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COMMITTEE ON CULTURE, SCIENCE, EDUCATION AND MEDIA

The Protection of media freedom in Europe

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Background report

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1. Introduction

1. This report records the most serious violations of media freedom and independence between December 2012 and June 2014, with special attention to actions endangering the safety of journalists. Serious violations include physical violence and intimidation, judicial and administrative harassment which can lead to arrest and imprisonment, and journalists being exiled or forced to give up journalism out of fear for the security of themselves or their families. Failures by state authorities to maintain safe and enabling environments for journalists are closely associated with wider failures of law-enforcement, open government, justice systems and the rule of law, with negative effects on the conditions for free and fair elections and other forms of democratic participation by the populations affected.

2. Particular attention will be paid to significant cases and issues identified as being of major concern in PACE Resolution 1920 (2013) on the state of media freedom in Europe. The report also notes improvements in national laws and practices, and states' efforts to raise the level of independence and professional effectiveness of law-enforcement and judicial authorities, and to eradicate impunity for crimes against journalists.

3. Failures by states to fulfil their obligations on journalists' safety are often linked to the use of government power to block media investigation and reporting about corruption, criminality and serious human rights abuses. As a consequence, in some parts of Europe, targeted violence against journalists and criminalisation of journalistic activity have become effectively normalised. The Committee of Ministers Declaration 30 April 2014 acknowledged that journalists and other media actors face increasing attacks and intimidation because of their reporting work, and that inadequate efforts by state authorities to bring those responsible to justice lead to a 'culture of impunity'. Significantly, the Declaration states that the scope of media actors has enlarged as a result of new forms of media in the digital age; and those at risk also include others who contribute to inform the public debate and persons performing journalistic activity, in addition to professional journalists.

2. The context of recent events

4. Since the annexation of Crimea by the Russian Federation in March 2014, armed conflict and lawlessness have brought widespread human rights abuses on the territory of Ukraine, including several hundred targeted physical assaults against journalists and widespread instances of direct censorship. The

¹ All opinions expressed in this text are those of the author and do not necessarily reflect the views of the Council of Europe.

current situation has led the Council of Europe's Secretary General, in his first report on the State of Human Rights, Democracy and the Rule of Law in Europe in May 2014, to say that Europe faces its greatest human rights crisis since the end of the Cold War. He concluded that threats to media freedom are among the main challenges to democracy.

5. The Parliamentary Assembly's Indicators for Media in a Democracy (Resolution 1636 (2008)) are a helpful guide to the essential protections needed for independent journalism to flourish. The 27 Indicators include the necessity of laws to safeguard media independence, the ending of special protections for public officials with regard to libel and defamation, the prevention of all forms of political interference in the media, and media self-regulation.

6. In January 2010, the Parliamentary Assembly's Recommendation 1897 (2010) called on the Secretary General of the Council of Europe to establish a system of regular collection, analysis and dissemination of information on violations of media freedom in the Council of Europe region. Four years on, member states have signalled their support for actions in line with the earlier PACE proposal, which said that evidence of major violations or threats, and the remedies required, should be sent out regularly for the attention of the governments and parliaments of member states.

7. The Committee of Ministers Declaration highlighted the primary responsibility of national governments by urging member states to review on a regular basis their own fulfilment of their positive obligations to protect journalists and other media actors from attack and to end impunity. The Declaration supports the creation of an Internet-based platform to publicise possible infringements of Article 10 of the European Convention on Human Rights (freedom of expression) as they occur, and holds out the prospect that further measures will be adopted to ensure those protections. In addition, the Secretary General has proposed a specific monitoring mechanism, with the ability to react rapidly to urgent challenges, to prevent violations of Article 10 and Article 11 (freedom of assembly and association).

8. There is increased international awareness of the importance of ensuring the safety of journalists because of their role in bringing accountability and transparency on behalf of the public. In particular, in December 2013, the UN General Assembly adopted a Resolution on the safety of journalists and the issue of impunity. It calls on States to put in place a wide range of protections in law and practice to prevent violence against journalists and media workers and ensure effective investigations in such cases. Notably, the Resolution proclaims 2 November as the International Day to End Impunity for Crimes against Journalists. In March 2014, the UN Human Rights Council adopted a Resolution on the promotion of human rights in the context of peaceful protest. It calls on states to pay particular attention to the safety of journalists and media workers in view of their specific role and vulnerability.

9. Since 2012, the United Nations has worked to implement its Action Plan on the safety of journalists and the issue of impunity, which involves many UN agencies, States, NGOs and media organisations. The Action Plan calls for positive contributions from the Council of Europe and other regional organisations.

3. Journalists' deaths

10. During the past two years in Europe, at least 12 journalists and media workers have died because of their work. The deaths of six journalists occurred in Russia, and six journalists, including one member of a TV crew and one fixer-interpreter, were killed in Ukraine:

11. On 7 July 2012, Alexander Khodzinsky, an investigative reporter, was stabbed to death in Irkutsk, Russia. A local former deputy mayor was convicted of the killing. A possible link with Mr Khodzinsky's journalistic work exposing local corruption was not established in court.

12. On 5 December 2012, Kazbek Gekkiyev, an All-Russia State Television and Radio Company television presenter, was shot dead in Nalchik, in the North Caucasus republic of Kabardino-Balkaria. The Committee to Protect Journalists (CPJ) reported that several other journalists from the same company had left their jobs after receiving threats.

13. On 8 April 2013, Mikhail Beketov, former editor in chief of Khimkinskaya Pravda newspaper, died from causes attributed to injuries suffered in a brutal attack at his home in Moscow in 2008 which left him brain damaged and severely disabled. Mr Beketov campaigned to expose alleged corruption linked to a development project that threatened the Khimki forest, his car had been set on fire and he was threatened with a criminal defamation suit.

14. On 18 May 2013, Nikolai Potapov was shot dead in the Stravropol region of western Russia. The International Press Institute (IPI) linked Mr Potapov's death with his exposure of alleged corruption by local officials in a local newspaper.

15. On 9 July 2013, Akhmednabi Akhmednabiyev, deputy editor of Novoye Delo newspaper, was shot dead in his car near Makhachkala, the capital of Dagestan. He had received threats and survived an assassination attempt in January.

16. On 16 December 2013, Arkadiy Lander, the former editor of the Sochi newspaper Mestnaya, died from complications attributed to severe injuries, including a fractured skull that he suffered when he was savagely beaten by unknown assailants in 2010. Mr Lander had stated his belief that he had been attacked in connection with his work as a journalist.

17. On 5 April 2014, Vasily Sergienko, a journalist for the local Nadrossia newspaper and member of the right-wing Svoboda party, was found dead near his home in Korsun-Shevchenkivskiy in central Ukraine. He had been abducted outside his home one day earlier and his body showed signs of torture.

18. On 24 May 2014, Andrea Rochelli, an Italian photojournalist who contributed to news outlets including Newsweek and Le Monde, was killed in a mortar attack in Slovansk, eastern Ukraine.

19. On 24 May 2014, Andrei Mironov, a Russian human rights activist who worked as Rochelli's interpreter and fixer, also died as a result of the military action in Slovansk.

20. On 19 February 2014, Vyacheslav Veremiy, a correspondent of Vesti newspaper, died in Kyiv from grave injuries he received the night before, when he and his colleague Oleksiy Lymarenko were attacked and beaten by unidentified masked men.

21. On 17 June 2014 Igor Kornelyuk, a reporter for All-Russia State Television and Radio Broadcasting Company, and Anton Voloshin, a member of the same TV team, were killed in an artillery or mortar attack near Lugansk in eastern Ukraine.

4. Impunity

21. Impunity for crimes against journalists is recognised as a major factor encouraging further acts of violence and killings of journalists. Unresolved cases in Council of Europe states include these:

22. Elmar Huseynov, founder and editor of Monitor news magazine, shot dead in his apartment building in Baku in 2005.

23. Hrant Dink, managing editor of the Turkish-Armenian weekly Agos, shot and killed in Istanbul in 2007. He had received numerous death threats from nationalist Turks. Several people, including the young gunman who carried out the killing, were convicted in connection with the murder; but public officials including members of the security forces suspected of complicity or trying to impede the investigation have escaped without punishment. In 2010, the European Court of Human Rights found Turkey in violation of the European Convention on Human Rights for failing in their duty to protect the journalist's life and freedom of expression, and the right to effective investigation.

24. Dada Vujasinovic, a magazine reporter who covered the Balkan wars and organised crime, found dead in her Belgrade apartment in 1994.

25. Milan Pantic of the Serbian newspaper Vecernje novosti bludgeoned to death at the entrance of his apartment building in the Serbian city of Jagodina in 2001. He had received threats concerning his reports on crime and corruption.

26. Dusko Jovanovic, editor in chief of Dan newspaper in Montenegro, shot dead leaving his office in Podgorica in May 2004. He had received death threats. A suspect was convicted in connection with the crime but those who ordered it have not been brought to trial.

27. Georgiy Gongadze, editor of Ukrainskaya Pravda, abducted and murdered in Ukraine in 2000. In 2013, after delays and failures in the justice system that were condemned in a ruling from the European Court of Human Rights, a former police chief Olexiy Pukach was convicted of the killing. Suspicions remain that the murder was ordered by a senior political figure and that justice has yet to be done.

28. Also in Ukraine, no progress has been made in solving the disappearance and suspected killing of journalist Vasil Klementiev, the editor of the *Novy Styl* newspaper, last seen on assignment in the eastern city of Kharkiv in 2010. It is believed that he was killed in connection with his reports on alleged corruption in the local police.

5. Investigations leading to prosecution or conviction in formerly unresolved cases

29. In Serbia in June 2014, four former state security officers including the former security service chief Radomir Markovic were charged with the killing of Slavko Curuvija, publisher and editor of the *Dnevni Telegraph* newspaper. Mr Curuvija was shot dead outside his apartment in Belgrade in April 1999. The Slavko Curuvija Foundation set up by members of his family said the prosecutions should help to uncover the 'dark links between politics and crime' behind the murder. In 2013, the Serbian government established a Commission of Inquiry into Unresolved Murders of Journalists with powers to interrogate current and former public officials in order to expose past cover-ups and to assist in bringing those responsible to justice. It is headed by a leading investigative journalist, Veran Matic.

30. In December 2013, a Russian businessman was sentenced in a Moscow court to seven years in jail for inciting the murder in 2000 of *Novaya Gazeta* journalist Igor Domnikov. Mr Domnikov was targeted because of his investigative reporting about the actions of corrupt officials in Lipetsk in western Russia. In 2007 five members of a criminal gang had been convicted in connection with the murder.

6. Issues of pressing concern in Ukraine, Russia, Turkey and Azerbaijan

Ukraine

31. In Ukraine, an extraordinarily intense wave of attacks against journalists and media organisations has accompanied a political revolution and, since March 2014, an international dispute and armed conflict on parts of Ukrainian territory in which hundreds of people have died and more have been injured or displaced. On 3 April, the Committee of Ministers stated that the illegal referendum of 16 March 2014 and annexation of Crimea by the Russian Federation could in no way constitute a basis for any change in the status of Crimea.

32. On May 5 the Council of Europe Secretary General's Human Rights Report, described the crisis in Ukraine as having its origins in the lack of checks and balances which a free media and functioning parliament should provide. That, together with the absence of an independent judiciary, had allowed corruption and the misuse of power to thrive unchecked; and this 'caused mistrust, social unrest and ultimately revolution'.

33. Between January and 5 June 2014, Ukraine's Institute of Mass Information (IMI) recorded 236 physical assaults against members of the media, including about 40 cases of abductions or unlawful detentions of journalists, attacks on media offices in eastern Ukraine and Crimea. In 2013, IMI recorded 101 cases of attacks, of which 48 occurred in the month of December.

34. On 2 March 2014, about 30 masked men stormed and briefly occupied a journalists' building, the Center for Investigative Journalism, in the Crimean administrative centre, Simferopol. In the days before and after the internationally unrecognised referendum in Crimea on 16 March, dozens of physical attacks on media workers and cases of harassment and confiscation of equipment took place. Those targeted included staff of regional media including Inter, STB, and 5 Channel, as well as CNN and AP Television News and freelance journalists. The terrestrial signals of Ukrainian television stations in Crimea, including Inter, Briz, 1+1, 5 channel, 1st National and STB, were cut off and replaced with the Russian channels NTV, 1st channel, Rossiya 24, Rossiya RTR, TNT and Zvezda.

35. Since then, representatives of mainstream Ukrainian media have faced intense hostility and a high risk of assault or detention when seeking to cover events in Crimea. On 11 May a film-maker, Oleg Sentsov, was arrested on suspicion of terrorism. On 12 May 2014 a report issued by the OSCE on its recently concluded Human Rights Mission in Ukraine found evidence of systematic intimidation of journalists and of 'pro-Maidan' activists across eastern Ukraine, often with the complicity of local authorities. Many acts of violence were linked to the attempt by separatist and pro-Russian militias to establish autonomous local administrations in eastern Ukraine and to disrupt the Ukrainian presidential election held on 25 May.

36. Four journalists were injured in violent attacks on a pro-Maidan demonstration in Luhansk on 9 March 2014. The following day anti-Maidan groups stormed the private TV station IRTA TV, allegedly because it had broadcast footage showing the attack of the day before. Among the Ukrainian media workers who have been abducted or held hostage in eastern Ukraine are Yuri Leliavski of the TV station ZIK and Serhiy

Shapoval, a journalist for the Volyn Post website. Mr Shapoval was held for three weeks and interrogated in Slovansk. He was reportedly given electric shocks, had his palms cut and was forced to make a statement on camera saying that his abductors were peaceful and unarmed.

37. Simon Ostrovsky, an American reporter for Vice News, was taken captive on 21 April 2014 by the pro-Russian self-declared mayor of Sloviansk, Vyacheslav Ponomarev, and held for three days before being freed. Mr Ostrovsky had tweeted from a press conference that Mr Ponomarev had threatened to throw journalist out for "provocative" questions about the former mayor being held under guard.

38. The OSCE mission reported testimony from local people that many anti-Maidan demonstrators in eastern and southern regions of Ukraine were bussed in and remunerated for their part in the actions there.

39. In May 2014, many national or regional Ukrainian TV channels were cut off in eastern Ukraine, including 1+1, Inter, STB, TVi, 112Ukraina, Channel 5, Novy Kanal, ICTV, TET and Ukraina; other local TV channels were also closed down in eight cities in the eastern regions. In early June many media outlets in eastern Ukraine, including Donetskiye Novosti, Donbass and Vecherniy Donetsk were forcibly closed because of threats and demands for changes of editorial policy by armed or violent groups identified as pro-Russian. Dozens of Ukrainian journalists were forced to leave the area or to quit their homes there to escape from intense hostility and threats by militant groups. In recent weeks many Russian journalists have been prevented from entering Ukraine to work, and some have been detained by the authorities.

40. Marat Saychenko and Oleg Sidiyakin, who work for the Russian TV station LifeNews, were arrested by Ukrainian armed forces on 18 May 2014 near Kramatorsk, where they were filming the activities of pro-Russian rebels. They were taken to Kyiv, interrogated by the Ukrainian security service and accused of assisting terrorism. After a week they were sent back to Russia, following interventions from the United Nations and the OSCE.

41. On 14 June two journalists from Russia's Zvezda TV were reportedly detained at a Ukrainian military checkpoint in the Donetsk region. After they were released two days later they claimed to have been mistreated while in captivity.

41. Some transmissions from Russia inside Ukraine were also halted after Ukrainian authorities asked cable operators to stop broadcasting several Russian TV channels, including Rossiya 24, ORT, RTR Planeta and MTV-Mir, citing reasons of national security.

42. On 6 March 2014, a statement by Ukraine's Institute of Mass Information, Telekritika and independent media experts detailed what they called 'misleading and manipulative reports' and active propaganda about events in Ukraine in Russian media, including four TV channels and two leading news agencies as well as newspapers and other news outlets. They claimed that the Russian government's argument for deploying troops in Crimea was based on bogus footage. The TV report in question was shown on Russian TV channel Russia One. It purportedly showed Russian military killed during a shootout at the Council of Ministers in Simferopol, Crimea. Later analysis of the footage showed that the scene described in the Russian TV report as a major armed assault on Crimean elected politicians was a small staged event, and the episode did not occur as it was portrayed. In other cases, footage and factual reports alleging that large numbers of Russian-speakers were fleeing beyond Ukraine's borders out of fear for their safety proved later to be false; in some cases the images used were taken from archive film of events in other places and wrongly linked to current events inside Ukraine.

43. The OSCE Mission to Ukraine observed that propaganda in the media contributed to the worsening of the security situation for inhabitants of the affected areas. Such media falsifications, especially when linked to the repeated use of insulting and inflammatory language in the context of armed conflict containing features of an inter-communal dispute, might even be considered as hate speech or as incitement to violence. The large number of such cases in the context of attacks against journalists in parts of Ukraine raises concerns about the scale of political interference in the editorial policies of some Russian media, especially in view of the accumulated evidence of official constraints and harassment directed at independent Russian media outlets, which appear to limit the possibilities for citizens of Russia to receive unbiased and critical reports about domestic and international affairs.

44. The OSCE Report also notes allegations of distortion of facts made by some local people interviewed in eastern Ukraine. The OSCE said it was a matter of concern that attempts to counter propaganda have resulted in the imposition of restrictions on broadcast media by the Ukrainian authorities.

45. On 19 March 2014, a group of people including a member of parliament of Ukraine's Svoboda party entered the Kyiv offices of the state broadcaster, assaulted the acting president of the company, accused

him of airing anti-Ukrainian programme content, and forced him to sign a letter of resignation. The intruders filmed the incident themselves and later posted it online. An official investigation was promptly announced into the incident.

46. In recent weeks, both the Ukrainian authorities and the Russian authorities in Crimea after its unlawful annexation have also denied entry to journalists. Between 20 and 24 May, in the days immediately before the Ukrainian presidential election, at least five TV crews and five journalists were refused entry to Ukraine, including reporters from Echo of Moscow radio station and Kommersant FM radio.

47. During the so-called Euromaidan protests in Kyiv's Maidan (Independence) Square between November 2013 and the change of government in Ukraine in February, journalists suffered many attacks and serious injuries inflicted by security forces and organised pro-government gangs in Kiev and elsewhere. On 1 December 2013, more than 40 journalists and camera staff were beaten by police using deliberate violence. Each case of assault and injury was documented by Ukrainian media and NGOs in an effort to ensure that those responsible would eventually be held to account.

48. Near Kyiv on 25 December 2013, a group of men pursued investigative journalist Tetyana Chornovol, dragged her out of her car and savagely beat her, causing concussion and severe facial and other injuries. On the night of 18-19 February 2014, as the political crisis came to a head, the Media Law Institute recorded 46 injuries among media workers in one 24-hour period. The Ukrainian Media Law Institute (MLI) said that security forces fired rubber bullets at the heads of members of the media in Maidan Square, resulting in 7 persons losing their sight in one eye.

49. The Council of Europe's Commissioner for Human Rights, after a country visit to Ukraine in February 2014, also reported seeing injuries that showed a clear pattern of the heads and faces of journalists having been targeted by armed police. The Media Law Institute noted that security forces failed to respect the professional status of journalists who wore jackets clearly identifying themselves as members of the press.

50. Following the change of government in Kyiv, the parliament on 17 April adopted a law designed to transform the state broadcasting system into a public service broadcaster, known as the National Public Service Broadcasting Company of Ukraine, which is to be independent of the well-documented political influences of the past. The current government has promised improved accountability related to attacks against journalists and an end to censorship. Leading NGOs including the Media Law Institute have proposed their own candidates for the main media regulator, the National Council for Television and Radio Broadcasting.

Russian Federation

51. Independent journalists and media in Russia have suffered increasing threats to their safety and security during the past two years, because of a persistent climate of impunity concerning past attacks against journalists, as well as the harsh application of laws on freedom of expression, peaceful protest and the internet, and oppressive administrative and political pressures on journalists and media organisations.

52. Failure to bring to justice those responsible for many unsolved journalists' murders from past years continues to undermine confidence in the independence and effectiveness of Russia's judicial system in those cases. There has been no progress in bringing to justice those responsible for the murder of Paul Klebnikov, the founding editor of Forbes Russia in 2004, and the murder in Chechnya in 2009 of Natalia Estemirova, a journalist and prominent member of the human rights organisation Memorial.

53. In 2014, eight years after the killing in October 2006 of Novaya Gazeta journalist Anna Politkovskaya, five men were convicted and sentenced to lengthy jail terms; but the masterminds or instigators of the murder have still not been brought to justice. An earlier trial of suspects in Ms Politkovskaya's murder collapsed because of the lack of evidence presented by the prosecution. In December 2012, a retired police lieutenant-colonel convicted Dmitry Pavlyuchenkov was also convicted and given an 11 year sentence. However, criticism was levelled at the judicial authorities for agreeing a plea deal with the convicted man that, as it was alleged, may have enabled a cover-up of the identity of the real instigators of the crime.

54. The government's failure to punish many officials who commit abuses fuels a climate of impunity, especially with regard to violent crimes against journalists. Committee to Protect Journalists lists Russia as number 10 (and the only European country named) in its 2014 Global Impunity Index, which identifies the countries where murders of journalists are most likely to go unpunished.

55. In its Resolution 1920 (2013), the Parliamentary Assembly called on the Russian authorities to properly investigate the case of Sergei Magnitsky, the lawyer who died of abuse and neglect in pre-trial detention in 2009. Mr Magnitsky sought to expose official corruption in Russia; his arrest, alleged torture and eventual death in prison are liable to deter others who wish to expose misuses of official power in public or as an important source of information for news media. The Russian President's own human rights council concluded that Mr Magnitsky was probably beaten to death in prison, but in March 2013 the Federal Investigative Committee reportedly closed its investigation into his death without finding evidence of criminality.

56. Independent and critical journalists in Russia have frequently been subject to unprovoked assaults, including many by police or security forces, as well as arbitrary arrests. In 2013, the Glasnost Defense Foundation reported 63 physical attacks against journalists as well as 24 prosecutions, 34 threats of violence and 19 cases of journalists being dismissed from their jobs because of critical reporting. Examples of serious assaults include the brutal beating on 1 April 2013 of Andrey Chelnokov, head of the Novosibirsk Journalists' Union. Mr Chelnokov was missing for ten days before being found with concussion, broken ribs and a broken nose. No arrests were made.

57. On 22 October 2013, journalist Sergey Reznik was attacked in Rostov-on-Don by two unidentified men wielding baseball bats. He suffered head and neck injuries. The attack followed Mr Reznik's publishing of a blog post in which he accused a judge of corruption. The journalist was himself prosecuted and later sentenced on charges including insulting a public official and bribery.

58. The Russian authorities also use excessively restrictive laws to curtail freedom of expression and public protests. In June 2012, a new anti-protest law dramatically increased fines for those taking part in public protests that do not conform to very strict conditions; the maximum fine was raised 300,000 roubles (about 9000 US dollars) – which is more than the average annual salary. In 2013, President Putin announced a ban on demonstrations and rallies in Sochi during the Sochi Winter Olympics in early 2014.

59. Russia's 2012 law on NGOs which receive foreign funding and are deemed to be engaged in political activity has been harshly applied to many independent civil society organisations which play a vital part in fostering open public debate on issues of public interest in Russia. The law, which obliges those groups to register as 'foreign agents', has led to lawsuits against some which refused to register. Some groups have been forced to close down; hundreds of others have been subjected to intrusive inspections. In 2013, the election-monitoring group Golos was among the civil society organisations that were suspended and fined \$10,000 after refusing to register as a foreign agent.

60. Russia's extremism law provides a very broad definition of extremism, and gives courts the power to close down any media organisation deemed to have broken the law, without appeal. A state communications regulatory agency, Roskomnadzor, regularly issues warnings to newspapers and websites. Two warnings in one year can lead to closure, so the very existence of the draconian law is likely to lead to self-censorship.

61. In February 2014, a new Internet law came into force, giving the government stronger powers to block websites. In March 2013 Garry Kasparov's website Kasparov.ru and other independent websites were blocked. Roskomnadzor said they had been added to the register of banned content at the request of the prosecutor-general's office for issuing calls to participate in 'unauthorised mass actions'. The blog on Livejournal by the anti-corruption campaigner and opposition figure Alexei Navalny was also blocked. In May, President Putin signed an extension of the Internet law to oblige bloggers with more than 3000 followers to register as mass media, and to be subject to other regulations applying to large media outlets.

62. During 2013, several more laws were adopted which further restrict free expression and public discourse: a 'propaganda law' against public displays of support for LGBT (lesbian, gay, bisexual and transsexual) groups, a law against offending religious sentiments and a law criminalising calls for separatism in Russia, which carries a maximum penalty of five years in prison.

63. In recent months, the Russian government and its allies have further extended their grip on influential media outlets. In December 2013, the government closed the largest state-owned news agency, RIA-Novosti, which was reputed to produce relatively balanced coverage of political matters. It was replaced by a news agency called *Rossia Segodnya* (Russia Today), which was placed under what is perceived as more firmly pro-Kremlin management. RIA-Novosti itself characterised the decision as pointing to "a tightening of state control in the already heavily regulated media sector".

64. In March Galina Timchenko, the editor of the independent news website Lenta.ru was suddenly dismissed after the site received a warning from Roskomnadzor for interviewing a Ukrainian ultra-nationalist leader.

65. In April 2014 Pavel Durov, the founder and owner of Russia's most popular home-grown social network site, VKontakte, left Russia after he was forced to sell his shares in the company. He said he took the decision after receiving a demand to hand over private user data and in the light of sweeping new restrictions on Internet use.

66. Russia's leading independent and critical television channel, Dozhd (Rain), has been at risk of going out of business since February 2014, when cable and satellite providers said they would no longer carry the channel's output and it faced tax inspections and a sudden loss of advertising. The owner of Dozhd said its rejection by distributors was the result of political pressure.

Turkey

67. In Turkey more than twenty journalists are still in prison at the time of writing, although many others have been released from pre-trial detention because of judicial reforms which, if continued, could lead to a major improvement in the security and working environment for free and independent media. At present, journalists in Turkey still face threats to their safety and professional independence from overly restrictive laws, hundreds of questionable criminal investigations and a number of new prosecutions of journalists, limitations on access to the Internet, improper government interference with the work of the media, and intolerance of criticism on the part of the government.

68. Journalists released from pre-trial detention in May 2014 include seven Kurdish journalists and Fusun Erdogan, who spent eight years in pre-trial detention on what she claims were false charges of attempting to overthrow the constitutional order by violence and membership of an outlawed Marxist party. The government continued to assert that most or all of the journalists in Turkish jails had committed crimes unrelated to their profession.

69. Notable positive reforms include the recent reduction in the maximum period of pre-trial detention from ten years to five years, a new provision that the Turkish Constitutional Court can hear individual appeals, and the abolition of special courts which have conducted the controversial trials of hundreds of people, including journalists and military personnel accused of being part of anti-government plots. However, in March 2014, the government also increased its control over the Supreme Board of Judges, giving rise to fears of more political interference in the justice system.

70. The fourth judicial reform package of April 2013 contained improvements related to freedom of expression, including an easing of severe restrictions on reporting statements by illegal organisations (Article 6/2, Anti-Terror Law) and narrowing the scope of the offence of making terrorist propaganda (Article 7/2, Anti-Terror law and Article 220/8 of the Penal Code). However the reforms have not halted many prosecutions, including some targeting journalists, on charges of membership of an armed organisation (Article 314). The much-criticised Article 301, which criminalises insults to the Turkish nation, was not amended. It was used to open more than 30 new cases in 2012 and 2013. An investigation was launched against the editor and a journalist of Agos, the magazine of the murdered former editor Hrant Dink, after they criticised the Dink trial verdict.

71. During the large-scale Gezi Park protests in 2013, the independent media monitoring organisation Bianet reported that police assaulted at least 105 journalists while they were covering the events. Police also detained 28 journalists, some of whom were held overnight and questioned. Few police or public officials have been publicly held to account for such actions, leading to a climate of impunity and a loss of public trust in law-enforcement forces. The government's concerted efforts to suppress coverage of the Gezi Park events amounted to an attempt at large-scale censorship.

72. On 11 June 2013, at the height of the protests, the broadcast media regulator RTUK (High Board of Radio and Television) instructed Ulusal TV, Halk TV, EM TV and Cem TV not to broadcast reports about the demonstrations because they would incite violence. Under this pressure, many TV stations stopped reporting on the protests in which tens of thousands of Turks participated over a period of several weeks in Istanbul and other cities.

73. Pressures among Turkish broadcasting and newspaper journalists to censor their own output have also become widespread out of fear of loss of employment or other reprisals. In the past several years many leading Turkish journalists have been summarily dismissed from their jobs by their employers, apparently as a consequence of direct interference or pressure from high government officials. Prime Minister Recep Tayyip Erdogan has acknowledged that he telephoned several media owners or editors personally to influence their output. It emerged much later that during the Gezi Park protests the Prime Minister made a phone call from Morocco to a top manager of the Cener group which owns the Haberturk TV news channel, and instructed him to change an item of news which displeased him.

74. During the past year a number of allegations of corruption involving members of the government and members of their families have surfaced on the Internet, especially on social media. Against the background of much diminished public trust in Turkey's mainstream media because of censorship and self-censorship, the Internet has become an important vehicle for those who wish to publish and receive information of public interest that may be unwelcome to government authorities, including information about alleged cases of official corruption.

75. The government has used its legal powers to block many news-related and file-sharing websites, including bloggers' sites and YouTube, on the basis of laws on insult and Turkish national identity, national security and the long-standing ban on criticism of Ataturk. Since 2009 the number of Internet sites blocked in Turkey is estimated at over 30,000. In March 2014, during the campaign period before Turkish municipal elections on 30 March, Twitter was blocked after Prime Minister Recep Tayyip Erdogan vowed to "wipe out Twitter" because users were spreading allegations of high level corruption which he denied. President Abdullah Gul personally used Twitter to publicise his belief that a complete ban on Twitter was unacceptable as well as technically impossible. A court in Ankara ruled against the ban, and on 2 April 2014 the Constitutional Court upheld that judgement.

76. In December 2012, the European Court of Human Rights in Strasbourg ruled (in Ahmet Yıldırım v. Turkey) that blocking access to an online platform called Google sites without a strict legal framework regulating the scope of the ban and allowing for a judicial review was a violation of the right to freedom of expression. Turkey's Constitutional Court upheld the judgment of the Strasbourg court.

77. In March 2014, the government announced details of a wide-ranging Human Rights Action Plan designed to harmonise Turkish laws with the jurisprudence of the European Convention on Human Rights, following numerous rulings by the Court finding violations by Turkey concerning freedom of expression, freedom of assembly and judicial standards. The pace of implementation of the Action Plan is likely to depend on the political will of the Turkish government. The ongoing reluctance of the European Union to open formal negotiations with Turkey on Chapter 23 of the EU accession process, dealing with the judiciary and fundamental rights, has the potential to act as a brake on progress.

78. Several Turkish and foreign journalists in Turkey have become victim of hate campaigns on social media, including multiple threats of violence, after senior Turkish public figures singled them out for insult or condemnation because of their reporting. Following the Soma coal mine disaster in May 2014, the Turkey correspondent of Der Spiegel magazine, Hasnain Kazim, left the country after reportedly receiving over 10,000 threats on Facebook and Twitter over his reports covering the disaster, in which he cited a strongly-worded criticism of the Turkish prime minister uttered by a local miner at the time of Mr Erdogan's visit to Soma.

79. Prime Minister Recep Tayyip Erdogan accused the BBC Turkish service of hiring actors to pose as relatives of dead Soma miners after the BBC broadcast a video clip that showed two women relatives of miners who died in the disaster saying that they would not vote for Erdogan's ruling AK Party again because of its controversial response to the loss of life in the disaster. The BBC denied manipulating the news item, but subsequently the BBC woman reporter, Rengin Arslan, became the target of an extremely unpleasant smear campaign on social media, accompanied by further accusations in pro-government media outlets.

80. These cases demonstrate the necessity for public figures to refrain from abusing their elevated status to use intemperate or inflammatory language against any journalist or media organisation, and to apologise fully and promptly when their statements are shown to be unproven.

Azerbaijan

81. Independent journalists and media in Azerbaijan have faced aggressive attempts to silence critical voices, including multiple cases of physical attacks, detention and imprisonment on what are thought to be

fabricated charges and cases of judicial harassment and attempted blackmail by persons associated with the government.

82. The killing of journalist and editor Rafiq Tagi in 2011 and Elmar Huseynov in 2005 remain unsolved and unpunished, contributing to a climate of impunity that tends to protect the powerful from accountability and effective justice. The International Federation of Journalists (IFJ) reported 15 assaults on working journalists in 2013.

83. On 25 April 2014, the Yeni Musavat newspaper reporter Farahim Ilgaroglu was beaten and punched in the face in an unprovoked attack outside his Baku home by an unknown assailant who asked him to confirm his name before assaulting him.

84. In November 2012, Farahim Ilgaroglu, together with Turan Information Agency reporter Etimad Budagov, Media Forum correspondent Amid Suleymanov and Institute for Reporters' Freedom and Safety (IRFS) correspondent Rasim Aliyev, were beaten by police and arrested when they were covering an opposition rally in Baku, despite wearing clearly-marked press jackets.

85. The Human Rights Commissioner of the Council of Europe, in his observations on the human rights situation in Azerbaijan in April 2014, deplored the rising trend of unjustified or selective criminal prosecutions of journalists and others who express critical opinions. His assessment echoed that of PACE Resolution 1917 of January 2013 on the honouring of obligations and commitments by Azerbaijan. The Commissioner referred to the arrest of blogger Omar Mammadov in January 2014 and online activist Abdul Abilov in November 2013, both on dubious charges of drugs trafficking, and of Parviz Hashimli of Bizim Yoi newspaper in September 2013 for alleged weapons possession. The Commissioner refuted earlier objections voiced by the Azerbaijani authorities that the journalists in jail in the country had all been prosecuted for offences unrelated to their professional activity.

86. The sentencing in May 2014 of Parviz Hashimli, the editor of the independent news website Moderator, to eight years imprisonment for smuggling and possessing weapons was criticised by the European Union and many human rights monitoring organisations as an injustice based on fabricated evidence. Mr Hashimli is known for his critical reporting about corruption and human rights abuses in Azerbaijan, including issues related to the actions of Azerbaijan's President, Ilham Aliyev. The Institute for Reporters' Freedom and Safety described the arrest of Mr Hashimli in September 2013 as a deliberate warning to journalists in the run-up to an election.

87. President, Ilham Aliyev was re-elected to a third term in October 2013 in elections which, OSCE election monitors concluded, was marred by allegations of candidate and voter intimidation and a restrictive media environment, including intimidation, arrest and use of force against journalists and human rights and democracy activists online and offline. The OSCE monitored the output of six television channels during the election campaign and reported that 92 percent of coverage was dedicated to the incumbent President, with the rest to the remaining nine candidates (OSCE/ODIHR Final Report on Azerbaijan Presidential election, 24 December 2013).

88. On 26 May 2014, the trial of Anar Mammadili, chairman of the Election Monitoring and Democracy Centre, and other workers for civil rights workers ended with harsh prison sentence given to Mr Mammadili and two other defendants. The director of the OSCE's Office for Democratic Institutions and Democracy, Janez Lenarcic, denounced what he called a concerted campaign of harassment and intimidation of Anar Mammadili and his election organisation by the authorities.

89. CPJ reported in May 2014 that ten journalists were currently in detention or serving jail sentences on spurious or politically motivated charges: Sardar Alibayli; Nijat Aliyev; Araz Guliyev; Parviz Hashimli; Fuad Huseynov; Hilal Mammadov; Rauf Mirkadirov; Faramaz Novruzoglu; Tofiq Yagublu; and Avaz Zeynalli.

90. Since 2012 a disturbing smear campaign has been conducted against Khadiya Ismayilova, a leading investigative journalist, apparently aimed at stopping her from publishing reports about the business dealings of the country's president and members of his family. Ms Ismayilova became the target of gross invasions of her privacy and in March 2013 intimate images of her, recorded secretly at her home, were posted on the Internet in an evident attempt to discredit her. The government failed to identify or punish those responsible for the illegal surveillance and intrusion into her privacy. In October 2013, Ms Ismayilova asked the European Court of Human Rights to order the Azerbaijan authorities to take action to protect her from violence, threats and invasions of her privacy.

91. There have been positive indications that Azerbaijan's supreme court has recommended amending the law on insult and defamation to conform with rulings of the European Court of Human Rights. However, criminal sanctions for defamation, including up to three years' imprisonment, have not yet been removed. Civil defamation suits resulting in excessively high fines against prosecuted media have a chilling effect on independent and inquiring journalism. In 2013, the government extended the scope of legal sanctions for defamation to include expressions on the Internet. Civil defamation actions have resulted in high fines against media organisations which have threatened the survival of some, with a wider chilling effect on media freedom. Article 106 of the Constitution and Article 323 of the Criminal Code, which prohibit insulting the honour and dignity of the President, represent excessive limitations on freedom of expression.

7. Significant cases and issues in other regions of Europe

92. In many other parts of Europe, the work of journalists and their safety are routinely endangered by acts and threats of violence, combined with excessively restrictive laws and various forms of serious official harassment and obstruction. A climate of intimidation or repression is often made worse by extremely low rates of success in solving and prosecuting crimes and abuses where journalists are the victims (impunity).

93. The difficult overall environment for media freedom in Europe is reflected in the most recent report Freedom of the Press 2014 by Freedom House, the US-based monitoring organisation. Freedom House assessed Azerbaijan, Belarus, Russia, Turkey and Ukraine as being in the Not-Free category, while Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Greece, Hungary, Italy, Kosovo,² Moldova, "the former Yugoslav Republic of Macedonia", Montenegro, Romania and Serbia were all placed in the Partly-Free category.

94. Among the most significant weaknesses in the framework of protection is the failure of the majority of Council of Europe member states to decriminalise insult and defamation, despite frequent requests to do so from international NGOs and inter-governmental organisations, including the Council of Europe and OSCE.

95. Many European states have ineffective or overly restrictive laws on freedom of access to information as well as overly restrictive laws on state secrecy, national security and counter-terrorism. In those conditions journalists in some countries are especially vulnerable to official hostility or prosecution when seeking to report sensitive matters in the public interest.

96. The rapid expansion of surveillance of electronic communications by state agencies has in many cases been directed at journalists and human rights defenders, and criminal investigations and prosecution of bloggers have increased. The editor of the Guardian newspaper, Alan Rusbridger, has voiced the fear that unless surveillance and monitoring of online communications is curbed, it may become impossible for journalists to keep the identity of their sources secret. That would expose both journalists and information sources to risk, and severely hamper investigative journalism.

97. In January 2014, a press freedom mission to London by global press freedom organisations including the World Association of Newspapers criticised what they called UK government interference in the editorial independence of The Guardian after it published stories revealing the extent of the digital surveillance programmes of both the UK and the US. The UK government defended its use in August 2013 of anti-terrorism legislation in the detention, questioning and seizure of materials at Heathrow airport from David Miranda, the partner of the journalist responsible for many of the reports, Glenn Greenwald; as well as the sending of government officials to the Guardian's offices to order the destruction of a computer hard drive. The Guardian claims the government has exerted undue pressure to try to prevent the publication of matters of legitimate public interest. A British parliamentary committee has called for major reforms to strengthen the independent oversight of the UK security and intelligence agencies. The Home Affairs Committee said in May 2014 that the present system was out of date and so ineffective that it undermined the credibility of the intelligence agencies and parliament.

98. A growing trend of special concern over the past two years is the growth of self-censorship, which has been reported by journalists' organisations themselves. That 'chilling effect' is the result of coercion or inducement by powerful media owners or public officials which can present journalists with an unwelcome or impossible choice – to act as a mouthpiece for one of the powerful factions in the society or to face serious threats to their security or livelihood. Sweeping changes in the media market and technologies, together with

² All reference to Kosovo in this text, whether to the territory, institutions or population, shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

austerity policies everywhere, have made media organisations less economically stable, more vulnerable to pressures such as the loss of commercial advertising and public subsidies, and therefore more open to improper influences.

99. The future of public service broadcasters and those who work for them is also under increasing threat. In Greece the public broadcaster, ERT, was abruptly and controversially closed down in June 2013 by the government, citing mismanagement and the need for sweeping economies. A new, much smaller national broadcaster, NERIT, came into being in June 2014.

100. In Belarus arbitrary detentions, arrests and harassment of journalists continue to be routinely reported. The country's extremism law criminalises independent journalism, including activities and publication of materials that belittle the honour of the country or its president or incite hooliganism for political motives. The law deters independent reporting through the threat of closure of media organisations.

101. Andrzej Poczobut, a Belarusian journalist who since 2011 has been repeatedly charged with defaming the president, was finally released from a three years suspended sentence in September 2013 when the prosecution dropped the charges against him for lack of evidence.

102. In Armenia, a decline in the number of physical assaults on journalists has been recorded in the past two years. But several journalists were attacked around the time of the presidential election in February 2013. Later reports showed that nobody was prosecuted for the attacks because of lack of evidence.

103. In Bulgaria two cases were reported of threats to investigative journalists, apparently intended to deter them from exposing corruption or wrongdoing. In July 2012, Spas Spasov, a journalist for Capital and Dnevnik newspapers in the city of Varna received a postal threat related to his reports about alleged corruption in a local construction project. In 2013, investigative Bulgarian journalist, Hristo Hristov, whose work focuses on the secret files and alleged crimes of the former Communist State Security Agency, received several threats to his life and safety which he reported to police.

104. In June 2013, a survey of over 150 journalists by the Bulgarian Section of the Association of European Journalists showed that more than four fifths of them assessed the Bulgarian media environment as subject to undue pressures on media workers. More than six out of ten said internal pressures from managers or editors was the source of improper distortions of editorial content.

105. In Spain, several cases of violence and intimidation by police against journalists covering demonstrations in Madrid on 29 March 2014 were protested by the OSCE's Representative on Media Freedom as well as Spanish journalistic organisations. Five journalists, Gabriel Pecot, Mario Munera, Juan Ramón Robles, William A. Criollo and Raul Capin were reportedly attacked by police officers and prevented from taking photographs and gathering information, despite identifying themselves as members of the press.

106. During the past two years the Federation of Spanish Journalists (FAPE) has continued to protest against the arbitrary practice by government ministries and political parties, of seeking to deny journalists the chance to ask questions or to gather their own recordings or interviews at certain news conferences and during coverage of election campaigns. The journalists' federation alleges that journalists were denied the chance to question spokespersons of the governing Popular Party for a period of several weeks at the height of a scandal concerning alleged unlawful financing of political parties, so blocking open debate on matters of evident public interest. The government has been made aware of the complaints and has yet to respond to them adequately.

107. In Greece firebomb attacks took place on 16 January 2013 outside the homes of five current or former journalists in Athens, including staff members of Athens News Agency and ERT public television, Alpha TV and Mega TV.

108. Kostas Vaxevanis, the editor of a Greek investigative magazine, was twice tried and threatened with a jail sentence on charges of violating privacy for publishing the names of more than 2000 Greek nationals holding Swiss bank accounts. Mr Vaxevanis said he had published the list to expose the inaction of government authorities about evidence of possible tax evasion by powerful figures in the society. He was acquitted for the second time in an appeal court in November 2013.

109. Italy's use of criminal sanctions in defamation cases has been condemned by the European Court of Human Rights as disproportionate. New legislation has been drafted would finally remove the sanction of imprisonment, but further improvements are needed to provide adequate safeguards against spurious claims

and the awarding of excessive fines and damages against defendants, who have in the past often been representatives of the media.

110. The National Federation of the Italian Press (FNSI) has protested against excessive restrictions on freedom of expression. On 9 September 2013, police searched and seized computer equipment in the office in Reggio Calabria of L'Orca della Calabria journalist Consolato Minniti, after he published secret details of an investigation into organised crime.

111. In Montenegro the high incidence of violent attacks on journalists gives cause for concern. On 3 January 2014 Lidija Nikcevic, a journalist of the Dan newspaper, was attacked by a masked assailant wielding a baseball bat in front of her office. She suffered concussion as well as head and body injuries. On 13 February 2014, a company car of Vijesti newspaper was set on fire in Podgorica. It was the fifth time that a car from Vijesti was destroyed.

112. In "the former Yugoslav Republic of Macedonia", international protests followed the sentence of four-and-a-half years in jail given in October 2013 to journalist Tomsilav Kezarovski for articles he wrote in Reporter 92 magazine revealing the first name of a protected witness in a 2008 murder case. The journalist had argued a public interest defence for publicising the fact that police had presented a false protected witness against the accused in the case. Mr Kezarovski was later freed from jail and placed under house arrest pending the hearing of his appeal.

113. In November 2012, the Netherlands was found to have violated the right of the newspaper De Telegraaf and two of its journalists to keep their journalistic sources secret, after the security agency unlawfully wiretapped the journalists' communications, arrested them for several days and demanded that they reveal the source of the information they had published about an embarrassing security failure by the agency. Later the Dutch government committed to adopting legislation to adequately protect journalistic privilege on confidential sources. That promised new law is still awaited.

114. In Hungary, the package of media laws introduced by the government in 2010 and 2011 is still having a chilling effect on media freedom and independence despite some subsequent amendments. Problems include the vaguely-defined requirement on 'balanced content' for print media, the potential for high fines on journalists for violating media laws, and the continuing lack of safeguards to guarantee the independence of the Media Authority and the Media Council.

8. Future prospects

115. Preparations are being made for fleshing out the Council of Europe's plans to launch an online information platform as an early warning system of problems for journalists' safety towards the end of 2014. The Assembly is alert to urgent matters of concern for media freedom, including the protection of media in times of crisis, the need for effective mechanisms to achieve transparency and avoid over-concentration of media ownership, and the necessity of achieving the decriminalisation of defamation in all member states.

116. Forthcoming events of special interest include the planned November 2014 UNESCO-led review of the implementation of the UN Action Plan on the Safety of Journalists and the Issue of Impunity by UNESCO. Also in November, UNESCO's Director-General will present a biennial review of journalists' killings and the extent of judicial follow-ups in states where the killings have taken place. It should be a priority to ensure that all the Council of Europe member states concerned with that process respond fully and thoroughly to UNESCO's request for that important information.

117. In the longer term, there are additional ways in which the Assembly can contribute to the creation of a safe and enabling environment for journalists, as is called for in the UN Action Plan. The Assembly might consider the merits of more far-reaching proposals for national parliaments to scrutinise and exercise oversight over the policies of national governments towards journalists and the media. Such consideration would be in line with the Committee of Ministers' wish that member states should regularly review their positive obligations to protect journalists and to end impunity.

118. A supplement to this background report, to be produced later this year, will address possible ways of enhancing the protections for media freedom and journalists' safety under threat.