



## United States Mission to the OSCE

# Response to Year End Report by the OSCE Representative on Freedom of the Media

As delivered by Ambassador Ian Kelly  
to the Permanent Council, Vienna  
December 16, 2010

The United States extends a very warm welcome to Ms. Dunja Mijatovic and expresses our sincere thanks for this comprehensive and detailed report. Its sheer size reflects the enormous, vital undertaking that is the mandate of your office, and its exceptional quality is a reflection on the hard work and the diligence that you and your able staff bring to your work each and every day.

At the outset, I want to express solidarity with your remarks about the Summit in Astana. We see the Astana Commemorative Declaration as an important achievement in several areas, but nowhere more so than in the Human Dimension and particularly with respect to Media Freedom. As we begin the task set for us by our Heads of State, we are right to take account of the important areas in which concurrence reigned and to take advantage of the momentum we experienced coming out of Astana.

But as you point out, Ms. Mijatovic, there remains unfinished work in our fulfillment of the commitments made in Helsinki 35 years ago and in the years that have followed. Your Decalogue for free expression and Media Freedom will be an important, lasting contribution to this discussion. We hope that 2011 will be a better year for media freedom than we have seen in recent years which saw murders and violent attacks against scores of journalists, and were further marked by lack of prosecution or concerted efforts to identify and bring to justice those responsible for these horrible attacks.

Your report rightly places at the head of the list the repeated use of violence against journalists and identifies it as simply intolerable. Nowhere is this more of a problem than in some countries in the former Soviet space.

Furthermore, there and elsewhere, the selective application of the law in conducting tax investigations as a form of harassment, the intimidation of individuals through false charges which must be defended in court under the threat of imprisonment, and the filing of frivolous lawsuits inconsistent with OSCE commitments must come to an end. In Ukraine, we share your concern about the lack of results in the investigation into the disappearance of journalist Vasyl Klymentyev and the growing number of physical attacks against journalists that have had a chilling effect on the media. We too hope that Ukraine takes swift and resolute measures to retain its accomplishments on media pluralism. And we join you in urging Russia to prosecute the perpetrators of recent attacks on journalists like Oleg Kashin, and to bring to justice the murderers of Anna Politkovskaya, Natalia Estemirova, and others.

We also join in your call for participating States to take steps to repeal overly broad laws on defamation that unduly restrict freedom of speech and of the press. This is a relatively simple and straightforward measure that all states can realistically achieve within the next year.

You also rightly focus on the need to keep expression on the Internet free. In Astana, we came close to full agreement on the need for ensuring that our commitments on media freedom and other fundamental rights do not suffer as governments grapple with the developments of Digital Age technologies. We need to build upon that momentum, too, after all 56 [participating] States have plainly stated in Astana that [a] free media helps us “to ensure full respect for human rights, fundamental freedoms, democracy, including free and fair elections, and the rule of law.”

In the last several years, we have seen the incredible power of the Internet in the hands of people seeking freedom, knowledge, social progress, and information. As Secretary [of State] Clinton said last January, the Freedom to Connect is like the freedoms of assembly or association – only exercised in cyberspace.

Regarding the issue of WikiLeaks raised by several of our partners: we agree with you, Ms. Mijatovic, that it is not a journalistic outlet, it is simply a distribution platform, and despite our deep concerns regarding the theft of confidential documents, we have not – and will not – do anything to impede the 1<sup>st</sup> Amendment rights guaranteed by our Constitution of the New York Times and other journalistic outlets to interpret information for our publics.

We also concur with your call to ensure protection of media pluralism during the process of switching from analogue to digital terrestrial broadcasting. Progressing to new media technologies should not be a pretext for regressing to old, repressive forms of behavior to curtail journalists and free expression.

We should remember what is already clear: all of the countries in this room have undertaken commitments to ensure that journalists, including in cyberspace, can operate in such a way that allow them to exercise their freedom of expression, fully and safely. And put simply, we are not living up to our own responsibilities in this area yet.

In this context, we believe it is important to call– as you have repeatedly done, Ms. Mijatovic – for all OSCE participating States to release wrongfully and unlawfully imprisoned journalists. In Astana, we “reiterate[d] that human rights and fundamental freedoms are inalienable, and that their protection and promotion is our first responsibility.” Journalists who dared to expose wrongdoing remained in jail as those words were penned. Releasing journalists who have been imprisoned for politically-motivated reasons is a critical first step towards fulfilling the promises we have to our citizens to foster and respect a free, pluralistic media.

Again, Ms. Mijatovic, we are grateful for the unflagging efforts of you and your team as evidenced by this report today. Know that you will continue to have our full and enthusiastic support.

Thank you Mr. Chairman.