, Ms. Greene.

Ms. GREENE. In many cases there is great resistance to advice from the West and from the United States in particular. She might do well to merely observe or point out that press freedom is also fundamental to economic prosperity. That it's in their own self-interest to promote a free flow of information including stock prices and political news because it's in the end to their own advantage.

Mr. PITTS. What is—

Mr. DINE. Excuse me. I am reminded of Kyrgyzstan again. Last week a Bishkek district court imposed an $850 fine on the opposition newspaper *Res Publika* for libel. The newspaper chief editor and the journalist were fined a certain sum as well.

The newspaper has suspended publication, but it's still not paid a previous fine for supposedly insulting the Chairman of the National Radio and Television council. All of this is foolishness, all of this is authoritarianism, and all of this shows fear of freedom.

This is the kind of issue that the Secretary of State has to carry with her and put at the top of the agenda, not at the bottom.

Mr. PITTS. Mr. Dine, what is your analysis of the situation for religious broadcasters in the OSCE region?

Mr. DINE. I can only speak of what Radio Free Europe/Radio Liberty does in its own programming. As mentioned earlier, we broadcast to 24 countries in 26 different languages every day. Our mission is the promotion of democracy. We try to be pure journalists in reporting accurately, being balanced and objective.

In fact, we also have an agenda which is the promotion of tolerance, the promotion of racial, religious, ethnic tolerance plus the freedoms. It's in our code of conduct, it's in our mission statement, and it's in the content of our daily presentations. As an example, what comes to mind is nearly two years ago when the Russian Orthodox

Church wanted to crack down on religious practice by certain religions in the Federation, we made this a prime program on a daily basis, showing how this was unacceptable intolerance.

Mr. PITTS. Thank you.

Ms. Foley, in your statement regarding the Representative for Media Freedom of the OSCE, you say that in your view, there is not a clear and comprehensive strategy in support of independent journalism, although they do discuss interventions and visits.

Besides media concentration, which you go into, what are some of the other actions you would suggest, if the journalists were consulted, that they might add as part of that strategy?

Ms. FOLEY. Well, I'd be happy to enter details of that into the permanent record of this hearing at a later time. Just in general, the program I cited as an example, *Primetime* for Freedom in Serbia, is an example of such a program and there are others.

I think the important point that I was trying to make in my testimony is that there are organizations in these states, organizations of journalists that are member based that have journalists who actually belong to these organizations and there is a network of sorts, in some countries stronger than others. Those are the groups that need to be consulted. Those are the groups that need to have input into these programs if they are going to be successful.

Mr. PITTS. Are you saying that they should communicate with them and represent their interest and concerns in their policy?

Ms. FOLEY. Exactly. Not only communicate with them but also solicit their views and solicit their input into the programs as they are developed.

Mr. PITTS. Thank you.

Ms. Gray, what is CPJ's position on hate speech? We heard a little bit about hate speech. Should there be laws or regulations regarding so-called hate speech?

Ms. GRAY. CPJ is a U.S. organization. I actually come from Europe so I appreciate the points that Mr. Duve was making. I think Europeans come from a different tradition as regards hate speech.

We don't have policies on media. We're not human rights lawyers and we don't draft laws. What we do is defend individuals. My understanding is that if a journalist was imprisoned, attacked, harassed for disseminating hate speech, it would be incumbent on us to defend that person. That is my understanding of the position of the CPJ.

However, in the bombing—to take an example where we took a different position— in the bombing of the RTS station last year, 16 people were killed. Some journalists, Press Freedom organizations, consider all of those 16 to have been journalists and include them in their lists of those killed last year.

Because the RTS, the Radio Television Serbia, had been actively engaging in inciting ethnic violence, we considered it not just propaganda but an actual incitement to commit violence against other ethnic groups, Serbs against Croats and against Bosnians.

We felt that those 16 people could not be considered and did not fall under the category, the definition of journalists as laid out by the CPJ. These are very difficult areas and each time we wrestle with the definitions.

This an example where we felt that the kind of media that had been put out by RTS disqualified those 16 people from being considered journalists and being put in our record of those killed last year.

Mr. PITTS. Thank you.

Ms. Greene, Commission staff had the occasion to visit Azerbaijan a few years ago. In the middle of the night they were able to verify active political military censorship that was taking place in Azerbaijan. We are now told this is no longer the case. In Azerbaijan do you know if this currently is true? Would you discuss censorship existing in Azerbaijan today?

Ms. GREENE. I think on a specific country-by-country situation CPJ is probably the most authoritative source to ask a question like that. We are more concerned, as I said, with institution discussions of press freedom, although we are, of course, interested in the specific as well. If you want the best source of information, I think she is sitting next to me.

Mr. PITTS. Would you like to add anything, Ms. Gray?

Ms. GRAY. I'm not actually an expert on Azerbaijan. I would actually draw everyone's attention to the annual report that I've been mentioning which is called "Attacks on the Press." In here you will find details country by country of press conditions and attacks on reporters.

Mr. PITTS. And that is published by who?

Ms. GRAY. By the CPJ. You can also visit our web site and it's all on there.

Mr. PITTS. Okay.

Ms. GREENE. Excuse me, Mr. Pitts. In my longer testimony there is a reference to Azerbaijan and the two articles of the press law which we find most troubling. This doesn't answer your question about individual journalists but it does give an idea that things are not good there and Azerbaijan is considered still this year not free by the independent assessors at Freedom House.

Mr. PITTS. All right. Thank you. Mr. Chairman, I understand we've got to vacate pretty soon.

Mr. SMITH. Yes, we do. I want to thank our witnesses again for your real patience and courtesy extended to the Commission in staying here most of the day. We will have a wide dissemination of this hearing record, I can assure you. This is the first in a series of hearings that will be held on this subject and we do thank you for that.

I just have one or two very brief questions. Ms. Gray, in your testimony you made the statement, and I would like a reaction from our other panelists as well, that CPJ believes that the number of journalists held in prison at the end of 1999 went down because some leaders no longer want to pay the diplomatic and political price of holding their journalists in jail.

Local journalists in countries like Kazakhstan tell us their leaders are much more sensitive to their international standing than they might appear. Governments have to weigh the desire to impose a *calmative fear* on dissenting voices against the negative publicity of an international outcry which may ensue if they are caught treating journalists badly.

We hope to bring up this issue very aggressively and robustly at the OSCE Parliamentary Assembly that will be held in Romania during the July 4th week. As you know, other parliamentarians will be there.

If you have other recommendations, and you have made some already, or if you just want to briefly summarize how we can get this even more into the limelight, please do so that these offending dictatorships and quasi-democracies will know that we are serious.

I get badly mistreated by my own press sometimes, but I will defend them to the hilt as I know Mr. Pitts and all of us do, as would Mr. Clinton and anyone else because the free press is so important to a properly functioning democracy.

If you have any recommendations for us, certainly Radio Free Europe/Radio Liberty has done yeomen's work in getting the information out even from our hearings as you did on Turkmenistan just recently.

Mr. DINE. Every time you hold a hearing 20 to 25 million people in Eastern/Central Europe listen to it in some fashion. I encourage you selfishly to keep holding hearings so we can keep on reporting.

Mr. SMITH. Okay. And we will. We are totally in a bipartisan way committed to this cause. Would any of our panelist want to comment on that? Again, in all of my bilateral meetings that I have had with members of parliaments from these countries, foreign ministers, and even on occasion with a prime minister, we bring up, as do my colleagues in those meetings, press freedom, human rights, and we specifically talk about how it's a carrot and a stick.

There will be penalties. It just won't be ostracizing the offending government. We will look to do other things as well. It seems to me the journalists are like the Helsinki monitors. They are telling the truth day in and day out.

Are there recommendations that you might make to us that we might include in the Albright letter? Perhaps you already have it in your testimony because you did have some very extensive information in each of your testimonies which I've looked at and I appreciate that.

Ms. FOLEY. I was just going to say to echo what Mr. Dine said about making sure that it goes to the top of the agenda. Also making sure that these are very public pronouncements. I think that is very important. If they get carried in the popular media as well, I mean, we can use the media to promote free press. We do have a free media and the press here will pick up on it.

Mr. SMITH. I did note that earlier our OSCE leader who spoke, as well as Ms. Gray-- in your testimony you talked about Ukraine and the importance of highlighting it because there is a deteriorating situation. Would any of you like to speak to that? It seems like that's something that has not been paid enough attention.

Mr. DINE. I can tell you that during the presidential election in December, Mr. Chairman, members of our Kiev bureau received threatening phone calls that we were not doing enough about the reelection of Mr. Kuchma. Whether it's Azerbaijan or Ukraine, now Russia, something else tomorrow, these folks haven't learned the centrality of a free press to democracy's very existence.

Ms. GRAY. I would agree that the elections in Ukraine highlighted what was already a pretty bad situation in the Ukrainian media. Opposition newspapers were either bought or closed. A mixture of fines, harassment in the form of increased tax inspections or fire inspections, your daily fire inspections. All sorts of things designed just to intimidate and harass the media have increased in Ukraine and that's part of the reason why we wish to highlight Mr. Kuchma's role.

Mr. SMITH. I appreciate it. Mr. Duve had that in his testimony as well as talking about the Ukrainian situation.

Let me ask two final questions, and then we have to vacate the room. Criminal defamation laws existed in every communist country and were actively used to suppress free speech. Only a handful of post-Communist countries; Poland, Hungary, and the Czech Republic, have taken steps to remove such provisions from their respective criminal codes.

Even in those countries a few of the old provisions have managed to survive the amendment process. I would just note parenthetically that Greece and Turkey have criminal defamation laws that are used often with impunity against those who dissent. How destructive to free media are such criminal defamation laws?

Ms. GREENE. I think you'll find that if you did a study of all the arrests and detentions of journalists in these areas that a very great proportion of those charges stem from something like criminal defamation or insult. It represents a very severe problem that really is pervasive I would say.

Mr. SMITH. Mr. Duve spoke earlier about the early warning component of his mission. In terms of each of your respective missions and work, does your early warning capabilities complement his? Have you picked up journalists who are at risk right now that we need to be speaking out for that might be highlighted by name?

We don't want to bring the secret police to their doorstep, but I'm sure they already know who they are just so that we can put some aura of protection and we can begin negotiating and speaking out on their behalf. That might be done for the record, but if you have some names of some people or countries that you think we need to be highlighting.

Ms. GRAY. I wouldn't want to mention names but I would want to mention the Serb media as being the independent voice that is most in danger of being silenced. I attended a meeting in Brussels last week which is a desperate last attempt by the Serb media to raise consciousness in the West about their plight.

They are being strangled. They are suffering indirect threats and direct harassment from the government. I think it's in all of our interests in some shape or form to defend the Serb media.

Ms. FOLEY. I would also add that even though we haven't established, or the OSCE hasn't established a media expert commission yet in Kosovo, that's actually a good sign because I think that the media department in Kosovo has played a positive role in the establishment of the Association of Journalist in Kosovo and we view that as a very positive sign because, again, it's a member based organization.

I would keep an eye on Kosovo not because it's particularly dangerous but because maybe it presents an opportunity in a region where there has been great turmoil.

Mr. DINE. As I mentioned earlier, it's very comforting, and I appreciate very much everybody's participation in finding and freeing Andrei Babitsky. The issue no longer is Babitsky even though he's still not fully free. He still faces charges by the Ministry of Interior.

What is happening now is that our Moscow Bureau, our Russian operation in Russia, is under the microscope of the Ministry of Mass Press. Last month we received a communications that we had to comply with the ministry's request for all tapes, all logs of our 24-hour-a-day product from the 15th of February to the 15th of March. We were asked for that even before the 15th of March.

We have hired good lawyers. We will comply, but we are going to comply by giving them tapes which will take 24 hours a day to retape. This is going to be an expense to the American taxpayers and this is part of us trying to be good citizens within Russia. At the same time, however, we know they are trying to squash us.

I've tried to make it very clear to the Russians they can close our bureau but they will put us back to where we were during the Cold War— we'll just broadcast into all of Russia by shortwave. They are not going to knock us out.

All of our programming starts and stops in Prague, even though we use our Moscow bureau extensively. So we are under the gun and we are trying to make this an issue as well.

Mr. SMITH. Has that been protested to the highest officials, including Mr. Putin, as a violation of the exercise of free speech?

Mr. DINE. I've tried to let the White House know about it. I've tried to let the State Department know about it. Yes, we have. We tried.

Mr. SMITH. We'll add our voice to that as well.

Mr. DINE. Please.

Mr. SMITH. If they wanted to know what was on there they should just tune in.

Mr. DINE. Well, they are trying to get us for various violations.

Mr. SMITH. I understand.

Mr. DINE. There are none.

Ms. GREENE. In terms of early warning, I would echo Tom Dine's comments that Russia is definitely—I would be very surprised if things didn't get worse there before they get better. The combination of a leader who has made no secret of his desire for law and order, his disdain for the press, his fear of free flow of information combined with a populous that is very desperate, upset, and in some cases longing for the past.

I think that if there is anything that the Commission can do to communicate to the Russian leadership that you are watching, you are hoping you will help if you can but to reiterate the importance of the maintenance of what good momentum there was at one time in Russia. It might be very helpful at this time before things are set in stone there.

Mr. DINE. Putin told reporters on April 1 that the main principles on which the government will be based are "strengthening of the state and the continuation of market reforms." He no longer wants to be the follower and the next generation of Andropov. He now wants to be Pinochet!

Mr. SMITH. And the flip side of strengthening is that slander against the Soviet state which was used with chilling effectiveness is right there.

Mr. DINE. Exactly.

Mr. SMITH. Okay. We do have to end the hearing. I do have additional questions but I'll have to submit them to you. We will follow up. I mean, minimally we are going to do a letter to Mr. Putin on this issue and highlighting Radio Free Europe/Radio Liberty in particular but other issues will be in the context or the text of the letter. We will see if other colleagues would like to sign it

Any recommendations you have, please feel free to tender those to the Commission because we stand ready to serve. All that we care about is faithfully adhering to the Helsinki principles which Russia and every other country in the OSCE has fully undertaken to follow. Thank you for your excellent testimonies and we look forward to working with you in the future.

(Whereupon, the hearing was concluded at 4:37 p.m.)

APPENDICES

PREPARED STATEMENT OF HON. BEN NIGHTHORSE CAMPBELL, CO-CHAIRMAN

Today's hearing is about a topic that should cause everyone that lives in freedom to sit up and take notice. Over the last several years the situation of the independent media in the 55 countries of the OSCE has become evermore fragile--and in some of the participating States has virtually ceased to exist.

The participating States have recognized the fundamental nature of freedom of expression as a basic component of a democratic society: "independent and pluralistic media are essential for a free and open society and accountable systems of government." The issue of freedom of expression and the media has featured prominently in many of the Commission's recent hearings. From the Balkans and the Caucasus to Central Asia, journalists face harassment, imprisonment, and even death in the pursuit of their professional duties with alarming frequency in the OSCE region.

I think it is a corollary to the systems of crime and corruption that we have heard about in testimony before the Commission just recently. Corrupt regimes run or manhandled by criminal elements can not tolerate the light of truth that journalism provides a free people. The systematic evolution of crime and corruption, allowed to run unchecked, will surely result in the death of the free media along with other freedoms.

This Commission has taken the initiative both here at home through a series of hearings, and abroad through the OSCE Parliamentary Assembly, to address the problems of crime and corruption in the participating States. Freedom of expression and independent media are essential elements of the process of democratization.

I look forward to reviewing the testimony of today's witnesses and learning more about the relationship between the deteriorating media and the proliferation of organized crime and corruption in the OSCE region.

WRITTEN STATEMENT OF REP. STENY H. HOYER

The international Press Institute reports that 87 journalists or media workers were killed or murdered in 1999 and violations were committed against the media in 165 countries.

The largest number of journalists and media workers were killed in the Federal Republic of Yugoslavia, where 25 journalists and media workers were killed. 16 of these media workers were killed in the NATO bombing of the Radio Television Serbia building in Belgrade in April.

The situation has deteriorated to the point that last Fall Santiago Canon, OAS Special Rapporteur on Freedom of Expression, Abid Hussain, UN Special Rapporteur on Freedom of Opinion and Expression, and Freimut Duve, OSCE Representative on Freedom of the Media whom we shall hear in a few moments, felt compelled to jointly call for specialized international mechanisms which promote free expression to be further strengthened, underlining the central role freedom of expression has in democratic development, noting that the free flow of information and ideas faces new and old threats from both public and private actors. They also called for the elimination of all criminal defamation laws, often a hangover from the Soviet Era in the OSCE.

And the abuse of charges brought against journalists in some post-communist countries under laws that prohibit the release of "state secrets"--but what constitutes a "state secret" seems to be a rather elastic concept--must be brought to an end.

The OSCE must step up and face this situation. We must use the tools at our disposal to join Mr. Duve in trying to protect and even advance the Freedom of Media, of Speech--what we Americans tend to take for granted as the First Amendment.

As Vice President of the OSCE Parliamentary Assembly, I intend to work vigorously to remind our fellow Parliamentarians of the importance of this matter.

And to look for ways to improve the ability of the Representative on Freedom of the Media to do his or her work.

Mr. Chairman, thank you for holding this hearing and I look forward to hearing from the witnesses.

RESPONSES OF DAVID YANG, SENIOR COORDINATOR FOR DEMOCRACY PROMOTION, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. STATE DEPARTMENT, QUESTIONS POSED DURING THE HEARING BY COMMISSIONERS AND STAFF SUBMITTED FOR THE RECORD

REFERENCE: PAGE 8

Mr. SMITH. Are there others [hate radios] still operating?

MR. YANG'S SUBMITTED RESPONSE

A. Yes. There are both Serbian and Albanian Kosovar radio stations that continue to broadcast substantively questionable material. Officials in Kosovo are exploring ways of managing this problem. For example, a draft "regulation on the licensing and regulation of the broadcast media in Kosovo" was recently approved by un officials in new York. Based on this regulation, the OSCE interim media commissioner has issued a "broadcast code of practice," now pending final approval. This code provides definitions of material unacceptable for broadcasting and requires broadcasters to "be vigilant in identifying statements...that carry a clear risk of inciting public harm or intolerance."

REFERENCE: PAGE 8

Mr. SMITH. Does the Administration plan on bringing up the issueof journalists and freedom of the press in those fora?

MR. YANG'S SUBMITTED RESPONSE

A. Yes, absolutely. At this time it is still too early to determine exactly which cases we will be presenting at the meetings and conferences, but as we have with previous OSCE implementation review meetings and conferences, the department will work closely with CSCE staff (who will join the U.S. delegation) on all the issues we will raise and the interventions we will deliver at this year's review meeting in Warsaw, October 16-27. We will use this meeting, and every other appropriate opportunity in the OSCE context, to flag our concerns about how other OSCE states are implementing their commitments on media freedom.

REFERENCE: PAGE 9

Mr. PITTS. Could you comment on what the situation is for religious broadcasters in the OSCE region?

MR. YANG'S SUBMITTED RESPONSE

Thank you for this important question. Religious freedom—the right to pursue one's faith without interference—is a cornerstone of human dignity and of all human rights. We take very seriously human rights problems involving limitations to freedom of thought, expression and Association. Regarding broadcasting, we have not received reports of serious problems involving religious broadcasting in the OSCE region, although the presence of religious discrimination and persecution in some osce participating states makes it likely that some religious broad-

casting problems may exist, particularly since in many countries of the OSCE region, the government closely controls the licensing of radio and television stations. If you are raising this question because the Commission is aware of any specific difficulties currently faced by religious broadcasters in this region, we would strongly encourage you to bring such details to our attention. We will investigate and take appropriate action. Also, we will share with our posts the fact that you have raised this question today, and ask them to monitor for problems faced by religious broadcasters. Our guiding principle is to ensure that we, as thoroughly as possible, monitor human rights abuses and press for adherence to internationally recognized human rights standards and norms

REFERENCE: PAGE 12

Mr. FINERTY. I know that these programs take a long time to germinate and to produce success but I just wondered if you have any details on the programs? Have there been any cases where we have been able to sort of help concretely a press or newspaper stay alive that's been under siege or something like that?

MR. YANG'S SUBMITTED RESPONSE

A. In the short term, it is indeed difficult to fully assess now the long-term impact of our work, but we are fully confident that U.S.-supported programs have been crucial in helping media in crisis survive. Allow me to highlight some of the features and accomplishments of our print media programs. With funding from USAID, the Russian national press institute (NPI), in conjunction with its American founder and partner, New York University's Center for War, Peace, and the News Media, developed a unique sectoral strategy based on a comprehensive approach to the economic, political, professional, educational, and legal problems facing the independent print media in Russia. Through this strategy, NPI has been able to provide a full range of anti-crisis services, including management consulting, legal services, industry research and information exchange. NPI has created and implemented a network of media assistance programs through which Russians themselves come together to meet the challenges of developing independent and self-sustaining media. The results of these efforts have been substantial. Intensive, on-site management consulting has led within months to advertising revenue increases of up to 100 percent, cost reductions of up to 50 percetn, and circulation increases of up to 80 percent. In some cases this has led directly to full financial independence from local authorities. In one specific example, a NPI-sponsored workshop in Rostov literally saved 10 independent newspapers from being taken over by the state. Just before NPI's workshop in Rostov in December last year, the regional administration had unilaterally declared 10 newspapers as "municipal enterprises," a legal form which entails no such benefits for the newspapers but a much larger role for the local government. Because of their opportunity to discuss the case with Russia's leading expert on media law at the workshop, the editors were able to make a powerful case against the government and forced the government's illegal action to be revoked.

Through the services of this media assistance thousands of journalists have improved their reporting on key issues; it has promoted inclusive and broad-based journalism that both provides a diversity of viewpoints as well as building a robust, informed civil society.

REFERENCE, PAGE 14

Mr. SMITH. [David Yang] will check to see if our Embassy has already conveyed our concerns based on the report but they were highlighted in our report.

MR. YANG'S SUBMITTED RESPONSE

In July 1999, the U.S. ambassador met with the Chairman of Azerbaijan's Parliamentary Commission for Legal Policies and State-Building to express U.S. concerns about the draft media law. The ambassador also expressed U.S. concerns publicly at a roundtable on the issue. The law as passed in December 1999 was modified to address some of the concerns raised by the ambassador and others. However, other concerns were not addressed and the embassy will continue to seek opportunities to raise these concerns. We at DRL have conveyed the commission's concerns about this issue to the U.S. embassy and we will work closely with embassy officials to continue to press this issue with the government of Azerbaijan.

PREPARED SUBMISSION OF FREIMUT DUVE

Mr. Chairman, Ladies and Gentlemen,

I was appointed the OSCE Representative on Freedom of the Media at the OSCE Ministerial Council in Copenhagen in December 1997, when 54 Foreign Ministers, including the US Secretary of State, voted for my candidacy. My function is to observe relevant media developments in all 54 OSCE participating States and in one suspended country— the Federal Republic of Yugoslavia.

My Office has been involved in freedom of expression issues in many OSCE participating States, including Azerbaijan, Belarus, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, the former Yugoslav Republic of Macedonia, Moldova, Uzbekistan, Romania, Russian Federation, Slovak Republic, Tajikistan, Turkmenistan, Turkey, and in the Federal Republic of Yugoslavia.

THE MANDATE OF THE OFFICE

My mandate was approved by the OSCE Permanent Council on 5 November 1997 (PC Decision # 193). Under the mandate my task is to address serious problems caused by, inter alia, obstruction of media activities and unfavourable working conditions for journalists. The mandate underlines that my Office would 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 (HCNM) and, where appropriate, with other OSCE bodies, as well as with national and international media associations.

My Office concentrates 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, my Office seeks direct contacts with the participating State and with other parties concerned, assesses the facts, assists the participating State, and contributes to the resolution of the issue.

The OSCE Representative on Freedom of the Media collects and receives information on the situation of the media from all bona fide sources. My Office may at all times collect and receive from participating States and other interested parties (e.g. from organisations 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 (hate speech).

I routinely consult with the Chairman-in-Office and report on a regular basis to the OSCE Permanent Council. The mandate underlines that the Representative will not communicate with and will not acknowledge communications from any person or organisation which practises or publicly condones terrorism or violence.

My Office co-operates with relevant international organisations, including the United Nations and its specialised agencies and the Council of Europe.

THE WORK OF THE OFFICE

The work of the OSCE Representative on Freedom of the Media generally falls into two categories: following and reacting to specific cases of violations of freedom of expression in OSCE participating States, either through interventions with governments or visits; and outlining

issues and problems that are characteristic of more then state, such as, for example, so-called "censorship by killing" and "structural censorship."

In my interventions, I outline to the relevant government my concerns and ask for appropriate action to be taken to rectify the situation. My Office has focused on such issues as, for example, harassment of independent media, prosecution of journalists, closure of newspapers, TV and radio stations, regulation and libel fees. In pursuing my mandate, I and members of my staff travel to OSCE participating States were we investigate at first hand the current media landscape and report on our findings to the Permanent Council.

It is clear that the conditions under which journalistic freedom can contribute to the democracy of the country differ dramatically in the world of the OSCE. Conditions in Western Europe and in North America are much easier compared to those in other regions. The post-socialist and post-communist democracies face a number of problems and conditions which make free journalism a much more complex challenge than most of us celebrating the original Glasnost period had expected.

Direct government pressure on free media is still apparent in some areas. And, of course, we still, unfortunately, have the occasional newspaper closed by a government edict, we have the occasional cases of police harassment or violence directed against journalists as well as cases of journalists in prison. My Office has intervened again and again. We have had some fruitful discussions with responsive governments, and we have noted some signs of progress.

STRUCTURAL CENSORSHIP

However, throughout our work in 1998 and 1999, we found a whole set of unexpected forms of indirect pressure on media freedom related to the economic and political structures of the past. I call this the elements of structural censorship. These indirect structural pressures can be as nefarious and harmful to free journalism as direct repression. Unfortunately, there is a lack of thorough research and academic study of this economic and political reality which affects not only media, but other fields as well.

Although these indirect structural pressures are not nearly as dramatic as violence or heavy-handed government repression, they can sometimes be just as effective in killing journalistic freedom. We need, all of us, to find answers to these structural deficiencies.

Government-controlled and subsidised media have a readily available source of economic survival; independent media do not. We have identified at least five different instruments in the hands of communal, regional or state administration, which enable them to exercise control over the functions of the media:

- The government has a monopoly on newsprint;
- The government controls the import of the paper stock;
- The raising or lowering of rent for office premises owned by the municipality;
- The indirect control of distribution through monopolistic control;

- Government-controlled businesses advertise only in "friendly" media, and withhold advertising from independent or opposition media.

All these instruments would not have their radical effects in blooming economies, but in poor economic situations and in an extremely weak print media market, these instruments have a significant effect, making it even more difficult for the independent media to survive economically.

LIBEL AND DEFAMATION

Besides these instruments, we face another serious problem which cannot be called "censorship." It is, however, a main source of concern for my Office: government officials who again and again avail themselves of ill-conceived judicial statutes regarding libel and defamation. Politicians are usually not attacked by the media as persons but as those responsible for the most important institutions of their countries. They must therefore accept criticism for the work which they were elected to perform. Considering on a legal basis all public criticism as "personal insults" means nothing else than to destroy the basic function of public criticism of any government action. Under these circumstances, the second main role of the media, the "corrective function" of all important government or business decisions affecting the future of the citizens of a city, a region, or of an entire country, is in danger of being silenced. My Office encountered many examples of this silencing of the "corrective function" of the media through the personal misuse of libel laws, both civil and criminal.

And, of course, a string of expensive libel suits by government officials against free media outlets can bankrupt an enterprise, and the threat of imprisonment, whether carried out or not, for criminal defamation can have a chilling effect on journalistic integrity and foster self-censorship.

VAT TAX ON MEDIA

Some economic aspects regarding the independence of the media. A high value-added tax (VAT) imposed on the independent media based on the argument of economic fairness can bankrupt media which exist on the borderlines of economic survival. The presence of business monopolies which control the media clearly limits the possibilities of media freedom. None of these elements are illegal, or against the law, and, often the law, whether fair or not, is what offers the camouflage and protection for this indirect pressure on the media.

But the real question is what we, what anyone, can do to redress these imperfections which threaten a pluralistic media environment and the public's right both to know and to choose among alternatives.

One solution is to rely on the hope that the economies of the newly emerging democracies in the OSCE family will gradually improve. Western economists are fond of saying that "a rising tide lifts all boats," that in a flourishing economy there will be more money for advertising, more money to start up media outlets, everyone will benefit.

I am certain that, for the media industry, there may be some truth in this nostalgic market dream. But for the journalistic role of the media as an indispensable corollary to democratic and legal development of an open society, these hopes are not enough to safeguard democracy

in its most crucial period of development now. A period which in some countries is marked by a deteriorating economy, at least over the short run.

The task, it seems to me, is for the international community, and here I include the OSCE, to provide carefully directed economic assistance to redress some of the structural imbalances which threaten freedom of expression and weaken democracy. Obviously, neither my Office nor the OSCE as a whole, has sufficient funding to deal with some of these deficiencies. But there are ways to start, actions which governments can take to better the chances for economic survival of the threatened independent media:

- I urged all governments which still impose VAT taxes on the media to abolish or reduce this tax. I am, of course, aware of the fairness argument, that everyone pays a VAT tax, and abolishing it for the media only would mean to put the media in a favoured position. But quite a few countries have reduced or abolished VAT tax for media knowing that this is an indirect economic help to free journalism.
- Government officials need to restrain from continuing libel actions for large amounts of money against the independent media, which do not have the funds to continue to combat these legalistic assaults. My office intends to do what it can to see that the libel penalties sought are reasonable and commensurate to the offences.

MEDIA FUND FOR CENTRAL ASIA

My Office has initiated a project to deal with these structural deficiencies on a micro-economic level. Although we are not a funding element, we have, for the first time, requested funds from participating States to provide economic assistance to struggling media, particularly in Central Asia. This Media Fund for Central Asia, as we call it, is patterned after an initiative of one of our OSCE Centres in Central Asia which provided funds for newsprint and paper for an already existing, but economically threatened newspaper. In this context, I would also like to mention that my Office has set up two school newspapers in Kazakhstan and Uzbekistan with the financial support of a private donor.

ISSUES OF OWNERSHIP OF MEDIA

I would also like to address the industrial cross ownership of media. The economic situation of he media produces another problematic effect: seeking capital investment the media often end in the open arms of big business which has the needed capital. Today, we are confronted with a situation in a number of OSCE member states, where one or two powerful economic conglomerates own most of the media and partly use it to promote their own interests. There is nothing apparently illegal, but it clearly restrains alternative viewpoints from being discussed. One way to deal with this emerging phenomenon is for legislative bodies to pass laws against it. This was done earlier in Turkey where a company that owns media outlets is not allowed to take art in public tenders.

Another way of dealing with this problem is through encouraging foreign investment. While one understands that foreign owners may influence discussions in a country where they do not live and one does prefer that local entrepreneurs own local media, there are some positive examples.

Countries need to attract foreign investment into the media, investments that are market- oriented but non-political. One positive example is Bulgaria where foreign-owned newspapers dominate the market, but there is no interference in editorial policy. This is certainly one way to compete with the local media monopolies. These are only some of the issues of indirect economic repression which have a negative effect on the development of free media in the newly-emerging democracies independent media, especially in Eastern Europe and the former Soviet Union.

The activities of the my Office have helped states in understanding their commitments as OSCE participants and have promoted freedom of expression in the region, especially among the new democracies of Europe.

DEMOCRACIES GOING TO WAR

I have also dealt closely with the way the media report on military activities in democracies. A democracy has to overcome the age-old saying that truth is the first victim of war. Regarding media freedom and access for journalists, all OSCE member states have committed themselves to providing a fair and free environment for journalists. Democracies at war are in an entirely different situation than authoritarian dictatorships. Soviet citizens who were critical of their country's invasion of Czechoslovakia or Afghanistan often ended in prison or in a psychiatric ward. The first democrat who during a terrible war pointed out this difference very clearly was Winston Churchill in his speeches to the British parliament in the early forties.

Throughout the last century, the citizens of the leading western democracies where confronted with this entirely different situation as compared to war reporting in non-democracies. A critical journalist, or any citizen critical of the policies of his government, in any democracy can not be labelled as a "traitor." However, even in a democracy a journalist can become the target of a government attack as has happened to John Simpson from the BBC during the NATO campaign against the Federal Republic of Yugoslavia. British Prime Minister Tony Blair told the House of Commons that Simpson's reports "were compiled under the instruction and guidance of the Serbian authorities." NATO spokesman Jamie Shea once referred to the campaign against FRY as the first "media war" and to journalists as "soldiers in this war." This is a position that I cannot accept.

There is a history to democracies going to war. The British democracy already had to deal with this challenge during the Boer war at the turn of last century. The French democracy experienced this during the Algerian war, the United States had to face this same challenge of public scrutiny and criticism during the Vietnam war.

I am making these general historical remarks because these mentioned countries today are members of the OSCE. The function of my Office, among others, is not to judge whatever military decisions are made but to concentrate on potential repercussions to media freedom.

To continue on the subject of FRY, already in the early nineties foreign correspondents had difficulty working in that country, especially when there was a discussion during the Bosnian war that NATO might attack Belgrade. I would like to stress, that adequate working conditions for foreign journalists were one of the central points of the Third Basket of the Helsinki Final Act.

We do have ample proof that most government-controlled media in FRY, especially RTS, were used as propaganda machines by the regime. This became even clearer after the adoption of the Serbian Law on Public Information in October 1998.

NATO's situation was entirely different. Brussels had to deal with journalists, who could do their own research and decide themselves on how to inform the public. Most of what the NATO spokespersons admitted and what they denied was a direct consequence of democracies going to war. NATO's mistakes were public relations mistakes of spokespersons who themselves were not adequately informed. Sometimes, these mistakes, as we have learned recently, were very serious ones. The spokespersons in reality often knew less than they could admit and even less than some journalists. Some of these issues are still being debated publicly. Only recently, NATO admitted to speeding up a tape that showed one of its planes mistakenly attacking a train. This admittance is proof that NATO, as an organisation of democracies, has to be open and has to admit its mistakes.

Since all NATO members at the same time also belong to the OSCE, I had to intervene on one occasion— after the missile attack against RTS in Belgrade last April. I publicly voiced my concerns and sent a letter to Xavier Solana, NATO Secretary-General at that time.

After my public statement, there were some critical comments made, but I take it that the decision to bomb a television station, housing journalists, by the leading democracies of the OSCE is an issue which concerns my Office. There is no doubt, and I stressed that in April 1999, that not only during wartime this station and its journalists were used as a propaganda instrument by the Milosevic regime. But to destroy a media building and to kill and aim at media workers under the pretext that they are part of the war-machine could have, among other things, resulted in considerable repercussions for foreign journalists working in Belgrade. They could have been considered as belligerents and treated accordingly. On 23 April 1999, sixteen media workers from RTS lost their lives.

Democracies, even at war, must always accept and follow their basic international commitments. They are and they will remain the example others use, or misuse, when they go to war.

The corrective function of the NGO's on this matter is paramount: The International Press Institute published an important report "The Kosovo News and Propaganda War," with texts written by journalists and experts from over two dozen countries. Its main theme is expressed by Peter Goff from IPI in the book's introduction: "The war was punctuated with accusations, both from the media and against the media. Claims of censorship, propaganda purveying, distorted and suppressed information were met by allegations of media treason, sensationalist reporting, cheerleading and appeasing."

This year Austria is chairing the OSCE. That is why I would like to refer to some thoughts by Gerfried Sperl, Editor-in-Chief of Der Standard, in the IPI book. Sperl wrote about discussions and even confron-

tations between journalists in Austria regarding the NATO action against FRY. The key word here is "discussion," something that can only happen in a democracy.

THE WAR IN CHECHNYA AND ANDREI BABITSKY

A few words on the recent fighting in Chechnya. My Office has tried to follow the media aspects of this military operation as closely as one is able to from Vienna. I was aware of the difficulties facing local and foreign journalists trying to cover this conflict, of the generally unanimous position of support of the action taken by the Russian government by the most influential media in the country. Initially, there was a danger that the media might become part of a campaign against non-Russian minorities in Russia. As far as we know, this did not happen. However, there is still a danger of anti-Russian propaganda materialising in the Caucuses as a result of this war. Some of these issues I have raised with the Russian government.

I believe many of you have heard of the Russian reporter Andrei Babitsky, the Radio Liberty correspondent in Chechnya. Mr. Babitsky went missing in Chechnya on 15 January 2000, resurfaced in the custody of Russian authorities, in a bizarre and highly illegal manner was exchanged for a number of Russian officers, spent almost a month in custody and was released and subsequently re-arrested by the Russian authorities on 25 February and, after an international outcry, freed a few days later. He is currently charged with "abiding an illegal armed formation."

My Office was the first international governmental organisation to raise the case of Mr. Babitsky with the Russian Government and to pursue it both publicly and through interventions with the government until this courageous Russian reporter was finally allowed to go back to his family. My staff were in daily contact with Radio Liberty, getting regular updates on the situation and reporting this information to relevant governments. I believe that it was only because of the enormous pressure by the international community on the Russian Government, initiated by my Office and the US Government, that Andrei Babitsky re-surfaced alive and that his name was not added to the long list of those missing in action in Chechnya.

PROTECTION OF JOURNALISTS

Related to the challenges of war is protection of journalists in conflict areas. After the murder of two journalists in Kosovo in June 1999, I suggested that one way to provide journalists with additional protection could be by clearly identifying them as media professionals. In September 1999 my Office, together with Freedom Forum, an American non-governmental organisation, held a round table on this issue. I plan to continue this discussion in 2000 and I urge OSCE participating States to play a more active role in ensuring the safety and security of journalists in conflict areas. I also would like to invite senior military officers to this debate. The importance of this issue could not be underestimated especially since last year we had more armed conflicts in the OSCE region than in 1998.

In December 1999, I intervened with the Russian authorities on behalf of a group of journalists working from Grozny who were unable to leave the city. In the end they made it out safely. Not all media professionals have been so lucky. Since the start of military activities in Chech-

nya, four journalists died as a result of the fighting, some are still missing. Their names were added to an already long list of reporters killed in 1999. This list is much longer than in 1998 and it us also up to us to ensure that in the year 2000 no more journalists will pay with their life for the right to do their job.

MEDIA SITUATION IN SERBIA

My Office had been actively involved in following the media situation in Serbia. After the adoption in October 1998 of the draconian Serbian Law on Public Information, I stated that this law was a declaration of war against independent media. My worst fears are turning into a terrifying reality on a daily basis for many Serbian journalists who are threatened, harassed and whose newspapers, radio and television station are either heavily fined or closed down.

On 25 June 1999, I wrote to all OSCE Foreign Ministers asking them to use their influence to bring about a repeal of the law. In 1999 and 2000, as predicted, we saw our worst fears materialise in Serbia. The law has been used on numerous occasions to silence independent media, to prosecute those who have tried to inform the public on the state of affairs in their country. Recently I read Milocevic's interview to Politika given this New Year's eve. Milosevic believes that the law has not been used "sufficiently enough." He also said that there was complete freedom of the media in Serbia while in Western countries the media was controlled by the state. Overall, Milocevic's interview had a chilling effect on media in Serbia, and not only on those who consider themselves in opposition to the current regime.

If nothing is done to curtail this onslaught, I seriously believe that in the next few months all independent media will cease to exist. On several occasions I had urged all OSCE participating States to use their influence on the Belgrade regime to stop this barrage of attacks on free media.

To no avail. As I speak here in the US Congress, free media in Serbia is being slaughtered with impunity.

I would like to commend the American government for establishing a so-called Ring Around Serbia which re-broadcasts foreign news programmes in Serbian to the population. This step allows the Serbian people the possibility of getting alternative information to Milosevic's national-socialist propaganda.

SOUTHEASTERN EUROPE

My Office had also monitored events in Kosovo where together with the OSCE Mission we are working on establishing a pluralistic and hate-free media environment that will be conducive to an open and free public debate on the future of the province. This debate must include all residents of the province, especially the national minorities.

Continuing on south-east Europe, my Office had commissioned a report on international involvement in media in Slovenia, Croatia, Bosnia and Herzegovina, Macedonia and Kosovo. This report, written by Mark Thompson, a leading British scholar on this issue, is unique and the first of its kind. It looks into all the steps taken by international organisations in support of

independent media in the region, analyses many of the mistakes made and the lessons learned. Copies of this report are available today.

MEDIA SITUATION IN UKRAINE

For the past year my Office had concentrated in detail on media developments in Ukraine and I have to admit our findings are far from optimistic. Recently we issued a Report on the media situation in Ukraine. Although officially censorship is abolished and the current legal framework for media development is adequate, we had found numerous cases of harassment of media critical of the current President. Two of my staff members were present last year when a leading independent Kyiv daily was evicted from its premises. We have an editor in Crimea, who after three years of constant threats from the local government can not take it anymore and had asked my Office to help her seek political asylum. It is a bleak picture and I urge those of you who have close ties with Ukraine to use your influence to promote free and independent media in that strategically important European country.

We are actively involved in Central Asia, in Belarus, in many other countries, whose track record on freedom of expression is less than perfect. We will continue being advocates of free and independent media in the OSCE region— from Vancouver to Vladivostok.

Thank you.

THOUGHTS ON THE "INDUSTRIALIZATION" OF ARTICLE 5 OF GERMANY'S CONSTITUTION

Freimut Duve, Member of the Lower House of the German Federal Parliament, OSCE Representative on Freedom of the Media

The new Prime Minister of the German Land (province) of North Rhine-Westphalia has quite rightly declared the media to be a "matter for the boss to deal with". The media have probably been the most important factor in converting Germany's largest province during the past 20 years from a mining and steel-making region into a modern service economy - perhaps the most successful structural transformation in the industrial history of the world. Here, the dramatic crises inherited from the 19th century by other industrial regions (in Great Britain, for example) were avoided - or have been largely overcome. The media industry is now an economic and structural reality.

Or let us take southern California: the regional economic crisis of the early 1990s, which lasted longer there than in other parts of the United States, has been overcome completely, The media and culture industry is to be thanked for that,' in 1997 alone, almost 200,000 jobs were created in that sector. ID 1990 there were 143,000 people working in films and television in Los Angeles; by 1997 the number had risen to 262,000. The demands for cultural and journalistic freedom raised during the 18th and 19th centuries have, at the end of the 20th century, become a central factor of modern economic life.

I have not done any calculations of scale, but the general argument is undoubtedly correct: the media industry is now playing a role which is at least as important as that played a hundred years ago by the steel industry and the railways, on whose investment decisions the hopes — or disappointments — of entire regions depended. The expectations of cities and the innovation. policies of provinces are linked to the decisions of the media industry.

As we know, the steel industry and the railways of the 19th century brought about great transformations in the world in which they operated, not only did they produce steel and provide transport, they also changed much of our culture (our architecture, for example), the speed with which things are delivered, and the ways in which investment and innovation take place, Entire branches of science emerged with them, and it was through them that the machinery of warfare acquired true technological substance - including that which sustained the two World Wars. They produced possibilities, prospects and fears, but never direct opinions or live pictures,

The media are now an industry which is increasingly global rather than national: the basis of this success is the freedom of the media, the lifting of censorship restrictions and the growing desire for education and culture in industrial societies. A vivid illustration of what has happened is provided by the Bertelsmann group, which burgeoned in the 19th century with the rising general interest in books and culture and expanded further in the 20th century - especially after the Second World War - with the revolutionary changes in printing and marketing, and which is now one of the world.'s largest media corporations. The still larger Time-Warner group developed. along different lines (it was its

size far more to films and magazines than to books), but it too is now a world-wide industrial group whose investment decisions fuel the dreams —or nightmares—of communities and cities, even of entire countries.

This "industrialization" of Article S of our Constitution (or of the American First Amendment) has presented the modern democracies and many firms with a problem for which we do not yet have either a precise name or a solution. The "Article 5" share in the turnover of the great media corporations — that is to say, journalism in the narrow sense - is now small, and it is even smaller if we consider, as the central element of a free democracy, the narrower definition of freedom of speech and of the press underlying the revolution of 1848. Although its economic significance is slight, however, its political significance for the free democracies is great; it is indispensable!

We now know that the ideological dictatorships of the 20th century opposed not only the democratic, humanist demand.s - deriving from the Enlightenment - for freedom of opinion and of speech, but also the increasingly important second role of journalism - that of a permanent corrective of all major decisions through critical public debate.

In an open democracy, the critical gaze of journalism must embrace not only politics, the government and parliament, but also industry and the decisions taken by it. In the Soviet Union, no industrial decisions were criticized publicly by free media, and that was the main factor leading to the country's economic misery. The Chernobyl accident would not have been possible if there had been public debate about the radiological hazards due to a nuclear industry with low safety standards.

The major decisions taken in the service age also need to be debated critically, Cartel laws and market competition are not enough.

What does critical journalism look like, however, if it is itself part of this so important industry central to economic policy?

How do the big media corporations defend the critical independence of their journalistic offspring (including their independence vis-h.-vis the media industry itself)?

That may not yet be a problem for firms with a journalistic tradition of their own and thus a commitment to critical reporting, But it is already a problem for big media corporations which did not originate in journalism or whose younger managers feel responsible only for the business side and not for the journalistic mission. Of course, it is difficult to rectify matters through legislation, either national or supranational - within the EU framework, for example.

The firms are too large and important for governments to try restricting by legal means their entrepreneurial independence in favour of their journalistic mission. In Turkey, two big newspaper groups are currently pressing the Government to repeal a law of 1994 which forbids the participation of media corporations in public tendering in, for example, the energy, civil engineering and electricity sectors. The two corporations have succeeded in almost completely preventing journalistic criticism of this dangerous initiative so that, despite the resistance of the vast majority of parliamentarians and even some Government members, there is a strong probability that their business interests will prevail in Parliament. When public discussion is controlled by interested parties and thus hardly takes place, as in this admittedly very extreme case, serious dangers arise for the economy and for society. For

example, if criticism in connection with the awarding of public contracts no longer got out, even fear of the discovery of possible corruption in road and dam construction would hardly play a role any more; increasing costs and declining quality might became automatic.

That was a radical example, but it indicates how wise it was to prohibit cross-ownership and how important it will be to promulgate and enforce rules restricting media corporations' entrepreneurial involvement outside the media industry.

In addition, however, firms and the journalists working for them will together have to formulate codes of conduct which ensure respect for Article 5 and journalistic professionalism even in the power environment of the big corporations just as the standards of freedom in States based on the rulc of law and parliamentary democracy do.

PREPARED SUBMISSION OF THOMAS A. DINE, PRESIDENT, RFE/RL, INC.

Across the post-communist world, media freedom is under threat; and because media freedom is the foundation for all other freedoms, the possibility that the people of these countries will make the transition to democracy and law-based societies has been cast into doubt. But opposing those who threaten media freedom are many others who are working actively to defend and advance it. And consequently, the situation, while bleak, is not hopeless, but it is one that will require all who care about freedom to devote more efforts in the future than even those they have devoted in the past.

This afternoon, I would like to discuss three things: the nature of the challenges to media freedom across this part of the world, the role journalists in these countries and at Radio Free Europe/Radio Liberty are playing in defending and advancing media freedom, and finally the nature of the struggle ahead and the role I believe we in the West can and must play if we are going to advance the cause of freedom we espouse.

THE NATURE OF THE THREAT

The possibility of the emergence of a free media in the post-communist countries is threatened by a combination of three factors: government efforts to restrict or even suppress media freedom; survivals of communist era attitudes about the press among officials; the population, and even journalists; and some unintended and unexpected consequences of the transition period itself. Both the extent of each and the mix of all three of these factors, of course, vary widely across the countries of the region. But almost all of them are found to one degree or another in most places, and consequently I believe it is most useful here to consider them as a syndrome affecting almost all of them rather than to examine each of the many countries of this region individually.

GOVERNMENT POLICY

The governments in these countries have used a variety of tools to control the media. The most dramatic ones involve open repression. Ten days ago, for example, the Lukashenka regime in Belarus violently broke up a demonstration and arrested some three dozen journalists, including four who work for Radio Free Europe/Radio Liberty. Earlier this year, as you know, the Russian authorities arrested our correspondent Andrei Babitskiy for the "crime" of reporting the truth. After an international effort, including your most important contributions, Andrei is home, but he is not yet free. He still faces trumped up charges and last week there were reports that the authorities ordered him to report to the notorious Serbskiy Psychiatric Hospital for examination. And over the past several years, officials have either sponsored or done nothing to stop the killing of journalists (various Russian cities and the North Caucasus), the firebombing of newspaper offices (Kazakhstan), and the harassment of journalists by destroying computer files (Moscow last month) or simply beating them up (across the region). Unfortunately, I could extend this list almost at will. But perhaps more insidious and hence more difficult to mobilize against are other forms of government pressure: the exploitation of tax police to harass those who

speak out, the denial of travel documentation and journalistic credentials, and the use of both control of the paper supply and licensing of print and electronic media.

Clothing themselves in legalisms, many of the governments of this region use the power of the state to go after those who criticize them. Many people will march when someone like Babitskiy is arrested, but few are likely to demonstrate when the tax police move against an independent media outlet. And consequently, these "legal" maneuvers are the weapons of choice for governments that don't want to see a free media but also don't want their reputations to suffer.

In addition, various governments prevent journalists from travelling by saying they lack adequate documentation or permission or from working by denying them the credentials they need to do their jobs. Again, these regimes can cloak such actions in legal forms, but the consequences are far more serious. And finally, the state, which casts an enormously large shadow, can do a variety of other things that limit the free press. In almost every country, the government, not the private sector dominates the electronic media. As in Soviet times, the governments frequently can control who gets newsprint and when, and also as in Soviet times, these regimes can determine which newspapers get subsidies and when. In Russia, three of the four television networks are controlled directly by the government, and the fourth is subject to government suasion because of the power the state has over its principal owner, *Gazprom*. During the Chechen war, the government criticized that network's coverage, *Gazprom* signaled that it wanted a change in coverage, and NTV backed away from what had been virtually the only honest domestic electronic coverage of that conflict.

All of these arrangements subvert the possibility of a free media, but few of them draw the fire of Western defenders of freedom of the press even though RFE/RL documents them on a regular basis. And because that is so, these superficially "legal" arrangements are likely to play an ever larger role in the policies of governments who do not want to acquire an evil reputation in the West but who do not want any criticism at home either.

SURVIVALS OF THE PAST

Behind these government policies is a set of values that we might call "survivals of the past," a set of attitudes, institutions and arrangements that reflect the experience of the communist period. Whatever labels they now give themselves, almost all of the current leaders of the post-communist countries were part of the old party state. Their attitudes were shaped by that experience and so that even when they call themselves democrats and say they are committed to a free press, their understanding of both of those assertions is very different than what ours would be.

They remember when the press served the government, not criticized it, and they want the media to again play that role. When it doesn't, their anger is palpable: I am sure you have all seen acting Russian President Vladimir Putin's outburst about Babitskiy, a set of comments that is as frightening as anything else he has said or done. But the hangover from communist times is not limited to the government itself. There are also problems with the understanding of journalism among journalists and among the population at large.

Most practicing journalists today began to work in Soviet times and they were profoundly affected by that experience, even if they ultimately rejected it. Sometimes that survival of the past takes the form of uncritical deference to the authorities, but sometimes it takes another but equally pernicious form: the view that journalism should be subordinated to a political cause, that it is all right to lie in order to advance this or that "good" agenda. Many Russian journalists made that choice in 1996 when they supported Yeltsin against Zyuganov; many journalists in Russia and other countries continue to make that kind of immoral calculation.

Because of government pressure, because journalists in this region often behave that way, and because of their own experience with the media in Soviet times, many of the readers and listeners in these countries are profoundly cynical about what they see. In the USSR, people used to joke that there were only three kinds of news in the newspapers: obituaries which were certainly true, weather forecasts which were possibly true, and everything else which was certainly false. Such cynicism has only increased in the last few years.

THE UNINTENDED CONSEQUENCES OF TRANSITION

Still another group of challenges to the appearance of media freedom arises from the unexpected and unintended consequences of the transition from communism to a market economy.

Many people expected that privatization of the media would lead to the freedom of the media. That has not happened. On the one hand, owners dominate the newspapers and radio stations because there is not yet a serious advertising sector that can provide the foundations for genuine media independence. And on the other, in the new environment, journalists are paid so poorly—some $50 a month in the Russian Federation, for example—that they are easily subject to bribes of one kind or another.

Moreover, in the race for profits, many media outlets have been tabloidized; more interested in attracting an audience than in telling the truth and less interested in news than in entertainment. As a result, the very best journalists have been squeezed out of much of the media because their in-depth stories are not the kind of thing that sells.

But perhaps the most serious and unrecognized of these unintended consequences is the fact that people overwhelmingly now turn to television rather than newspapers as their primary source of news. Newspapers have priced themselves out of the market—people are frequently forced to choose between bread and a newspaper—and so people watch television instead of reading. As I noted above, television remains overwhelmingly state-controlled, and that in turn means that even where there is a relatively free print press, most people never see it. As a result, the authorities can tout the existence of a free press in their countries with a fair amount of confidence that few people will ever see it.

DEFENDING MEDIA FREEDOM

In the face of these threats, the defense and promotion of media freedom in the post-communist countries are taking place on two closely related fronts: within each of these countries and from abroad. From the most repressive countries like Belarus, Turkmenistan, and Uzbekistan to those like Armenia and the Russian Federation which have

made some progress toward a free media but where these values are threatened to those others like Estonia and the Czech Republic where media freedom and a free society look stronger but still have serious weaknesses ?- there are brave journalists and thoughtful citizens who recognize what is at stake.

When the Russian government arrested Andrei Babitsky, it was the independent journalists of Russia who worked the hardest to secure his freedom. They organized demonstrations, put out special newspapers, and demanded his release. At RFE/RL, we were all encouraged by their actions. But even more, we were encouraged by the thousands and thousands of e-mails, letters, and personal messages from ordinary Russians.

Again and again, they told us that they understood that the battle for Andrei's release was a battle not only for media freedom but also for the very possibility of the creation of a free society. And hence they were on his side and ours in this struggle.

But they also sent another message, one that I think is especially important for us at this hearing. They told us that they knew they could not win this struggle on their own and that they were glad that RFE/RL was there to help them with this fight.

I am very proud to be part of RFE/RL in large measure because of just such messages. For almost 50 years, Radio Free Europe/Radio Liberty has been broadcasting to the nations of Eastern Europe, the former Soviet Union, and now for the past two to Iran and Iraq as well. Our 22 services beam more than 900 hours of vernacular language programming to these countries, the largest number ever. More than 10 million people visit our website every month. And our publications, including our flagship RFE/RL Newsline, are essential reading around the world. And we do all this with only one-quarter of the staff and one-third of the resources we had only five years ago.

In the aftermath of the collapse of communism in Europe and the disintegration of the Soviet Union, many thought that our radio station had lost its raison d'être. They believed that with communism out of the way and the Soviet empire in ruins, there was no need for what some called a "relic" of the Cold War. But the last few years and especially the last few months have demonstrated to everyone's satisfaction that our reinvented communications company will have a role to play well into the 21st century. And last fall, I am proud to say, the Congress eliminated 1994 language calling for the end of government funding for our company, and now we are learning just how many allies we have across the world.

But our role today is both different and larger than it was in the past. Until the late 1980s, we broadcast to a region under tight communist and Soviet control, and we performed the only role many people still think we have to play: as a surrogate broadcaster to countries whose populations lack a free press. But even in the darkest days of the Cold War, our mission was frequently misunderstood. We were anti-communists because we were committed to the free flow of information; we were not committed to the free flow of information because we were anti-communists. And hence, our mission would not be over until we helped the nations of this region establish self-sustaining free media and hence self-sustaining free societies.

In recent years, we have acquired two additional roles: as a kind of insurance policy for countries making the first halting steps toward democracy and a free media and as a model for how journalism should be conducted. With regard to the first, our very existence tends to moderate the behavior of officials inclined to censorship. They know that if they try to silence someone, he or she can turn to us. And that possibility works against a return to the past. And with regard to the second, our journalists work closely with journalists in many countries, showing them what professional journalism is all about and helping to give them the courage to practice it in the face of enormous odds.

When I became president of RFE/RL just over two years ago, I thought that our surrogate role would decline over time. I still hope that will ultimately prove to be the case, but I know now that such a happy future is still a long way off in many countries.

Indeed, the horizon for that is ever more distant in many of the countries we deliver news to. But such retreats cannot be an excuse for doing less; they must be the basis for redoubling our efforts. You on this Committee know that better than most that the path toward human freedom has never been without its twists and turns, its retreats as well as its advances. And I pledge to you that we at Radio Free Europe/Radio Liberty will continue the fight.

PROMOTING FREE SOCIETIES

Promoting free media and free societies presents both the people of these countries and ourselves with intellectual and political challenges. On the one hand, we need to understand the role media freedom plays in promoting a free society, the ways in which governments and others are restricting its emergence in the post-communist countries, and the ways in which the suppression of media freedom and hence of all other freedoms in some of these countries limit or even make impossible the development of other kinds of long-term relationships with governments there.

On the other hand, we need to expand our own efforts in promoting media freedom as well as to help those in these countries who understand the importance of media freedom and want to see it flourish. And as we do that, we need to acknowledge to ourselves and to others that this struggle will not bring any final victories anytime soon and that on the media front, we are likely to see retreats as well as advances in these countries and elsewhere in the years ahead.

The intellectual challenge is being met by meetings like this one, and I would again like to take this opportunity to thank you for holding this hearing and for your continuing support of the cause of a free media.

The political challenges remain ahead. We are going to have to face up to the need for more and better ways to communicate to the people of this region ? using more radio and television broadcasting, expanding Internet operations, and promoting journalism training ? if we are going to help the people of these countries to free themselves. And we are going to have to do this when such investments in the future abroad seem less pressing to many than current requirements at home.

But given my experience with aid programs and now with international broadcasting, I can assure you that our broadcasts and those of our sister stations, under the direction of the Broadcasting Board of Governors, are playing and will continue to play the key role in helping

these countries transform themselves to the point where they will share in a free media and a free society and hence be in a position to live in peace and cooperation with their neighbors and with us.

That bright possibility is still ahead—even now when the threats to such a future are all too clear.

PREPARED SUBMISSION OF LINDA K. FOLEY, INTERNATIONAL FEDERATION OF JOURNALISTS

Chairman Smith and other honorable members of the commission: Thank you for allowing the International Federation of Journalists to present its views on the status of free speech and media in the OSCE countries.

By way of background, Mr. Chairman, the International Federation of Journalists, or IFJ, is the largest journalists' organization in the world. We represent unions and associations in more than 100 countries and in all member states of the OSCE including all the territories and republics of former Yugoslavia, Russia and the Caucuses region. Our member unions represent more than 300,000 working journalists within the OSCE.

In general, the IFJ believes OSCE countries must do much more to support media freedom and independent journalism. Transitional countries trying to create lasting and effective structures for democracy require more guidance on drafting and implementing laws and regulations that will sustain transparency, accountability and pluralism.

We have been following the work of the OSCE Representative for Media Freedom, Mr. Friemut Duve, and the annual report for 1998/1999. Although it includes a long list of interventions and visits, our view is that it does not provide clear and comprehensive strategies in support of independent journalism.

Because the OSCE Representative often develops strategies on his own without coordinating with journalists' organizations in the affected countries, the OSCE's efforts have not been as effective as they could have been. Instead of operating independently, we believe the OSCE Representative should support programs and activities developed jointly by all journalists' organizations and professional groups that are striving for change within the new democracies.

As an example, Mr. Chairman, Mr. Duve could use his influence to promote truly independent public service broadcasting in these regions. In countries where the free market cannot sustain private broadcasting networks and where private broadcasters are controlled by a mix of economic and political interests, media are used as political and economic weapons. Russia is the most vivid example of this abuse.

Additionally, Mr. Chairman, we believe the Representative on Media Freedom should investigate the impact of media concentration and should speak out against media monopolies. In the United States, where free speech is codified in our Constitution, the alarming and escalating trend toward a few powerful corporations controlling all the major media threatens to undermine our valued national tradition of an independent press.

In his book, "Rich Media, Poor Democracy," noted communications expert Robert W. McChesney writes, "the media have become a significant anti-democratic force in the United States and, to varying degrees, world-wide. The wealthier and more powerful the corporate media giants have become, the poorer the prospects for participatory democracy.

"Behind the lustrous glow of new technologies and electronic jargon," he continues, "the media system has become increasingly concentrated and conglomerated into a relative handful of corporate hands. This con-

centration accentuates the core tendencies of a profit-driven, advertising-supported media system; hypercommercialism; and denigration of journalism and public service."

If media ownership concentration threatens democracy in the United States, you can imagine, Mr. Chairman, how it imperils democratic processes in those OSCE countries where citizens just recently received the right to vote. Already, media concentration is an issue of concern in Hungary, Poland and the Czech Republic, for instance, where foreign media owners dominate the private media scene.

Finally, Mr. Chairman, there's the issue of safety of journalists. According to the IFJ's annual report, 87 journalists and media staff were killed in 1999, many of them in OSCE countries. Serbia continues to be a particularly dangerous place for journalists. Over the past two months the IFJ has seen an unprecedented assault on independent media in Belgrade.

Journalists have been prosecuted, radio stations closed, newsrooms raided, transmitters silenced and hundreds of media workers have been fired and victimized.

As you know, Mr. Chairman, during the bombing of the former Yugoslavia last year, even NATO took aim at the media. The IFJ welcomed the misgivings expressed by the OSCE representative about NATO's willingness to make government media targets for bombing.

Still, a hysterical, concerted campaign of vilification against independent journalists in Serbia by the authorities there has created a dangerous situation, which, we fear, will silence all independent media voices for good. This grave situation has prompted the IFJ and other organizations representing editors, publishers, broadcasters and press freedom groups, including the Committee to Protect Journalists, to launch Prime Time For Freedom, a project that will provide solidarity and assistance to journalists, media staff and independent media organizations struggling to survive in the face of Slobodan Milosevic's onslaught.

We hope very much that the OSCE media representative will give his backing to this project, and we ask all OSCE member states to give their support to the professional campaign of solidarity. The international community cannot stand back as the Milosevic regime tries to wipe out journalists and media staff who defend democratic values and press freedom.

With this project, as with others, we believe the work of both the IFJ and the OSCE will be strengthened if the OSCE's representative listens to the voice of media professionals and supports the work of journalists' organizations in these regions. The journalists themselves are the only ones who truly understand the importance of press freedom. They are the ones who suffer the direct consequences of not having it.

Thank you, Mr. Chairman for this opportunity to address the commission and I'll be happy to answer questions.

**PREPARED SUBMISSION OF EMMA E.D. GRAY,
EUROPE PROGRAM COORDINATOR,
COMMITTEE TO PROTECT JOURNALISTS**

I am Emma Gray, the Europe program coordinator for the Committee to Protect Journalists, a New York-based, nonpartisan and nonprofit organization that monitors press freedom conditions around the world. CPJ is the only such organization in the United States with a fulltime, professional staff that documents hundreds of attacks each year on journalists and news organizations, and takes action on their behalf. The attacks verified by CPJ are corroborated by more than one source for accuracy, confirmation that the victims were journalists or news organizations, and verification that intimidation was the probable motive for the attack.

The statistics compiled by the Committee to Protect Journalists and recorded in our annual survey, Attacks on the Press, make chilling reading. In the course of the past ten years, we have documented a total of 153 journalists killed in the line of duty in OSCE countries. That is just over a third of the total of 458 journalists killed, and is a figure we see reflected again in the latest statistics we have: in 1999 almost a third of the 34 journalists killed died in OSCE countries.

The number of journalists killed is the most dramatic barometer of press freedom. Less headline-grabbing forms of attack which the CPJ records are: legal action, including fines and imprisonment; threats or physical attacks on journalists or news facilities; censorship; and harassment, which includes denying journalists access to information, denying them visas to travel for their work, or confiscating or damaging their materials. We also document cases of journalists missing, kidnapped, or expelled from a country.

The Europe program at CPJ includes many, but not all, of the OSCE countries (a notable exception is Turkey, which is covered by our Middle East desk). The focus of my work is on the emerging democracies of Central and Eastern Europe, and the republics of the former Soviet Union. As these nations emerge from totalitarianism, and from decades of the state's monopoly control of the media, local journalists face specific problems relating to the transition to market economies, and to private ownership of the media.

I would like to look at four key areas of those regions of Europe and the former Soviet Union which impact on journalists' ability to work. These are: the general economic situation, ownership of the media, the rise of conflict, and government repression.

In the post-Soviet era, many countries have found themselves struggling as they move from state-controlled to market economies. A common trend is the rise of an extremely small, extremely wealthy elite, coexisting with a vast impoverished mass. Such economic circumstances affect journalists in the most fundamental ways. Where can they get paper on which to publish their news? How are bills and office rent and salaries to be paid? Another important feature is organized crime and corruption, which often flourish in conditions of economic turbulence. Journalists who investigate such stories can and are silenced by threats or even murder.

Secondly, the vital issue of ownership. Those who control the media in many post-Soviet countries can wield enormous political and economic power. Many analysts point to the crucial role played by televi-

sion in the Russian parliamentary and presidential elections of the past decade. The repercussions of media privatization and control are important factors in political life, particularly in countries where democracy is fragile.

Third, the rise of conflict. In many cases the increases in the number of killings and attacks on journalists are attributable to war. The number of OSCE countries continues to grow as member nations spilt into smaller and smaller units, usually as a consequence of armed conflict. Journalists often fall victim in those conflicts; in the early to mid-1990s, our statistics showed dramatic increases in the numbers of journalists killed because of wars in Tajikistan and the Balkans. Last year, all but one of the journalists who were killed in Europe died in conflict situations, in the wars in Chechnya and Yugoslavia. There were also a number of disappearances connected to the conflict in Chechnya, in which Russian and foreign journalists were among those kidnapped for ransom.

Finally, government repression, which of course takes many forms. One of the most virulent examples is Yugoslavia, where government officials have made indirect threats on the lives of some independent journalists Police harassment and seizure of broadcast equipment are regular occurrences, and over the past three months independent media have been subject to an unprecedented barrage of economic, quasi-legal and administrative sanctions.

Since the adoption of a draconian information law in October 1998, through the end of February this year, the Serb media have been fined 47 times, often in huge sums, totaling 24,424,000 dinars ($2.1 million).President Slobodan Milosevic is slowly strangling the remaining independent print and broadcast media in Yugoslavia, and the outlook is grim. Independent Serb journalists are frightened, and believe their only hope for survival lies with the West.

In Yugoslavia, as elsewhere in the OSCE region, we see more cases of governments using tax laws, state control of the printing presses, control of newsprint and other bureaucratic techniques to muzzle the media. We are concerned about Russian President Vladimir Putin's record so far on press freedom, and will be watching Russia closely in the months ahead. With the kinds of tactics governments use, it's often harder to prove that what the authorities are doing is retaliating against independent journalism. But with careful research we can make the links, and we have done so in dozens of cases that are documented in our records.

CPJ did see significant improvement in one important press freedom measure this last year. Our book documents 87 journalists' cases who were held in prison at the end of 1999 and that is down from 118 a year earlier. Turkey tied with China as the leading jailers of journalists, with 18 incarcerations each; the number in Turkey was down from 27 the previous year.

Turkish human rights activists caution that the laws under which many journalists have been put in prison remain unchanged. Uzbekistan, another repeat offender, had three journalists in prison last year, and Yugoslavia had one, who was released last month.

CPJ believes that the number of journalists held in prison at the end of 1999 went down because some leaders no longer want to pay the diplomatic and political price of holding their journalists in jail. Local journalists in countries like Kazakhstan tell us their leaders are much

more sensitive to their international standing than they might appear. Governments have to weigh their desire to impose a climate of fear on dissenting voices against the negative publicity of an international outcry which may ensue if they are caught treating journalists badly.

So we do believe that one of the most effective methods of improving the conditions in which journalists work in OSCE countries is to shine a very public light on attacks on the press. Two of the CPJ's Enemies of the Press, a list we compile each year of the 10 worst offenders around the world, came from the OSCE region last year - they are President Milosevic of Yugoslavia, and President Leonid Kuchma of Ukraine. President Kuchma replaced the Belarus leader, Aleksander Lukashenko - not because we believe Lukashenko has improved his record (and arrests of around 500 protestors, including 35 journalists at a peaceful rally in Minsk on March 25 is testimony to his continued iron fist tactics)—but because we wish to draw attention to Ukraine's deteriorating record.

CPJ's efforts to document attacks on journalists in the OSCE region, and our protests to leaders who fail to uphold the standards of press freedom are welcomed by the media in the countries in which we work. On their behalf, we continue to draw attention to their plight.

WRITTEN SUBMISSION OF MARILYN J. GREENE, EXECUTIVE DIRECTOR, WORLD PRESS FREEDOM COMMITTEE

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 equip-

ment 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.

Thank you.

Marilyn J. Greene is executive director of the World Press Freedom Committee, a non-profit organization devoted to preservation of press freedom where it exists, and promotion of it where news is still restricted. She was a foreign affairs reporter for USA Today *for* ***10*** *years, and prior to that a reporter and editor for Gannett newspapers.*

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