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Protection of media freedom in Europe

Report[1]
Committee on Culture, Science, Education and Media
Rapporteur: Mr Gvozden Srećko FLEGO, Croatia, Socialist Group

Summary

Media freedom constitutes an important index for democracy, political freedoms and the rule of law in a country or region. In view of the deterioration of the safety of journalists and media freedom in Europe, Council of Europe member States must step up their domestic and multilateral efforts for the respect of the human rights to freedom of expression and information as well as to the protection of the life, liberty and security of those working for and with the media.

With reference to alleged targeted attacks on journalists in the armed conflict in eastern Ukraine, as well as alleged targeted physical attacks by police or security forces against journalists covering demonstrations and other manifestations of popular protest, full judicial investigations into those attacks are necessary by member States in view of their respective obligations under the European Convention on Human Rights.

National parliaments are invited to hold annual public debates on the state of media freedom in their respective countries, and Council of Europe action should be taken in accordance with United Nations General Assembly Resolution 68/163.

1. Reference to committee: Doc. 13124, Reference 3943 of 22 April 2013; Doc. 13274, Reference 3995 of 30 September 2013; Doc. 13570, Reference 4078 of 3 October 2014.

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A. Draft resolution[2]

1. The Parliamentary Assembly reiterates the importance of media freedom for democracy. Media create the public space for the dissemination of information and the expression of opinions. Media freedom therefore constitutes an important index for democracy, political freedoms and the rule of law in a country or region.

2. Deeply concerned about the deterioration of the safety of journalists and media freedom in Europe, the Assembly urges member States to step up their domestic and multilateral efforts for the respect of the human rights to freedom of expression and information as well as to the protection of the life, liberty and security of those working for and with the media. Democracy and the protection of human rights depend on media freedom.

3. Recalling Recommendation 1702 (2005) on freedom of the press and the working conditions of journalists in conflict zones, the Assembly condemns the alleged targeted attacks on journalists in the armed conflict in eastern Ukraine and calls on the authorities in Ukraine and the Russian Federation to do their utmost to investigate those attacks and bring the perpetrators before the domestic courts. The Assembly calls for the immediate release, by the pro-Russian forces holding them, of the Ukrainian journalists Serhiy Sakadynskiy and Roman Chermesky, and urgently invites the Russian authorities to help with the liberation of these journalists.

4. Recalling in particular the events on Independence Square in Kyiv in February 2014, the Assembly condemns the alleged targeted physical attacks by police or security forces against journalists covering demonstrations and other manifestations of popular protest. The Assembly is also concerned about allegations of targeted physical attacks against journalists during the events around Gezi Park in Istanbul in May and June 2013. The Assembly therefore calls for full judicial investigations into those attacks and reminds member States of their respective obligations under the European Convention on Human Rights (ETS No. 5).

5. Referring to Resolution 68/163 of the United Nations General Assembly on the safety of journalists and the issue of impunity, the Assembly calls on member States to fully investigate all violent deaths of journalists, such as the deaths of Elmar Huseynov (2005) and Rafiq Tagi (2011) in Azerbaijan, Paul Klebnikov (2004) and Anna Politkovskaya (2006) in the Russian Federation, Dada Vujasinović (1994) and Milan Pantić (2001) in Serbia, Hrant Dink (2007) in Turkey, Martin O'Hagan (2001) in the United Kingdom and Georgiy Gongadze (2000) and Vasil Klementiev (2010) in Ukraine.

6. Although any propaganda for war and any advocacy of hatred that constitutes incitement to discrimination, hostility or violence are prohibited by law under Article 20 of the United Nations International Covenant on Civil and Political Rights, the Assembly remains concerned about an overbroad application of such laws in some countries against media and journalists who express political criticism of the government. In this context, the Assembly welcomes the considerable reduction in the number of journalists detained in Turkey, but regrets, in spite of some progress, the number of journalists who are still prosecuted or detained, and calls for further legislative reforms concerning in particular Articles 216, 301 and 314 of the Turkish Penal Code which could lead to arbitrary applications against journalists.

7. Recalling the judgment of the European Court on Human Rights in the case of *Ahmet Yildirim v. Turkey* (18 December 2012), the Assembly concurs that the right to Internet access is considered to be inherent in the right to freedom of expression and information, as expressed in Resolution 1987 (2014) on the right to Internet access. Therefore, the Assembly considers the generalised blocking by public authorities of websites or web services as a serious violation of media freedom, which deprives a high and indiscriminate number of Internet users of their right to Internet access. The Assembly welcomes the fact that Turkey has introduced legal measures to restrict the possibilities for blocking specific Internet content.

8. Aware of the chilling effect of legislation on defamation, the Assembly calls on member States to review such legislation in accordance with Resolution 1577 (2007) "Towards decriminalisation of defamation". Such review should deal with criminal law penalties as well as civil procedures for defamation which could financially threaten, in a disproportionate way, journalists and media. Referring to the Opinion on the legislation on defamation of Italy by the European Commission for Democracy through Law ("Venice Commission") (6-7 December 2013), the Assembly urges the Italian Parliament to resume consideration of its legislation in accordance with this Opinion.

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2. Draft resolution adopted by the committee on 5 December 2014.

9. Referring to the Opinion of the Council of Europe Commissioner for Human Rights on Hungary's media legislation (25 February 2011) and the subsequent co-operation of the Council of Europe with Hungary, the Assembly urges the Hungarian Parliament to pursue further reforms of its legislation in order to improve the independence of the regulatory authorities for media, the State news agency and the public service broadcasters, to increase transparency and pluralism of private media, as well as to combat racist expressions against ethnic minorities.

10. Although media freedom is widely proclaimed in Europe, the Assembly regrets that this freedom is frequently restricted by limiting the freedom and safety of journalists. Unsafety of journalists, be it physical, financial, existential or a combination thereof, restricts their journalistic freedom and conditions the results of their work, possibly forcing them to satisfy the demands of editors, publishers, owners, advertisers, politicians or others.

11. Pluralism of the media is a necessary condition for a pluralistic society and a pluralistic political system. Transparency of media ownership is necessary in order to monitor media concentration, to prevent media from being in the hands of a few and to enable pluralism of media ownership. Therefore, the Assembly proposes to publicise a “Media Identity Card” which should, *inter alia*, provide information about the owners of a media outlet and those who contribute substantially to its income, such as big advertisers or donors.

12. Recalling its Recommendation 1878 (2009) on the funding of public service broadcasting, the Assembly continues to be alarmed by tendencies in some member States to erode the financial stability and the independence of public service broadcasters. Public service broadcasting remains an important element in a democratic society for providing the public at large with unbiased information and culture in an increasingly commercialised, economically weakened and politically controlled media landscape.

13. Recalling its past reports on serious violations of, and challenges to, media freedom, the Assembly considers it important that media freedom in Europe remains on the agenda of the Assembly and of the Council of Europe as a whole. The adoption of this resolution is only a further step in a necessarily ongoing process of awareness and scrutiny by parliamentarians and governments throughout Europe over serious violations of media freedom.

14. The Assembly invites:

14.1. national parliaments to hold annual public debates (hearings, committee meetings or plenary sessions), with the participation of associations of journalists and the media, on the state of media freedom in their respective countries;

14.2. the Commissioner for Human Rights to pay particular attention to the situation of media freedom in all conflict zones in Europe, particularly in eastern Ukraine;

14.3. the Venice Commission to:

14.3.1. analyse the conformity with European human rights standards of Articles 216, 301 and 314 of the Turkish Penal Code and Law No. 5651 of Turkey, as well as their application in practice;

14.3.2. identify the provisions which pose a danger to the right to freedom of expression and information through the media, in the Hungarian Act CLXXXV of 2010 on Media Services and Mass Media, in the Hungarian Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules of Media Content, and in the Hungarian tax laws on progressive tax on advertising revenue for media;

14.4. the Conference of International Non-governmental Organisations (INGOs) to foster closer co-operation of NGOs for media freedom and the safety of journalists with all Council of Europe bodies and institutions;

14.5. the committees of the European Parliament dealing with media freedom to establish close co-operation with the Assembly regarding political action against serious violations of media freedom.

B. Draft recommendation[3]

1. The Parliamentary Assembly refers to its Resolution …. (2015) on the protection of media freedom in Europe and invites the Committee of Ministers to pursue further determined action in this field, in particular by intensifying its standard-setting and co-operation activities as expressed in the Committee of Ministers Declaration of 30 April 2014 on the protection of journalism and safety of journalists and other media actors.

2. Recalling its Recommendation 1897 (2010) on respect for media freedom, the Assembly welcomes the decision by the Committee of Ministers of 19 November 2014 to establish an Internet-based Freedom of Expression Platform to promote the protection of journalism and safety of journalists. This initiative is of high importance for creating synergies between the various Council of Europe bodies dealing with media freedom, and for providing a means of closer co-operation with non-governmental organisations (NGOs) in this field. It will also give member States the possibility to react to information about alleged attacks on media freedom.

3. The Assembly recommends that the Committee of Ministers:

3.1. promote the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity beyond 2014 and step up Council of Europe action in this field, in accordance with United Nations General Assembly Resolution 68/163;

3.2. develop training programmes for police and law-enforcement authorities in member States regarding the protection of journalists and media freedom, and offer targeted assistance in this domain;

3.3. pay particular attention to the full and timely implementation by member States of the judgments of the European Court of Human Rights which deal with serious violations of media freedom, and increase targeted co-operation and assistance activities in this field, including a parliamentary dimension, in particular with regard to member States with recurring and systemic problems;

3.4. review the implementation by member States of the Committee of Ministers declarations and recommendations in the media field and consider whether the Council of Europe's legal standards should be updated;

3.5. continue to invite Assembly rapporteurs on media freedom to thematic debates and to its rapporteur groups dealing with media freedom;

3.6. co-operate more closely with NGOs and the media in order to enhance the capacity of the Council of Europe to evaluate and react to serious violations of media freedom.

3. Draft recommendation adopted unanimously by the committee on 5 December 2014.

C. Explanatory memorandum by Mr Flego, rapporteur

1. Introduction

1. Having presented his report on the state of media freedom in Europe (Doc. 13078) at the Parliamentary Assembly's first part-session of 2013, my colleague Mr Mats Johansson (Sweden, EC) tabled a new motion on the protection of media freedom in Europe on 30 January 2013 (Doc. 13124). The Committee on Culture, Science, Education and Media appointed me rapporteur on this subject on 25 April 2013. On 30 September 2013, the motion for a resolution "Use of physical force against journalists: a challenge to democracy" (Doc. 13274), was referred to the committee to be taken into account in the preparation of the present report, as well as the motion for a resolution on "Harassment of investigative journalists in Azerbaijan reporting on corruption" (Doc. 13570) on 3 October 2014.

2. The present report follows thematically the earlier reports on serious violations of media freedom, which had led to Resolution 1920 (2013) on the state of media freedom in Europe, Recommendation 1897 (2010) on respect for media freedom and Resolution 1535 (2007) on threats to the lives and freedom of expression of journalists.

3. For the preparation of this report, the committee and its Sub-Committee on Media and Information Society held five hearings, on:

– 25 April 2013 in Strasbourg, with:
  - Mr Enzo Iacopino, President of the Italian Order of Journalists, Rome;
  - Mr Jean-Paul Costa, former President of the European Court of Human Rights, President of the International Institute of Human Rights, Strasbourg;

– 22 May 2013 in London (House of Commons), with:
  - Mr István Hegedűs, former Member of the Hungarian Parliament and President of the Hungarian Europe Society, Budapest;
  - Ms Francesca Fanucci, Senior Associate at Free Expression Associates, London;
  - Mr Andrew Gardner, Researcher, Amnesty International, London;
  - Mr Michael Harris, Head of Advocacy, Index on Censorship, London;
  - Mr William Horsley, Media Freedom Representative of the Association of European Journalists and International Director of the Centre for Freedom of the Media, University of Sheffield;

– 6 November 2013 in Belgrade (National Assembly of the Republic of Serbia), with:
  - Ms Dunja Mijatović, OSCE Representative on Freedom of the Media, Vienna;
  - Mr Mogens Blicher-Bjerregård, President of the European Federation of Journalists, Brussels;
  - Mr William Horsley;

– 8 April 2014 in Strasbourg, with:
  - Professor Herdis Thorgeirsdottir, Vice-President of the Venice Commission;
  - Mr Johann Bihr, Director for Europe and Central Asia, Reporters without Borders, Paris;
  - Mr Andrei Aliaksandrau, Belarusian Association of Journalists, Minsk;

– 12-13 May 2014 in Istanbul, with:
  - Ms Füsun Erdoğan, Turkish journalist;
  - Mr Mustafa Balbay, Turkish journalist and Member of the Turkish Parliament
  - Mr Ricardo Gutierrez, General Secretary of the European Federation of Journalists, Brussels;
  - Professor Wolfgang Benedek, University of Graz and expert for the European Commission;
  - Mr William Horsley.

4. In order to inform the committee about current violations of media freedom, Mr William Horsley was commissioned to prepare a factual background report (AS/Cult (2014) 25) and update it. I express my gratitude to him for his thorough work and good co-operation.

5. In addition, the committee deeply appreciated the discussions with:

– Mr John Whittingdale OBE, Chair of the Select Committee on Culture, Media and Sport of the House of Commons (London, 12 May 2013);

– Ambassador Laurent Dominati, Permanent Representative of France to the Council of Europe, and Ambassador Gea Rennel, Permanent Representative of Estonia to the Council of Europe and Thematic Co-ordinator on Information Policy of the Committee of Ministers (Strasbourg, 25 June 2013);

– Mr Nebojša Stefanović, Speaker of the National Assembly of Serbia (Belgrade, 6 November 2013);

– Ambassador Jocelyne Caballero, Permanent Representative of France to the Council of Europe (Strasbourg, 8 April 2014);

– Ms Gabriella Battaini-Dragoni, Deputy Secretary General of the Council of Europe (Strasbourg, 8 April and 24 June 2014; Istanbul, 12 May 2014);

– Dr Tayfun Acarer, President of the Information and Communication Technologies Authority of Turkey (Istanbul, 13 May 2014).

6. As rapporteur, I addressed the thematic debate on the safety of journalists held by the Committee of Ministers in Strasbourg on 12 December 2013 and the Round Table on this subject organised by the Council of Europe in Strasbourg on 19 May 2014. I also addressed the exchange of views on legislative aspects of media freedom in the Western Balkans and Turkey, organised by the Sub-Committee on Human Rights of the European Parliament in Brussels on 19 June 2013.

7. This preparatory process contributed to the establishment of an information platform on serious violations of media freedom in Europe by the Council of Europe as from 2015, which shall involve several major non-governmental organisations (NGOs) working to promote media freedom. Furthermore, an early warning mechanism for such violations may be created in this framework, enabling the various Council of Europe bodies to react to situations and cases of concern.

2. Serious violations of media freedom in Europe

8. Based on the factual background report by Mr William Horsley, the committee discussed in detail the serious violations of media freedom which have occurred between December 2012 and November 2014, namely since the adoption of Resolution 1920 (2013) on the state of media freedom in Europe. I am very grateful for the substantial work by Mr William Horsley and appreciate all contributions received through the above mentioned meetings. I am also grateful for the written information received by the Hungarian and Turkish parliamentary delegations.

2.1. The context

9. In January 2010, the Assembly Recommendation 1897 (2011) 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 Assembly 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.

10. The Committee of Ministers Declaration on the protection of journalism and safety of journalists and other media actors of 30 April 2014 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 (ETS No. 5, “the Convention”) (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) of the Convention.

11. There is ever increasing 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 United Nations 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 United Nations Human Rights Council adopted a resolution on the promotion and protection of human rights in the context of peaceful protests. It calls on States to pay particular attention to the safety of journalists and media workers in view of their specific role and vulnerability.

12. 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 United Nations agencies, States, NGOs and media organisations. The Action Plan calls for positive contributions from the Council of Europe and other regional organisations.

2.2. Deaths of journalists

13. During the past two years in Europe, at least 15 journalists and media workers have died because of their work. The deaths of eight journalists occurred in Russia and five journalists, a member of a television crew and a fixer-interpreter were killed in Ukraine.

14. On 7 July 2012, Alexander Khodzinsky, an investigative reporter, was stabbed to death in Irkutsk, (Russian Federation). 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.

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

16. On 8 April 2013, Mikhail Beketov, former editor-in-chief of *KhimkinskayaPravda* 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.

17. 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.

18. On 9 July 2013, Akhmednabi Akhmednabiyev, deputy editor of the *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.

19. 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.

20. 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-Shevchenkovskiy in central Ukraine. He had been abducted outside his home one day earlier and his body showed signs of torture.

21. 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 Sloviansk, eastern Ukraine.

22. 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 Sloviansk.

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

24. On 17 June 2014, Igor Kornelyuk, a reporter for the pan-Russian State television company VGTRK, and Anton Voloshin, a member of the same team, were killed in an artillery or mortar attack near Luhansk in eastern Ukraine.

25. On 30 June 2014, Anatoly Klyan of Russia's State-owned Channel One television station died in Donetsk (Ukraine) from bullet wounds sustained when a bus he was travelling in came under fire, the CPJ reported.

26. On 1 August 2014, the body of Timur Kuashev, a reporter for the North Caucasus magazine *Dosh* and other outlets, was found in Nalchik, the capital of the Kabardino-Balkar Republic, a day after he had gone missing. Kuashev had reportedly received several threats to his life in recent years.

27. On 6 August 2014, Andrei Stenin of the Russian news agency Rossiya Segodna was killed near Donetsk. UNESCO reported that Stenin was travelling in a convoy of civilian vehicles which came under shell fire.

28. On 23 October 2014, Ferdi Özmen, a Turkish political blogger and social media activist, was reportedly forced by an unidentified gunman to get out of his car in Istanbul and was shot. He died later of his injuries in hospital.

2.3. Impunity

29. Well-documented evidence shows that impunity related to serious crimes against journalists, including murder, remains prevalent in Europe. Impunity is the failure by State authorities to conduct proper investigations in order to prosecute and punish those responsible for serious crimes and abuses. It encourages further violence and intimidation against journalists because the perpetrators do not fear being caught and punished. Impunity is also a symptom of systemic failures of justice and a lack of the independence of judiciaries.

30. The Council of Europe and the United Nations have emphasised that it is the responsibility of States to investigate and prosecute crimes against journalists and to eradicate impunity. The Declaration of the Committee of Ministers of 30 April 2014 also encourages member States to contribute to concerted international efforts to enhance the protection of journalists. It describes the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity as an urgent and vital necessity.

31. On 2 November 2014, United Nations Secretary-General Ban Ki-moon delivered a message marking the first United Nations-backed International Day to end Impunity for Crimes against Journalists. In it he stressed the damage inflicted on the democratic fabric of societies as a result of impunity: “Nine out of ten cases go unpunished. As a result, criminals are emboldened. People are scared to speak out about corruption, political repression or other violations of human rights. This must stop”, Mr Ban said.

32. It is important that the Council of Europe and the international community have repeatedly identified the fight against impunity as a high priority for the protection of democracy and human rights. However, until now, public commitment to combating impunity has not been matched by the necessary actions in Europe or further afield. UNESCO publishes details online of information provided voluntarily by States, and the UNESCO Director-General issues a report once every two years on the Safety of Journalists and the Danger of Impunity.

33. UNESCO reported in October 2014 that the Council of Europe member States Bulgaria, Georgia and Greece were among those which had failed to provide information on killings of journalists in their jurisdictions in response to requests from the UNESCO Director-General. In total, 35 out of 62 States which were contacted for information about journalists’ murders since 2008 provided information on the judicial processes of the cases. Twenty-seven States failed to do so.

34. Voluntary action by Council of Europe member States to provide prompt and full information in the context of this process would be in accordance with the pledges that have been made. Russia sent a report stating that prison sentences were handed down in connection with the cases of six of the 16 journalists identified by UNESCO as having been killed in Russia since 2006.

35. In October 2014, the Committee to Protect Journalists published a highly informative special report “The Road to Justice: Breaking the Cycle of Impunity in the Killing of Journalists”. It provides the following names and dates of death of 17 journalists who were murdered in Europe between 2004 and 2013 with complete impunity. They are:

– in Azerbaijan: Elmar Huseynov, 2 March 2005; Rafiq Tagi, 23 November 2011

– in Belarus: Aleh Byabebib, 3 September 2010

– in Greece: Sokratis Giolias, 19 July 2010

– in Russia: Paul Klebnikov, 9 July 2004; Pavel Makeev, 21 May 2005; Vagif Kochetkov, 8 January 2006; Ivan Safronov, 2 March 2007; Magomed Yevloyev, August 31 2008; Telman Alishayev, 2 September 2008; Natalya Estemirova, 15 July 2009; Abdulmalik Akhmedilov, 11 August 2009; Gadzhimurad Kamalov, 15 December 2011; Kazbek Gekkiyev, 5 December 2012; Mikail Beketov, 8 April 2013; Akhmednabi Akjmednabiyev, 9 July 2013

– in Serbia: Bardhyl Ajeti, 25 June 2005

36. According to the CPJ, five journalists were murdered during the same 10-year period with partial impunity – meaning that one or more perpetrators were brought to justice but the masterminds or others who are thought to bear responsibility for the killing remain unknown or unpunished. They are:

– in Croatia: Ivo Pukanić, 23 October 2008

– in Russia: Anna Polikovskaya, 7 October 2006; Anastasia Baburova, 19 January 2009

– in Serbia: Duško Jovanović, 28 May 2004

– in Turkey: Hrant Dink, managing editor of the Turkish-Armenian weekly *Agos*, was shot and killed in Istanbul on 19 January 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. Following the decision of the Bakırköy Heavy Criminal Court of Istanbul to charge nine high-ranking officials for failing to prevent the murder of Hrant Dink, the Ministry of Justice of Turkey has overturned an objection by the Chief Prosecutor's Office in October 2014 and thereby allowed those prosecutions to proceed.

– in the United Kingdom: the murder in 2001 of Martin O'Hagan, a journalist who worked for the *Sunday World* newspaper in Northern Ireland, remains unresolved. O'Hagan was shot in September 2001 near his home in Lurgan. Other staff on the paper who named O'Hagan's alleged killers were subsequently threatened or attacked. For thirteen years the Police Service of Northern Ireland has failed to make progress in investigating the murder.

37. In Serbia, as was noted in the June 2014 report, four former State security officials were this year charged in connection with the killing of journalist and editor Slavko Ćuruviya in 1999. One of the indicted men is believed to be on the run and living in an African country.

38. The work of Serbia's Commission of Inquiry into Unsolved Murders of Journalists, which was established in 2013, is credited with helping to achieve this progress in the case of Ćuruviya. However, obstruction on the part of former State officials has been identified as an ongoing barrier to progress in other cases.

39. The investigation into the murder in Dada Vujasinović, a reporter who was killed in her apartment in 1994, has been complicated by the lack of due diligence by the law-enforcement authorities who had initially registered Vujasinović's death as a suicide.

40. An intensive investigation into the murder of Milan Pantić, a crime reporter who was killed in 2001, is ongoing. For the past four years, Veran Matić, a prominent journalist and head of the Commission of Inquiry, has required round-the-clock police protection because of credible threats to his personal safety. Matić identifies the murder of journalists and the toleration of impunity as a root cause of a corrupting mentality that fosters further brutality and injustice in the societies concerned.

41. The Independent Association of Journalists of Serbia (IAJS) has expressed very serious concerns that a culture of impunity continues to exist, and that it is still the root cause of widespread fear and insecurity among independent Serbian journalists.

42. One glaring example is that of the vicious attack in New Belgrade on 3 July 2014 by a group of men against Davor Pašalić, the editor of the news agency FoNet. Pašalić was attacked and severely beaten, suffering head and face injuries. Despite official statements promising an urgent investigation into the crime, two months later no progress had been made in identifying the attackers.

43. IAJS has published online details of 71 incidents of violence and intimidation against journalists in Serbia between 2012 and August 2014, including nine cases of actual physical assaults. Those statistics indicate that in Serbia, as in several other European States, violence and threats of violence against media workers, and impunity related to them, is a widespread and entrenched reality which needs to be confronted by additional sustained and determined measures.

44. A new and positive development is the decision by the Government of Montenegro in December 2013 to establish a Commission for Monitoring Investigations of Violence against Journalists, on similar lines to the Serbian Commission. The Montenegran commission is to be composed of representatives of government ministries, the Prosecutor's office, police, NGOs and journalists, including Mihailo Jović, editor-in-chief of the *Vijesti* newspaper, and other media figures.

45. The new body is charged with investigating, among others, the killing in May 2004 of Duško Jovanović, the editor-in-chief of the daily newspaper *Dan*. Jovanović was killed with an automatic weapon in front his newspaper building in Podgorica.

46. A report on Prosecution of Attacks on Journalists in Montenegro was published in January 2014 by the Human Rights Action NGO in Montenegro. It detailed 30 cases of intimidation, death threats and violent attacks against journalists over a ten-year period from 2004 to 2014. The report stated that a third of those recorded attacks took place in 2013.

47. The investigation into the murder of Jovanović has resulted so far in one conviction, described as questionable. Other perpetrators, including those who ordered the killing, have still not been identified. Significant progress was however made in the case of the brutal attack on the newspaper journalist Tufik Softić by two masked assailants wielding baseball bats close to his home on 1 November 2007. In July 2014, three men were reportedly arrested on charges of the attempted murder of Softić.

48. The Council of Europe Commissioner for Human Rights has expressed concern that in Montenegro new cases that illustrate the lack of safety for journalists and impunity are accumulating on top of the old ones.

49. Issues arising from alleged failures of law-enforcement action to investigate and prosecute threats and acts of violence against journalists continue to be a source of acute concern to journalists' organisations in a number of European States.

50. Another unresolved case concerns 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 by 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.

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

51. In Serbia, in June 2014, four former State security officers including the former security service chief, Radomir Marković, were charged with the killing of Slavko Ćuruvija, publisher and editor of the *Dnevni Telegraf* newspaper. Mr Ćuruvija was shot dead outside his apartment in Belgrade in April 1999. The Slavko Ćuruvija 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 Matić.

52. 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.

2.5. The growing scale of acts of violence and intimidation against journalists

53. In spite of many protests by journalists' organisations and NGOs, and interventions by independent authorities including the Commissioner for Human Rights, Nils Muižnieks, and the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE), Dunja Mijatović, dozens of violent assaults in Europe against journalists have been recorded in the past five months. The majority of such attacks, as well as cases of threats of violence, intimidation and harassment, continue to go unpunished.

54. For example, the organisation Ossigeno per l'Informazion has published the names of 2 000 reporters and media workers whom it says have been victims of violence or abuse over the past six years because of their work. Many of those cases have never been reported, according to Ossigeno.

55. The Institute of Mass Information in Ukraine, which monitors all forms of attack, says that in 2014 it recorded 281 cases of assaults against media workers and seven cases of murder.

56. The Independent Association of Journalists in Serbia has reported 18 physical assaults, verbal threats and other abuses against journalists between January and August 2014.

57. The very large number of assaults on journalists which required hospital treatment or an extended absence from work include the following examples.

58. In Bosnia and Herzegovina, on 23 June 2014, writer and columnist Slavo Kukić suffered head injuries when he was assaulted in Mostar by an attacker wielding a baseball bat. A criminal investigation was reportedly initiated.

59. On 4 July 2014, Italian journalist Antonio Papaleo was stabbed by a gang of youths in Phuket (Thailand), sustained serious body wounds and later underwent an operation to remove his damaged spleen. Papaleo secretly filmed evidence that was accepted by a court in Hong Kong leading to the conviction of a Slovak man on money-laundering charges. During the judicial proceedings, Papaleo received threats of violence, although evidence was not found linking the knife attack to his investigative work.

60. In Azerbaijan, on 21 August 2014, Ilgar Nasibov, a prominent journalist and contributor to Radio Free Europe/Radio Liberty and the Turan News Agency, was attacked by a group of unidentified assailants at his office in the Resource Center for Development of NGOs and Democracy in Nakhichevan. He reportedly suffered serious injuries, including concussion and broken cheekbones, nose and ribs. Nasibov had been threatened and assaulted several times before, and in 2007 he received a one-year suspended sentence after being convicted of libel.

61. In Russia, a large number of violent attacks have been recorded which apparently targeted journalists who have reported critically about aspects of Russia's involvement in the conflict in Ukraine. According to the OSCE Representative on Freedom of the Media, in Saratov (south-west Russia), on 26 August 2014, investigative journalist Alexander Krutov of *Obshchestvennoye Mneniye* magazine was brutally beaten and stabbed by a gang of unknown assailants near his home. Krutov had been attacked several times before without the assailants being brought to justice.

62. On the same day, in the Pskov region of western Russia, Vladimir Romensky of Dozhd TV, Ilya Vasyunin of *Russkaya Planeta*, Nina Petlyanova of *Novaya Gazeta*, Irina Tumakova of Fontana.ru, as well as Sergey Kovalchenko and Sergey Zorin of the *Telegraph*, were attacked and intimidated by a number of individuals. Romensky and Vasyunin were reportedly told to abandon their work and leave Pskov.

63. On 16 September 2014, in Astrakan (southern Russia), a BBC cameraman was assaulted and his camera was smashed. The incident occurred while BBC correspondent Steve Rosenberg and his team were investigating reports, which have been denied by the Russian authorities, that Russian soldiers who were sent to Ukraine to support the separatists were killed there and that their bodies were buried in Russia, while families were kept in ignorance of the circumstances of the soldiers' deaths. The BBC team was detained and questioned by police for four hours, during which other recording equipment in their vehicle at the police station was reportedly electronically wiped.

64. On 29 August 2014, Lev Schlosberg, a journalist with the *Pskovskaya Guberniya* newspaper who had reported on the deaths of Russian soldiers allegedly killed in the conflict in eastern Ukraine, was attacked near his house. He suffered concussion and a broken nose.

65. In Kosovo*,[4] on 27 October 2014, Milot Hasimja, a journalist with Klan Kosova TV station, was attacked by a man who stabbed him repeatedly in the neck and head. The attacker was overpowered, and police are reported to be treating it as a case of attempted murder which may be linked to Hasimja's media reports.

4. *Any references 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.

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

– Ukraine

66. In Ukraine, an extraordinarily intense wave of attacks against journalists and media organisations has accompanied recent political events and, since March 2014, an international dispute and armed conflict on parts of Ukrainian territory. More than two thousand people have died and more have been injured or displaced.

67. 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 and 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.

68. On 2 March 2014, about 30 masked men stormed and briefly occupied a journalist 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.

69. 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 2014, 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.

70. 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 Sloviansk. 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.

71. 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.

72. 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.

73. 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.

74. Marat Saychenko and Oleg Sidyakin, 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.

75. Some transmissions from Russia into Ukraine were also halted after the 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.

76. 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 television 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 television report in question was shown on Russian television 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 television report as a major armed assault on Crimean elected politicians was a small staged event, and the events did not occur as 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 later proved to be false; in some cases, the images used were taken from archived film of events in other places and wrongly linked to current events inside Ukraine.

77. The OSCE Mission to Ukraine observed that propaganda in the media contributed to the worsening of the security situation for the 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 critical reports about domestic and international affairs.

78. 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.

79. 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 into the incident was promptly announced.

80. Both the Ukrainian authorities and the Russian *de facto* authorities in Crimea after its unlawful annexation 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 the Echo of Moscow radio station and Kommersant FM radio.

81. During the so-called Euromaidan protests in Kyiv's Maidan (Independence) Square between November 2013 and the change of government in Ukraine in February 2014, journalists suffered many attacks and serious injuries inflicted by security forces and organised pro-government gangs in Kyiv 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.

82. 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 said that security forces had fired rubber bullets at the heads of members of the media in Maidan Square, resulting in seven persons losing their sight in one eye.

83. The 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.

84. Following the change of government in Kyiv, the parliament adopted, on 17 April, 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.

85. On 5 September 2014, the OSCE Representative on Freedom of the Media identified eight journalists who were being held against their will at the time or who had been abducted and later released: Yegor Vorobyov, Roman Chermsky, Sergei Dolgov, Yury Lelyavsky, Yevgeny Shlyakhtin, Yevgeny Tymofeyev, Anna Ivanenko and Nazar Zotsenko.

86. The Ukrainian Institute of Mass Information reported that between April and August 2014 as many as 62 journalists had been captured or held hostage by pro-Russia separatists. The fate of several of those journalists is unknown at the time of writing

87. In June 2014, Amnesty International published a report entitled “Abductions and Torture in eastern Ukraine” which documents cases of torture, ill-treatment and threats of execution inflicted on many of the several hundred persons abducted by armed separatist groups in eastern Ukraine, including 39 journalists up to that date.

88. On 9 September 2014, the Representative on Freedom of the Media expressed urgent concern about the intimidation of independent by the *de facto* Russian authorities in Crimea, including the six-hour detention and interrogation of Yelizaveta Bohutskaya, a freelance journalist, and the summoning for questioning of staff from the Crimean Centre for Investigative Journalism. The Representative on Freedom of the Media described such incidents as attempts to silence critical voices.

89. Over the past several months the *de facto* authorities in Crimea and the Ukrainian authorities have enforced selective bans on the entry of journalists. The Ukrainian security service has reportedly banned several dozens of Russian media workers from entering Ukraine, citing threats to national security.

90. Ukrainian law-enforcement officers have raided or obstructed the work of several critical media outlets including the *Vesti* newspaper in Kyiv. The OSCE Representative on Freedom of the Media has also expressed concern about the detention and expulsion of a number of Russian journalists in Ukraine since early 2014.

91. Officials of the incoming Ukrainian Government have pledged to take action to investigate and punish law-enforcement officers and others who are suspected of responsibility for causing many serious injuries among journalists during the Maidan square protests against the former Ukrainian Government in early 2014.

92. However, little or no progress has been made towards bringing to justice those responsible for those and other co-ordinated attacks, including those using firearms, against journalists during the popular uprising against the former government which collapsed in late February 2014.

93. The Media Law Institute in Kyiv made a statement on 23 September 2014 protesting against what it said was the role of elements of the Russian media in fuelling the conflict in Ukraine, including by means of propaganda for war and incitement to hatred and violence. The Media Law Institute cited examples of alleged manipulation and falsification of images and factual information in a number of Russian television broadcasts, and urged the international community in the context of the Ukraine conflict, to distinguish between media and journalists who act in good faith, performing the important role of reporting for the public good, and those which behave as “propagandists”. The statement urged the denial of membership in professional journalistic and media associations of media workers who deliberately violate professional journalistic standards.

94. On 12 August 2014, the OSCE Representative on Freedom of the Media expressed concern about a Ukrainian draft law to allow the authorities to ban television and radio transmissions on grounds of national security, saying it would curtail the free flow of information and ideas and thus be a violation of international standards. But on 10 September, Ukraine’s media regulator, the National Council for Television and Radio Broadcasting, announced a list of 15 Russian television channels that were banned in Ukraine.

95. On 10 November 2014, RT (formerly Russia Today) was found, following an investigation by the United Kingdom media regulator Ofcom, to be in breach of broadcasting regulations on impartiality for its coverage of the Ukraine crisis.

– Russian Federation

96. Independent journalists and media in Russia have faced 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.

97. Failure to bring to justice those responsible for many unsolved murders of journalists 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.

98. 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, 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.

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

100. 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 publicly expose misuses of official power or consider them 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.

101. 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.

102. 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.

103. 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 to 300 000 roubles (about US$9 000) – 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.

104. 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 legal proceedings 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 US$10 000 after refusing to register as a foreign agent.

105. 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 can to lead to self-censorship.

106. 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 3 000 followers to register as mass media, and to be subject to other regulations applying to large media outlets.

107. 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 trans-sexual) 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.

108. 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".

109. In March 2014, 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.

110. 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 privater user data and in the light of sweeping new restrictions on Internet use.

111. 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. In addition, Dozhd faced tax inspections and a sudden loss of advertising. The owner of Dozhd said its rejection by distributors was the result of political pressure.

112. In late June 2014, Russia adopted a law providing for sentences of up to five years in prison for the offence of public incitement of "extremism". The European Commission for Democracy through Law (Venice Commission) stated that the Russian law is too imprecise and it could impose disproportionate restrictions on freedom of expression.

113. On 21 July 2014, President Vladimir Putin approved legislation that bars privately owned television channels from obtaining revenues from commercial advertising, on which many depend to survive. The law does not apply to public and State-controlled channels, which are known to follow editorial policies approved by the Kremlin.

114. On 14 October, Russia adopted a law to restrict foreign ownership of all forms of media to a maximum share of 20%. Currently no restrictions apply to print media, and foreign stakes in radio and television are capped at 50%.

115. The legislation is expected to be phased in over the next two years. It represents a severe restriction on the possibilities for independent media to operate in Russia's media environment and thus an impoverishment of media plurality. It appears likely to exacerbate the narrow concentration of media ownership and control in the hands of a small group of owners allied with, or beholden to, the State authorities.

116. The Russian authorities have spoken publicly of an "information war" over the conflict in Ukraine, which involves Russian media that are controlled or influenced by government authorities disseminating news and opinions sharply at variance with the information available from independent sources, including the OSCE's Special Monitoring Mission to Ukraine.

– Turkey

117. In Turkey, more than 20 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.

118. Journalists released from pre-trial detention in May 2014 include seven Kurdish journalists and Füsun Erdoğan, 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.

119. 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.

120. 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.

121. 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.

122. 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 television 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.

123. Pressure 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 Erdoğan 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.

124. 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.

125. 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 Atatürk. Since 2009 the number of Internet sites blocked in Turkey is estimated at over 50 000. According to official sources, 81.9% of these sites have been blocked on grounds of obscenity, 9.6% for abuse of children, 4.6% for prostitution and 1.4% for breach of privacy. In March 2014, during the campaign period before the Turkish municipal elections on 30 March, Twitter was blocked after Prime Minister Erdoğan vowed to "wipe out Twitter" because users were spreading allegations of high- level corruption which he denied. President Abdullah Gül 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 of Twitter and, on 2 April 2014, the Constitutional Court upheld that judgement.

126. In December 2012, the European Court of Human Rights 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.

127. The Turkish Grand National Assembly adopted in 2014 some revisions to the Law No. 5651, which make it possible to shut down websites faster; but the new law also requires faster court decisions on such measures. In view of past practice of blocking websites in Turkey, this revision has been criticised.

128. 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 Court of 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 European Union accession process, dealing with the judiciary and fundamental rights, has the potential to act as a brake on progress.

129. Several Turkish and foreign journalists in Turkey have become victims 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 Erdoğan's visit to Soma.

130. Prime Minister Erdoğan 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 Erdoğan'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.

131. 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.

132. A positive development for freedom of expression was the decision on 2 October 2014 by the Turkish Constitutional Court to rescind additional online censorship and surveillance powers which the government planned to award to the country's High Council for Telecommunications (TIB). The court ruled that the proposed extra powers, to order the immediate blocking of websites on national security or public order grounds without the permission of any court and to gather all Internet users' communications data, were unconstitutional.

133. The Turkish Independent Communication Network (BIA), a monitoring organisation, stated on its Bianet news website that, at the start of October 2014, 19 journalists were still detained in Turkish jails, including four journalists who are awaiting the completion of their investigation or trial processes. Twelve of the 19 are reported to be Kurdish media workers who are convicted or charged for having ties with illegal organisations, according to the Anti-Terror Law and the Turkish Penal Code.

134. Bianet stated that a year earlier there were as many as 66 journalists in Turkish prisons. The same organisation has documented 21 assaults on journalists in Turkey between July and September 2014, and reports that since the start of 2014 the Justice Ministry has approved 79 prosecution requests against journalists under Article 301 of the Turkish Penal Code, which makes it a criminal offence to insult Turkishness or Turkish State institutions.

135. PEN International has voiced strong concern over the 11 month and 20 day suspended sentence handed down in late September to the journalist and writer Erol Özkoray after he was found guilty of defaming the current President of Turkey, Mr Erdoğan, in a book about the 2013 Gezi Park protests. The conviction means that Özkoray would have to serve the sentence in jail if he is convicted of criminal defamation again in the next five years. PEN International called for the suspended sentence to be lifted.

136. Since June 2014, concerns have grown more intense among Turkish and international media organisations, journalists' associations and others about a series of inflammatory verbal attacks by leading Turkish political figures directed at journalists whose work displeases the authorities.

137. In August 2014, the then prime minister Erdoğan, speaking at a political rally in southern Turkey, referred to Amberin Zaman, the Turkey correspondent of *The Economist* newspaper, as a "shameless militant woman disguised under the name of a journalist".

138. The prime minister's aggressive language against a respected journalist triggered a flood of insults and violent threats against the journalist on social media. *The Economist* said in a statement that the intimidation of journalists has no place in a democracy.

139. Reporters without Borders, Article 19 and English PEN wrote an open letter to Mr Erdoğan asking him to use his influence as Turkey's president to foster a culture in which Turkish journalists and writers can exercise their freedom of expression without fear of intimidation.

– Azerbaijan

140. Independent journalists and media in Azerbaijan have faced aggressive attempts to silence critical voices. These include 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.

141. The killings 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 reported 15 assaults on working journalists in 2013.

142. On 25 April 2014, the *Yeni Musavat* newspaper reporter, Farahim Ilgaroğlu, 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.

143. In November 2012, Farahim Ilgaroğlu, 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.

144. The Commissioner for Human Rights, 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 Assembly Resolution 1917 (2013) 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 the *Bizim Yoi* newspaper in September 2013 for alleged possession of weapons. 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.

145. 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.

146. President Aliyev was re-elected for a third term in October 2013 in elections which, according to OSCE election monitors, 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% of coverage was dedicated to the incumbent President, with the rest to the remaining nine candidates (Final Report on Azerbaijan Presidential election by the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR), 24 December 2013).

147. The Committee to Protect Journalists reported in May 2014 that 10 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; Tofig Yagublu; and Avaz Zeynalli.

148. Since 2012, a disturbing smear campaign has been conducted against Khadija Ismayilova, a leading investigative journalist with Radio Azadliq and Radio Free Europe/Radio Liberty, 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.

149. 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. 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.

150. On 30 October 2014, journalist Khalid Garayev, who works for an opposition-oriented newspaper *Azadig*, was sentenced to 25 days in prison on charges of hooliganism and disobeying police, which human rights monitoring organisations describe as spurious. The survival of the newspaper has been put at risk by the reported freezing of its bank account in November 2012, and the imposition of heavy fines resulting from a series of court cases brought by people described as close to the government. Reporters Without Borders said that the exorbitant fines were a deliberate attempt by the authorities to weaken the newspaper. RWB observed that most other opposition newspapers in Azerbaijan have been closed and broadcast outlets are all controlled by the government.

151. On 10 November 2014, the OSCE's Representative on Freedom of the Media criticised repressive actions against independent media and advocates of freedom of expression in Azerbaijan, following the imposition of a travel ban on blogger Mehman Huseynov. Huseynov was detained on that day at Baku airport and stopped from flying to Tblisi to attend a conference at the invitation of the OSCE.

152. Khadija Ismailova was the victim in 2012 of a blackmail attempt which critics say was orchestrated by the authorities, was also prevented from participating in the Tblisi event because of travel restrictions imposed on her earlier.

153. On 12 November 2014, human rights organisations in the Human Rights House Network and the South Caucasus Network of Human Rights Defenders called on the President of Azerbaijan to order the immediate release of all the jailed civil society actors in the country. They include human rights defenders Leyla Yunus and her husband Arif Yunus, who were arrested in July and August on what the civil society groups described as fabricated charges, as well as human rights defender Rasul Jafarov, human rights lawyer Intigam Aliyev, and election monitors Anar Mammadli and Bashir Suleymanli.

154. On 24 October 2014, following a visit to Azerbaijan, the Commissioner for Human Rights deplored the arrest and detention, he said, of virtually all of the civil society partners of his Office. The Commissioner pointed to the need to reform Azerbaijan's NGO laws, whose requirements for registration have the effect, he said, of driving some NGOs to operate on the fringes of the law. Speaking in Strasbourg on 3 November, the Commissioner remarked that in Azerbaijan, journalists who express critical views are often harassed with legal challenges. He added that at least 11 journalists are currently in prison because of their reporting.

155. A recently issued report by Article 19 on the situation of independent media and human rights actors in Azerbaijan alleged that the Azerbaijani authorities have unleashed a vicious attack on civil society, in which NGOs, journalists and other critical voices are being removed from public life by harassment or imprisonment. Article 19 cites the case of the investigative journalist Idrak Abbasov, who has alleged that he was tortured at

the Ministry of National Security in 2009 and was also brutally attacked and beaten in April 2012 by security guards of the State oil company, SOCAR. Article 19 reports that the authorities have not begun any investigation into the torture allegations, and that no proper investigation has been conducted into the attack in 2012, in which Abbasov himself has said he believes his attackers had intended to kill him. In May 2014, Abbasov applied to the European Court of Human Rights to hear his case that the State had failed to conduct an effective investigation.

2.7. Significant cases and issues in other regions of Europe

156. 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).

157. 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, the Republic of Moldova, "the former Yugoslav Republic of Macedonia", Montenegro, Romania and Serbia were all placed in the "Partly-Free" category.

158. 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 the OSCE.

159. 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.

160. 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.

161. In January 2014, a press freedom mission to London by global press freedom organisations including the World Association of Newspapers criticised what they called United Kingdom Government interference in the editorial independence of the *Guardian* after it published stories revealing the extent of the digital surveillance programmes of both the United Kingdom and the United States. The United Kingdom 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 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 British 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 the parliament.

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

163. 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.

164. 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.

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

166. 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.

167. 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 the *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.

168. 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.

169. In Spain, several cases of violence and intimidation by police against journalists covering demonstrations in Madrid on 29 March 2014 were denounced 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.

170. During the past two years, the Federation of Associations 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, thus 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.

171. 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, ERT public television, Alpha TV and Mega TV.

172. 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 2 000 Greek nationals holding Swiss bank accounts. Mr Vaxevanis said he had published the list to expose the inaction of government authorities concerning evidence of possible tax evasion by powerful figures in society. He was acquitted for the second time in an appeal court in November 2013.

173. 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 which 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.

174. Following Assembly Resolution 1920 (2013), the Venice Commission adopted, on 6-7 December 2013, an Opinion on defamation legislation in Italy and found: "Making the requirement of proportionality of sanctions and the criterion of the economic condition of the journalist more explicit in the defamation provisions would, alongside the general proportionality principle in the Italian legal system, help avoid the

application of excessive fines and ensure the proportionality of damage awards. Also, the introduction of a temporary ban on the exercise of the journalistic profession for repeated defamation should be reconsidered, as it may lead to media self-censorship and may have a chilling effect on investigative journalism."

175. 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'Ora della Calabria* journalist Consolato Minniti, after he published secret details of an investigation into organised crime.

176. In Montenegro, the high incidence of violent attacks on journalists gives cause for concern. On 3 January 2014, Lidija Nikcević, 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 *Vijesti* company car was set on fire in Podgorica. It was the fifth time that a car from *Vijesti* was destroyed.

177. In "the former Yugoslav Republic of Macedonia", international protests followed the four-and-a-half year prison sentence given in October 2013 to journalist Tomislav 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.

178. 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. The promised new law is still awaited.

179. Hungary introduced a package of media laws in 2010 and 2011. Following a detailed opinion by the Commissioner for Human Rights in 2011, the Secretary General of the Council of Europe and the Hungarian Deputy Prime Minister held several consultations in early 2013 regarding different issues of this media legislation. As a result, the Hungarian Parliament made certain amendments to previously challenged provisions in April 2013. However, the Hungarian legislation is still having a chilling effect on media freedom and independence despite the 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.

180. On 28 July 2014, European Commissioner Neelie Kroes renewed her strongly worded criticism of Hungary's 2010 media laws, including of the establishment of a system of overall media regulation that she said was subject to political interference by the governing party, Fidesz. Ms Kroes described the advertising tax that was adopted in June 2014 without significant debate as a threat to a free and plural media, because she said its goal was obviously to drive the foreign broadcaster RTL out of Hungary. RTL is seen as one of the few television channels which do not support Fidesz, and it is the one hardest hit by the new tax.

181. Following the Hungarian parliamentary elections on 6 April 2014, the OSCE/ODIHR Limited Election Observation Mission published, on 11 July, its final report, stating that biased media coverage as well as restrictive campaign rules had given the main governing party an undue advantage in the poll. The Mission's media monitoring of the campaign showed that three out of five television stations displayed a significant bias towards Fidesz. The allocation of State advertising to certain media also undermined pluralism and heightened self-censorship among journalists.

182. The OSCE/ODIHR report recommended that in future public media should be subject to strict rules prohibiting government interference, and the legal provision for "balanced coverage" should be overseen by a genuinely independent body. The report also recommended that Hungary's criminal defamation law be repealed and that civil law sanctions be made strictly proportionate to the actual harm caused.

3. Conclusions

183. While greater attention to serious violations of media freedom is paid by international organisations, the situation of media freedom has not improved in Europe. The deaths of journalists and the physical attacks against them are an alarming sign that more must be done by governments and parliaments in member States; as well as by the Council of Europe.

184. Positive action by member States in favour of media freedom should encourage others to follow in this direction. I can mention the establishment by Serbia in 2013 of its Commission of Inquiry into Unresolved Murders of Journalists, as well as the various revisions of internationally criticised media legislation in Hungary and Turkey. The latter revisions were the result of close co-operation with the Council of Europe.

185. Article 10 of the European Convention on Human Rights being the supreme legal norm of freedom of expression and information throughout Europe, the Council of Europe has to assume its key role in defending this fundamental right, without which there can be no functioning democracy and no popular scrutiny of the rule of law.

186. Although few member States have shown a higher quantity and intensity of possible violations of media freedom, all member States of the Council of Europe must be called on to strengthen the protection of media freedom domestically through law and practice, as well as internationally through the Council of Europe.

187. A new feature of such action will be the Internet-based platform to record and publicise possible infringements of the rights guaranteed by Article 10 of the European Convention on Human Rights. Some years after this idea was launched by the Assembly, it will become an important structural interface for greater co-operation with major media freedom NGOs. The Assembly must closely follow the implementation of this initiative and actively contribute to it.