

Helsinki bulletin



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OSCE AND THE MIS/USE/ OF THE MEDIA: THE FIRST TEST



OSCE's Dunja Mijatović with Serbian Prime minister Aleksandar Vučić and Minister for Culture and Information Ivan Tasovac

Dunja Mijatović, OSCE representative on freedom of the media, notes in the OSCE¹ annual report (issued in November 2014), "The decade of the 1990's was one of hearty optimism, at least on paper. The reality on the ground was often quite different. In many States, the much-desired free media and free expression simply never materialized. That horizon turned out to be far, far away. And for those who made it

their calling to bring free and independent media to their countries, the future was dim and dangerous. Murder was the method of choice to silence independent media in some participating States; jailing was preferred by others. Many journalists were beaten. Others still simply disappeared. And so it goes today, 25 years after the collapse of the Wall and 15 years after the establishment of my Office. Across the OSCE region independent media faces challenges on many fronts, including government

¹ <http://www.osce.org/fom/127656?download=true>.

institutions on the local, regional and national level that appear to be taking a concerted effort to return to the days before the Wall fell.”

Serbia is classified among the countries in which decades-long suffocation of the media freedoms and professional journalism have stood in the way of public debates on crucial social, political and economic problems – especially those having to do with the recent past, transition and the opening of accession negotiations with the EU. This negative trend has now culminated. In the past three years media freedoms have turned into topic number one of social agenda. The government has been responding with hostility, threats and repression to any criticism of the use of the media for the sole purpose of promotion the leader of the Serb Progressive Party /SNS/ on the one hand, and defamation of political opponents and differently minded people on the other. Most frequent qualifications of Serbia’s media landscape are censorship and self-censorship, the later actually a sophisticated method of media control and pressure on the journalists.

Considering the OSCE’s continuous focus on media freedoms, the media and the freedom of expression were actually the fist tests of Serbia’s capacity to cope with the problem with full responsibility during its chairmanship of the OSCE in 2015.

On March 26-27, 2015 Serbia convened its first debate on the OSCE human dimension – the conference on journalists’ security and integrity in participating states.² The timing of the

² The conference was organized in tandem with the Office of OSCE Representative on Freedom of the Media. Panels addressed: implementation of OSCE commitments to protection and security of journalists in participating states; journalists’ security in the aftermath of Charlie Hebdo shooting and new challenges emerging from it; impunity for crimes against journalists; legal protection of journalists and journalistic integrity. Two sessions of

conference coincided with the international community’s strong criticism (EU and the OSCE Representative on Freedom of the Media in the first place) of jeopardized media freedoms and the freedom of expression, addressed to the Serbian government and Premier Aleksandar Vučić. Addressing participants in the conference Foreign Minister Ivica Dačić said that the issue of media freedoms and journalists’ security would “be high on the Organization’s priority list” and that violence against journalists was “unacceptable and should be treated as attack against a society as a whole.”

Serbia’s participating officials, including Premier Vučić, stressed the importance of media freedoms and pledged to promote media freedoms in Serbia. Whether they will meet their promises will be a crucial test to Serbia and its chairmanship of the OSCE.

Over the past two years the Serbian Premier has been crossing swords with OSCE Representative on Freedom of the Media Dunja Mijatović because of her strong criticism of Serbia’s media landscape. In 2014 she was most critical about Serbian authorities’ attitude toward the media, demanding the government to protect online media. Premier Vučić accused her of presenting false information, refusing to meet with her. However, the two met for the first time at the Belgrade conference. Although both of them gave affirmative statements after the meeting, sources from international circles claim she would not give up in the matter of protection of journalists. Some OSCE participating states are strongly campaigning against Dunja Mijatović – but she sticks to the principles of OSCE and insists on journalists’ security.

the conference dealt with digital security and internet literacy, and security of newswomen working for online media.

Following on the meeting with Dunja Mijatović Premier Vučić told the press his government was after enhancing media freedoms to the level existing in all West European countries, adding he would readily comply with all OCSE suggestions for the improvement of the situation of the media. The Serbian government released that Ms. Mijatović welcomed the newly adopted set of media laws and the government's "resoluteness" to reform the media scene, while expecting actual results in the implementation of the laws at the same time. She also said, according to the release, that she was pleased with the government's support to her office at the time of Serbia's chairmanship of OSCE and complimented the communication with the government.

On the eve of her meeting with the Serbian Premier she said in an interview with the *Danas* daily, "My earlier message /to the government/ was that they could always count on me as a partner not only because I am the representative on freedom of the media, but also someone coming from this region and aware of the way it functions, but that I would not tolerate any injustice and deviations from the course they had promised to follow."³ The Office follows all trends and sees the trend in Serbia as negative. The correspondence with the government (to be available to the public in June) on the assessment publicized in OSCE annual report on the situation of the media was unimpeded, she said.⁴

She also met with journalist Brankica Stanković guarded by the police for the past six years because of compromised safety. "All these assaults and threats must be investigated. I can hardly understand how comes that after six years perpetrators and reasons behind are still unknown," said Mijatović.⁵ The release issued after

her meeting with the Premier quotes that she welcomed the Premier's promise that the government would see into the problem of journalist Brankica Stanković's safety.⁶

RUSSIA-UKRAINE CONFLICT

The Russian-Ukrainian conflict was imposed on the conference by participants from these two countries. They were accusing one another of jeopardizing journalists and misuse of the media in reporting on the conflict.

Russian and Ukrainian participants and other journalists, as well as representatives of non-governmental organizations addressed the issue of journalistic security in the territories under the control of parties in conflict. The Russian Foundation for Democracy Studies seized the opportunity to launch its publication "War Crimes by Ukrainian Armed and Security Forces: Torture and Inhumane Treatment." A representative of the Foundation spoke about beating of Russian journalists assisted by Ukrainian authorities.

Ukrainian journalist Anastasia Stanko, who had been kidnapped in the territory controlled by pro-Russian forces, retorted saying she was "kept in a basement without any food or water for three days." "I believe some of you here saw me there," she said. Oksana Romanjuk of the Kiev-based Institute for Mass Media expressed doubts about the Foundation's report. "We trust OSCE findings, and OSCE representatives have never witnessed things you are talking about." A journalist for the Russia Today Channel said six reporters had been killed in Ukraine, complained that they could not obtain reporting accreditation and claimed Russian reporters were becoming targets when wearing

3 *Danas*, March 27, 2015.

4 Ibid.

5 *Danas*, March 27, 2015.

6 , http://www.b92.net/info/vesti/index.php?yyyy=2015&mm=03&dd=27&nav_category=11&nav_id=973581.

press badges. Andrei Shevcheko, Ukrainian journalist and former MP, argued that reporters for Russia Today were not plausible when reporting the actions by the Ukrainian government since their station “glorifies Russian President Putin and broadcasts many false information.” That is a reason enough, he said, not to grant accreditation to reporters for Russia Today.

At the initiative of Russian journalists some participants laid a wreath at the monument to RTS employees killed in NATO bombardment in 1999. It was the Russian Embassy that released the news about the commemoration. Snježana Milivojević, media expert addressing the session on new threat to journalists, said that the Charlie Hebdo case was transformed into a local narrative in Serbia. Serbia’s media and intellectual circles alike, she said, are leveling up the RTS bombing the terrorist attack against the Charlie Hebdo newsroom, accusing NATO solely of the murder while sweeping under the carpet the responsibility of Serbian officials who had sacrificed them consciously. There are well-grounded indications that Serbian officials had known well in advance that RTS would be a target, but in the final analysis that only culprit turned out to be Dragoljub Milanović, RTS director at the time, who was subsequently punished to 10-year imprisonment.

The Russian-Ukrainian conflict raised the question of propaganda, the topic that not even OSCE institutions seriously cover in their reports. In 2014 the OSCE Representative on Freedom of the Media issued a communiqué warning of the propaganda in times of conflict.⁷ Summarizing the conclusions of the Belgrade conference Andrei Richter, the director of the Office of the OSCE Representative on

⁷ Communiqué by OSCE Representative on Freedom of the Media on propaganda in times of conflict, April, 15, 2014, <http://www.osce.org/fom/117701>.

Freedom of the Media, specifically touched on media propaganda under the pressure from governments. The dispute between Russian and Ukrainian journalists attracted considerable attention of some media in Serbia that even made a front page banner of it. Politika, the pro-governmental daily (50% of state ownership) extensively covered the issue.

Many representatives of Russian pro-governmental NGOs took part in the conference; hence, the conference itself hardly provided a rostrum for opposing views from Russia (the OSCE participating state in which media freedoms are seriously jeopardized) about journalistic security and integrity.

MURDERS OF JOURNALISTS: A SPECIAL MODE OF INTIMIDATION

Ninety-five journalists in OSCE participating countries have been murdered since 1992, while their murderers or masterminds behind those crimes have not been punished yet. For fifteen years Miroslava Gongadze has sought justice for the murder of her husband involving Ukrainian state and military bigwigs at the time. After fifteen years of struggle the Court in Strasbourg ruled in her favor but masterminds behind the murder have not been brought before justice yet. “In cases like this one, non-impunity is a cancer of journalistic work. We cannot speak about some other priorities and issues of our profession if murders of journalists or attacks against them remain unpunished. Unpunished executioners are then entitled to kill again,” she said.

“Governments and state can solve all the cases of murders of journalists and attacks against them only if they really want to,” clearly messaged the conference.⁸ “A state must not

⁸ “We shall keep insisting on it with state authorities,” she said.

tolerate such cases; if it does, its democracy is in danger,” said Dunja Mijatović.

Murders of journalists Dada Vujasinović, Slavko Ćuruvija and Milan Pantić have not been solved in Serbia for the past 10 and even 20 years. OSCE Representative on Freedom of the Media Dunja Mijatović said that investigations into murders of Ćuruvija or Pantića in Serbia or Ana Politkovska in Russia should not be ended once direct executioners were revealed. She commended the Serbian government for having “at long last raised indictment against the accused of the monstrous murder of Slavko Ćuruvija. “

Judiciaries of many countries never process persons who attack or threaten journalists, trials are protracted and punishments, if any, minimal, while forged claims against the Fourth Estate are quite frequent resulting with journalists in jail.

The media too sometimes act unprofessionally, said Dunja Mijatović, by failing to double-check sources of information. However, she added, this cannot be an excuse for governmental influence on them. The media, as she put it, need not praise their government but act responsibly. And journalists must be allowed to freely pose questions and expect proper answer, and deal with issues of public interest.

Many participants stressed that the freedom of expression was closely connected with journalists’ security. According to some, journalists’ integrity necessitates the culture of free

expression, in addition to laws. Discussion also focused on possible responses to terrorist attacks against the media. The great majority of participants argued that amendment of legislation on the police and the judiciary were not the only solution to the problem.

Participants also addressed the problem of internet safety and privacy, protection of sources and hate speech spread through internet. Olof Ehrenkrona of the Swedish delegation warned that we were living in the digital world and anyone knew about our whereabouts at any time, knew what we were buying, our habits, people we communicate with, while email passwords were not of much avail. Journalist need to be protected so that they could pursue with their work fearing not that their sources would be revealed or their computers would become preys to hackers. Media literacy needs to be developed, while tenets of human rights respected by online and conventional media alike.

Summarizing the conference proceedings, Andrei Richter, the director of the Office of the OSCE Representative on Freedom of the Media, said, “The situation of journalists, jugular veins of democracy, will be high on our agenda; it is most important that they are not under the influence of governments or laws restrictive to the freedom of expression.” Among other things, the conference concluded that some participating states force journalists to engage in propaganda and under-the-counter dealings with political and corporative elites by exerting pressure on the media.

CONCLUSIONS AND RECOMMENDATIONS

The international community should continually scrutinize Serbia's fulfillment of the obligations related to media freedoms and the freedom of expression, and whether or not governmental officials are meeting the promises they gave at the OSCE conference in Belgrade;

General impression is that the conference should have been timely prepared, especially regarding the participations of different stakeholders such as organizations of civic society and state independent institutions.

Throughout 2015 the coalition of local civil society organization will carefully monitor the extent to which Serbia not only its obligations deriving from OSCE but also meets promises given for media freedoms and protection of journalism; this implies monitoring of the implementation of the newly adopted media legislation, investigations into the crimes committed against journalists, monitoring of the control over the media, as well as the government's readiness to develop the culture of media freedoms and the freedom of expression.

In the spirit of conference conclusions, relevant governmental institutions should intensify investigations into murders of journalists and media people. In this context, cases could be considered closed only once masterminds behind these crimes are brought before justice. The government should also, and without exception, condemn every assault at journalists.

Bearing in mind the situation of Serbia's media landscape one cannot but be concerned with the fact that the media were not much interested to cover the conference proceedings. Most of them just publicized statements given by Serbian officials, while some were exclusively focused on the Russian-Ukrainian dispute at the conference. Hardly any reported on conference conclusions and commented its significance for media freedoms in Serbia.