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INTERVIEW FOR THE POLITICAL ASPECTS STUDY OF THE INITIATIVE ON IMPUNITY AND THE RULE OF LAW, 24/3/2011

Highlighted in bold are passages cited in the Political Aspects Study

-1 On the growth of a pattern of impunity in Russia

Impunity is one of the greatest problems in many countries, starting with Russia. It is really becoming a kind of agony for all of us trying to do something about the horrifying murders in Russian Federation. Investigations are being opened and closed, but still no perpetrators are caught and no investigations are finalised in relation to so many murders in Russia. **In the past two years the government has openly condemned those attacks, that's a new thing -- for example in the last horrifying case, the [Oleg] Kashin case, a journalist and blogger [who sustained life-threatening injuries in an attack]. But I say that is not enough, that's just a start. Nothing is changing in practice. We do not see that the people behind these horrible murders, or attacks, or harassment of journalists are prosecuted in a transparent way.**

-2 On the importance of the independence of the judiciary

Without an independent judiciary there is also no free media, and no free society, because that is one of pillars needed in any society to tackle those problems; and if those institutions are politically controlled, then we cannot see any positive results.

In Russia I was very pleased when I heard that prosecution and investigation into several famous journalists' murders, from [Anna] Politkovskaya to [Natalia] Estemirova and others, is in a way transferred to an independent commission that is reporting directly to President Medvedev and not to the prosecutors office. So there is a way of an independent investigation done by a separate body, that will provide information also to the prosecution office which is obviously not doing anything for years.

-3 On the authority of the OSCE FROM's Office

I have no possibility to fine or to sanction, but the most powerful tool I have is the voice that is given to me. I can name and shame countries that are not fulfilling commitments. I see a great power in this office, because the power was given by participating states, and I think it's a very important decision they made in 1997 to establish this office. It's the only Inter-governmental media watchdog in the world, because this office also has a political voice.

But I think more cooperation and coordination is still lacking. All of us need to have a joint voice on the issues that we all agreed upon.

There are countries that are not willing to listen because of political reasons, but the good thing is in the last year I travelled to more than half of the 56 OSCE participating states, and the way the countries and the governments react, and civil society too, is very positive – even if they are expecting criticism all the time.

-4 On the limits of quiet diplomacy

For me quiet diplomacy does not work if a journalist is killed or harassed. For this office I do not think there is a place for being silent, because we must raise the flag and say how important it is to condemn and to continue investigations.

-5 On the outlook for a political consensus in the OSCE for a stronger stance against violence and impunity

I feel that I have enormous support for the work of this Office. For example, **this year the Lithuanian chairmanship managed to put the freedom of the media and the safety of journalists as one of its main priorities. That also needs**

consensus from the other participating states. So I always work with this positive approach, and support for the institution, because they created this institution to remind them if they do not fulfil their commitments, or to assist them. Some governments are quite closed and some are extremely open when it comes to everything to do with the media. I heard so many times in my country “We need time, because of our culture, our tradition. I disagree with this, because that does not reflect the actual situation. I heard once an explanation from one ambassador saying “Do not remind us so often about our commitments about media freedom because we are on our way to democracy, our train left a long time ago. But I said, “Yes, Ambassador, but your train did not get anywhere, because you are just standing and not doing anything to change the situation”

-6 On the consensus method of the OSCE and the value of political decisions among member states on media freedom and the safety of journalists

Everything in the OSCE is based on comprehensive, consensus-based principle, and in some issues you can see there is a lack of will, or of the possibility to punish [transgressors]. But I do not think something stronger [sic] would help the OSCE idea. Maybe some other organisations, but when it comes to the OSCE, adding more power to those commitments can always be done by a new decision by the Ministerial Council. And I hope, at the end of this year, with the priority on media freedom and safety of journalists, that participating states will come up with something that will lead to better results, and not just words on paper.

-7 On a possible expanded role for international courts, such as the International Criminal Court, or other UN processes, in delivering justice in cases involving journalists or media

There are always opportunities for international courts and mechanisms, especially through the UN, to push processes forward, because what is seen at the moment is a kind of stagnation. What is lacking is better coordination among international institutions, and working together for the same goals and purposes. Sometimes, for political reasons, it is difficult to join together and speak with one voice.

-8 On the importance of independent civil society organisations, including the media, for a democratic society

Civil society is crucial, and what I see in too many OSCE participating states is that civil society is not recognised as such. There are many explanations -- the legacy from previous systems, all these painful issues on the painful road to democracy. This is part of the work of my Office. And ODIHR [the OSCE Office for Democratic Institutions and Human Rights] are doing an enormous amount of work. And they have great results when it comes to bringing civil society closer to the governments by starting a dialogue. That's so important because I do not think we can have get results if we don't have everybody joining forces, It cannot be done just by governments, but it also cannot be done by civil society without government being willing to listen to certain things.

Civil society also needs to do more in order to have a joint voice on many issues. There is a need for international cooperation so you do not have NGOs operating in closed societies, thinking only about their own little garden, without being able to see what's happening next door -- as is so visible in the Balkans or in Central Asia. But I do not think that governments are doing enough to overcome the differences, and to push the societies towards something that is called the free democratic world.