

Doc. 11143
23 January 2007

Threats to the lives and freedom of expression of journalists

Report
Committee on Culture, Science and Education
Rapporteur: Andrew McINTOSH, United Kingdom, Socialist Group

Summary

The Parliamentary Assembly of the Council of Europe is outraged by the numerous attacks and threats to the lives and freedom of expression of journalists in Europe and pays tribute to all journalists and media that further democracy and the rule of law. Where journalists must fear for their lives and security, democracy is at risk.

Aware of the importance of Article 10 of the European Convention on Human Rights for the protection of media freedom throughout Europe, the Assembly insists on additional measures for effectively protecting the lives and freedom of expression of journalists in Europe. The Assembly calls on all parliaments concerned to conduct parliamentary investigations into the unresolved murders of journalists as well as attacks and death threats against them, and resolves to establish a specific monitoring mechanism.

The Assembly recommends that the Committee of Ministers condemn attacks against journalists and also establish a mechanism for identifying and analysing such attacks and other serious violations of media freedom in Europe.

A. Draft Resolution

1. The Parliamentary Assembly of the Council of Europe is deeply concerned by the numerous attacks and threats to the lives and freedom of expression of journalists in Europe in 2006 and January 2007. It strongly condemns the murders of Hrant Dink in Turkey and Anna Politkovskaya in Russia and the brutal attacks on Fikret Huseynli, Bahaddin Khaziyev and Nijat Huseynov in Azerbaijan, Ion Robu in Moldova and Ihor Mosiyshuck, Sergei Yanovski and Lilia Budjurova in Ukraine. It is also shocked by the recent death decrees by religious leaders against Rafiq Tagi and Samir Sedagetoglu in Azerbaijan and Robert Redeker in France as well as by the death threats to Mubarak Asani in Bosnia and Herzegovina, Drago Hedl and Ladislav Tomicic in Croatia, Slavica Jovanovic and Jahja Fehratovic in Serbia and Vassil Ivanov in Bulgaria for their journalistic work. Other attacks on journalists may have happened in Europe without having been noted by a wider public. The Assembly strongly deplores the fact that journalists in Europe have to work under fear for their lives and physical safety.
2. The Assembly pays tribute to all journalists and media that further democracy and the rule of law by investigative journalism into political and social issues which are of public concern while respecting the standards of journalistic ethics.
3. Freedom of expression and information in the media includes the right to express political opinions and criticise government and society, expose governmental mistakes, corruption and organised crime, and question religious dogmas and practices. This freedom is guaranteed under Article 10 of the European Convention on Human Rights as one of the fundamental requirements of a democratic society. The member states of the Council of Europe have committed themselves to human rights, democracy and the rule of law, and the vast majority of European citizens have embraced these values after a sometimes long and often painful history of having been excluded from their enjoyment. Where journalists must fear for their lives and security, democracy is at risk.
4. The Assembly recalls the legal obligation of member states, in accordance with Articles 2 and 10 of the European Convention on Human Rights, to investigate any murders of journalists as well as acts of severe physical violence and death threats against them. This obligation stems from the individual journalists' rights under the Convention as well as from the necessity for any democracy to have functioning media free from intimidation. Where attacks against journalists can be carried out with impunity, democracy and the rule of law suffer.
5. Public authorities should use restraint and respect proportionality when applying legal restrictions to freedom of expression. Administrative acts, such as granting of licenses for electronic media or awarding subsidies to media, must be fair and provide equal treatment of all journalists and media companies. Where arbitrary or politically motivated discrimination of journalists and media occurs, freedom of the media is violated.
6. While being aware of the importance of Article 10 of the European Convention on Human Rights for the protection of media freedom throughout Europe, the Assembly believes that additional measures are needed for effectively protecting the lives and freedom of expression of journalists in Europe. Applications to the European Court of Human Rights can only be made after the violation has taken place and national legal remedies have been exhausted, and judgments only come much later.
7. The Assembly appreciates that several thousand signatures have been collected and forwarded to the President of the Assembly by Reporters without Borders in Paris, demanding an investigation into the murder of Anna Politkovskaya. The Assembly also welcomes the initiatives of the International Press Institute in Vienna, Article 19 in London, the Glasnost Defence Foundation in Moscow and the South East Europe Media Organisation in Vienna as well as other organisations to make publicly known all murders of journalists and attacks against them because of their journalistic work. Professional organisations of journalists and the media can help their members when they are faced with threats and attacks by providing assistance and training to journalists and raising awareness among politicians and the public at large. The work of such professional organisations is protected under Articles 10 and 11 of the European Convention on Human Rights against undue restrictions by state authorities.
8. The Assembly has regularly defended freedom of the media in Europe. It recalls in this context its Recommendation 1506 (2001) on freedom of expression and information in the media in Europe, Recommendation 1589 (2003) on freedom of expression in the media in Europe, Resolution 1372 and Recommendation 1658 (2004) on the persecution of the press in the Republic of Belarus, Resolution 1438

and Recommendation 1702 (2005) on freedom of the press and the working conditions of journalists in conflict zones, Recommendation 1706 (2005) on media and terrorism and Resolution 1510 (2006) on freedom of expression and respect for religious beliefs.

9. The Assembly calls on all parliaments concerned to conduct parliamentary investigations into the unresolved murders of journalists as well as attacks and death threats against them, in order to shed light on individual cases and develop as a matter of urgency effective policies for the greater safety of journalists.

10. The Assembly condemned the disappearance, in 2000, and murder of the Ukrainian journalist Georgiy R. Gongadze and called for investigations by the competent authorities. It is concerned at the lack of progress in these investigations and stresses the need to ensure an environment for independent judgment.

11. The Assembly now calls on the Russian State Duma and Council of the Federation to conduct parliamentary investigations into the murder of Anna Politkovskaya in 2006 and to report to it on such investigations.

12. The Assembly resolves to establish a specific monitoring mechanism for identifying and analysing attacks on the lives and freedom of expression of journalists in Europe as well as the progress made by national law enforcement authorities and national parliaments in their investigations of these attacks, and invites Reporters without Borders, the International Press Institute, the International Federation of Journalists and other organisations to report such attacks to the Assembly.

B. Draft recommendation

1. The Parliamentary Assembly of the Council of Europe recalls its Resolution (2007) on threats to the lives and freedom of expression of journalists and its resolution to set up a specific monitoring mechanism for identifying and analysing attacks on the lives and freedom of expression of journalists in Europe.
2. It recommends that the Committee of Ministers:
 - 2.1. express its unequivocal condemnation of the attacks on journalists in Europe, following the declarations made by the President of the Assembly, the Secretary General of the Council of Europe and the Commissioner for Human Rights of the Council of Europe after the murder of Anna Politkovskaya and the most recent declarations after the murder of Hrant Dink;
 - 2.2. call on police and law enforcement authorities in member states to react swiftly to threats against journalists linked to their work and develop specific strategies for the protection of journalists under serious threats, without hindering their work;
 - 2.3. instruct its competent Steering Committee to draw up policy guidelines on possible action by police and law enforcement authorities for protecting journalists under serious threats;
 - 2.4. establish also a mechanism for identifying and analysing attacks against journalists and other serious violations of media freedom in Europe, with a view to developing policy recommendations to member states on how to better protect journalists and freedom of the media, and report back regularly on this matter to the Assembly.

C. Explanatory Memorandum by Mr Andrew McIntosh

Introduction

1. Following a discussion on recent attacks and death threats to journalists, the Committee on Culture, Science and Education decided on 8 December 2006 to propose holding an Assembly debate under urgent procedure on the threats to the lives and freedom of expression of journalists in Europe. The Assembly ratified this on 22 January 2007. The Committee on Culture, Science and Education was charged with this mandate by the Assembly.

2. The immediate causes for this debate were the murder of the journalist Anna Politkovskaya in Moscow and incitement by religious extremists to murder journalists in France and Azerbaijan for their critical views about Islam in 2006. The organisation Reporters without Borders in Paris called 2006 the deadliest year for journalists in the world since 1994. Robert Ménard, Secretary General of Reporters without Borders, handed over to the President of the Assembly on 15 December 2006 a petition signed by some 12.000 individuals calling for an international investigation of the murder of Anna Politkovskaya. Just before this debate, on 19 January 2007, Hrant Dink was murdered in Istanbul – an event which underlines the urgency of this debate in a tragic way.

3. A year ago, the Bureau referred freedom of the media in Russia (Ref. 3165, 23 January 2006) for report to the Committee on Culture, Science and Education, which appointed me rapporteur. At its meeting on 13 April 2006, the Assembly Bureau modified this reference and gave it to the Monitoring Committee to be taken into account in the preparation of the monitoring report with respect to the Russian Federation. Since the latter report is still outstanding and media freedom in Russia has become a matter of great international attention through the tragic events in 2006, I now avail myself of the opportunity of adding parts from the report I had begun to write.

4. I wish to express my appreciation to Reporters without Borders in Paris, the International Press Institute in Vienna, Article 19 in London and the International Federation of Journalists in Brussels for their work for protecting journalists and freedom of expression in Europe and beyond. Reporters without Borders and the International Press Institute regularly report about assassinated journalists and attacks against them for their work. During a conference of the International Federation of Journalists in London on 12 December 2006, an ad hoc commission was set up to monitor progress in the legal investigations of the assassinations of journalists in Russia. This commission comprises representatives of the Journalists' Union of Russia and members of international journalistic and human rights associations. All these actions deserve political recognition.

5. I also thank Reporters without Borders, Mrs Myroslava Gongadze and the staff of Novaya Gazeta for their presence during this January part-session of the Assembly.

The protection of freedom of expression by the Council of Europe:

6. The right to freedom of expression is guaranteed by Article 10 of the European Convention on Human Rights. This right includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. All 46 member states of the Council of Europe have adhered to this freedom and it is thus the supreme norm in Europe for the protection of media freedom. Through its application of Article 10, the European Court of Human Rights has become not only the highest instance in Europe defining freedom of expression, but also the strongest defender of media freedom throughout the European continent.

7. The European Court of Human rights has consistently held that freedom of expression is one of the fundamental freedoms in a democratic society and a necessary requirement for its progress and for the development of every individual. It is important not only in itself, but also as a means to control and combat violations of other human rights by informing the public at large.

8. The importance of freedom of expression in the media was recognised long before the creation of the Council of Europe by absolutist monarchs, fascist dictators and communist dictators, who all denied this freedom by introducing severe censorship of all journalistic work, omnipresent political propaganda and strict government control over media outlets. The Council of Europe was created in 1949 as a determined step to prevent the resurgence of non-democratic government in Europe and to unite the democratic family of European nations. The only State in Europe which is excluded because of its adherence to old patterns of

censorship, propaganda, and strict government control of the media is the Republic of Belarus (see Assembly Resolution 1372 and Recommendation 1658 (2004) on the persecution of the press in the Republic of Belarus).

9. Freedom of expression in the media may also be threatened in democratic states, as the events in 2006 and January 2007 have shown. Therefore, the Council of Europe has developed a number of policy recommendations in the media field ranging from a right of reply and correction to the right of journalists not to disclose their sources of information, from the independence of public service broadcasting to the independence of regulatory authorities for the broadcasting sector, from freedom of political debate in the media to the provision of information through the media in relation to criminal proceedings, from measures concerning media coverage of election campaigns to measures to promote media pluralism and media transparency, from the protection of journalists in situations of conflict and tension to freedom of expression and information in the media in the context of the fight against terrorism (see for further references www.coe.int/media).

10. The Assembly has addressed problems concerning media freedom in Europe for decades and thus been monitoring the subject. It is worth recalling in this context Recommendation 1506 (2001) on freedom of expression and information in the media in Europe, Recommendation 1589 (2003) on freedom of expression in the media in Europe, Resolution 1372 and Recommendation 1658 (2004) on the persecution of the press in Belarus, Resolution 1438 and Recommendation 1702 (2005) on freedom of the press and the working conditions of journalists in conflict zones, Recommendation 1706 (2005) on media and terrorism and Resolution 1510 (2006) on freedom of expression and respect for religious beliefs.

11. The Committee of Ministers itself monitored freedom of expression a few years ago. The process was terminated despite direct appeals from the Assembly. The results of this process have been forwarded to the intergovernmental Steering Committee on Media and New Communication Services (CDMC). Follow-up by the Committee of Ministers is still outstanding and should be considered a priority in the light of this Assembly debate.

Threats to the lives and freedom of expression of journalists in Europe in 2006 and 2007:

- Events in Russia:

12. In its 2006 Annual Worldwide Press Freedom Index, Reporters without Borders in Paris ranked the Russian Federation 147 out of 168 states, which was by far the lowest rank of all member states of the Council of Europe (see for further details www.rsf.org). As in its 2005 Report, the main problems cited were government ownership and control of national broadcasting media, lack of pluralistic information, violence and harassment of journalists, abuse of defamation laws, and restrictive legislation on freedom of the media.

13. On 7 October 2006, Anna Politkovskaya, a reporter for the independent newspaper Novaya Gazeta, who was known for her criticism of President Putin and the Russian authorities and her critical coverage of the Chechen conflict, was found shot dead in the lift of her apartment building in Moscow. She was reportedly finishing an investigative article, to be published on 9 October, on cases of torture by the special security forces under the Chechen Prime Minister Ramzan Kadyrov. The Russian Prosecutor General started an investigation but the results are still unknown. Her work is thought to be the most likely motive for the killing, a view shared by the editor of Novaya Gazeta. She had received several threats to her life in the past. In 2001, she fled to Vienna after death threats following her article on disappearances in Chechnya linked to atrocities by security forces, which led to the prosecution and conviction in 2005 of a police officer for the torture and the disappearance of a Chechen civilian. She also claimed to have been subjected to a poison attack during her flight from Moscow to the North Caucasus in order to cover the hostage-taking at the school in Beslan, North Ossetia in September 2004. Her brave work brought her many international awards.

14. On 26 July 2006, Yevgeny Gerasimenko, a journalist working for Saratovsky Rasklad, a weekly in the city of Saratov in south-eastern Russia, was found dead in his apartment with a plastic bag over his head and multiple bruises on his body. His computer was missing, although police found no signs of violent entry. Reportedly, he had been investigating the corporate takeover of a local commercial enterprise. A homeless man, Sergei Finogeyev, was found guilty by a Saratov court of killing Gerasimenko while being drunk and robbing his apartment. Finogeyev was sentenced to 18 years in prison on 30 October by the court. Some doubts remain as to how Finogeyev was able to enter the apartment of Yevgeny Gerasimenko, why he killed him so brutally, and why this robbery happened while Gerasimenko was at home.

15. Two other media professionals were also murdered in Russia in 2006: Ilya Zimin, a television correspondent with NTV who was found dead in his Moscow apartment on 27 February 2006, and Anatoly Voronin, the business manager of the Russian state news agency Itar-Tass who was found stabbed to death in his Moscow apartment on 16 October 2006. There were supposedly no direct links between their assassinations and their work, but these two murders have added to a situation of fear among media professionals in Russia.

16. Two contributors to the *Novaya Gazeta* newspaper received death threats on 24 November. One was working on the situation in the North Caucasus, and the other was researching Anna Politkovskaya's death. For one of the journalists, the threats were accompanied by an SMS text message mentioning his home address.

17. Threats to the lives of journalists and human rights activists using media are appallingly common in Russia. Svetlana Gannushkina, a refugee rights activist, topped a list of 89 people published on the Internet in August 2006 by a radical nationalist group, the Russian Will, which urged "patriots" to take up arms and execute her and other friends of foreigners. Other alleged enemies of Russia included the journalist and commentator Yevgeniya Albats and the respected former member of the Russian parliamentary delegation to our Assembly Sergei Kovalyov, who had founded the first human rights organisation in the Soviet Union in 1969 and been sentenced to 7 years of labour camp and prison and 3 years of "internal exile" in Siberia for "anti-Soviet agitation and propaganda" in 1974. Anna Politkovskaya had also been on such a list of 63 "enemies of Russia" drawn up by the nationalist group National Sovereign Party of Russia.

18. Although Article 70 of the Penal Code of the former Russian Soviet Federative Socialist Republic on "anti-Soviet agitation and propaganda" no longer applies, current Russian legislation penalises defamation, extremism and conspiracy with terrorism in a broad manner which allows the prosecution of journalists who criticise government officials and action or disseminate information about matters related to terrorism, crime and security. Such legislation can only be regretted, and it seems to be guided by the same flawed approach as the former Article 70 by equating criticism with anti-Russian agitation. This creates a dangerous situation where nationalist circles may justify threats and violence against journalists by misguided "national interest".

19. International concern about attacks against journalists and independent media in Russia has been raised for some years, in particular by various Council of Europe bodies. The Committee on Culture, Science and Education addressed this issue in its report on freedom of expression in the media in Europe (Doc.9640, 14 January 2003). The Committee's rapporteur, Tytti Isohookana-Asunmaa from Finland, referred to legislation restricting freedom of the media in relation to combating terrorism, legal harassment of media outlets and violence against journalists as well as problems concerning the activity of television channels. The Human Rights Commissioner's Report on his visits to the Russian Federation (CommDH (2005) 2) also pointed out some worrying trends in recent years, in particular restrictions on freedom of expression in the context of the fight against terrorism as well as acts of violence against journalists. The Assembly called on Russia to redress the precarious situation of the freedom of its media under Assembly Resolution 1455 (2005) on the honouring of obligations and commitments by the Russian Federation. The latter referred, in particular, to persisting government pressure on the media and highlighted the need to create conditions for the development of pluralist and impartial broadcasting media and to guarantee the independence of the Russian public service broadcaster.

20. In 2005, six killings of journalists were reported: Pavel Makheev, reporter with the television company *TNT-Puls* in Rostov-on-Don (23 May); Magomedzaghid Varisov, journalist and the head of the centre for strategic initiatives and political technologies in Mahackala (28 July); Alexandr Pitserschii, journalist for radio "Baltika" in St. Petersburg (31 August); Vladimir Pashutin from Smolensk, retired journalist and member of the Union of Journalists (3 September); Tamirlan Kazihanov, journalist in Nalchik (Kabardino-Balkaria) (13 October); and Kira Lejneva, journalist with the newspaper "Kamenskii Rabocii" in Kamensk-Uralsk, Sverdlovskaya Oblast (4 November). These cases were investigated by the police in relation to the victims' work, but no results are known.

21. Sergei Lybimov, a journalist with the regional weekly *Bogatei* was brutally attacked on 19 February 2005 outside his home in Saratov by two men who broke both of his legs. Alexandr Krutov, of the same newspaper, was badly beaten by three persons outside his home in Saratov in March 2003 as he was about to publish a report which was critical of the local prosecutor's office.

22. Paul Klebnikov, editor of the Russian edition of the US magazine Forbes, was shot dead not far from his office on 9 July 2004. He became popular because of his journalistic investigations of politicians and influential businessmen including Russian oligarchs and warlords in Chechnya. A month before Klebnikov's assassination, his magazine had published for the first time a list of the 100 wealthiest persons in Russia, many of whom would have preferred avoiding this publicity. Investigators said they believed that the journalist had been murdered because he had planned to write about the embezzlement of funds allocated to the reconstruction of war-ravaged Chechnya. Yan Sergunin, a former Vice-Prime Minister of Chechnya who had supposedly promised to provide revelatory information to Klebnikov, had been assassinated two and a half weeks before the murder of Klebnikov. Three individuals were subsequently prosecuted for the murder of Paul Klebnikov but were finally acquitted for lack of evidence by a Moscow court. On 9 November 2006, the Russian Supreme Court decided to overturn this acquittal, and the case will be reopened by the Moscow court. Klebnikov's colleagues and other journalists are following the investigation (see www.projectklebnikov.org).

23. Alexei Sidorov was stabbed to death by two men near his apartment building in Tolyatti in October 2003. He had taken over as editor of the newspaper Tolyatinskoye Obozreniye from Valery Ivanov, a journalist who had been murdered under similar circumstances in April 2002. The newspaper had been well known for its reports on local organised crime, drug trafficking and corruption.

24. In 2002, eight journalists were killed, which meant that Russia was named the most dangerous country for journalists in Europe by the International Press Institute in its 2003 World Press Freedom Review. Among the journalists killed in 2002 were: Natalia Skryl, economic reporter for Nashe Vremia in Rostov-on-Don; Valery Batouev, journalist for Moskovskie Novosti; Sergei Kalinovskiy, editor-in-chief of the daily Moskovskiy Komsomolets in Smolensk; and Alexander Plotnikov, co-owner of Gostini Dvor in Tumen. All of them carried out critical reporting on local politics, organised crime, corruption or Chechnya.

- Events in other countries

25. The Assembly debate is taking place a few days after Hrant Dink, the editor-in-chief of the bilingual Turkish and Armenian weekly Agos, was shot dead in front of his office in Istanbul on 19 January 2007. After having written an article which addressed the mass killings of Ottoman Armenians in 1915, he was found guilty by a court in Turkey more than a year ago of insulting Turkish identity under the newly adopted and highly controversial Article 301 of the Turkish Criminal Code. He made an application to the European Court of Human Rights a few weeks ago. In one of his last newspaper columns, he mentioned that he had been receiving many deaths threats.

26. Reporters without Borders have given information about three brutal attacks on journalists in Azerbaijan, one in Moldova and three in Ukraine in 2006:

27. Fikret Huseynli, a reporter with the opposition newspaper Azadlig, was abducted on 5 March by three men and severely beaten. He was later found unconscious and hospitalised. The Azadlig newspaper lost its office premises in Baku, Azerbaijan by a decision of the administration and a subsequent court judgment in December 2006, but received other premises after an international protest.

28. On 18 May, Bahaddin Khaziyev of the newspaper Bizim Yol was also abducted, beaten unconscious and found 20 km outside of Baku in the early morning. The latest issue of Bizim Yol had dealt with illegal trafficking in caviar and linked corruption within the national security services.

29. Nijat Huseynov of the newspaper Azadlig was beaten and stabbed by several men on his way to his office on 25 December. He had to be taken to the hospital and survived the attack. Huseynov was regularly writing articles about corruption and misconduct by government officials in Azerbaijan.

30. On 16 March, Ion Robu, a known sports journalist with the independent new agency BASA in Moldova, was attacked with a blunt object in Chisinau and left unconscious. The Independent Journalism Center in Chisinau saw well-founded reasons to believe that this assault had to do with the professional activity of Ion Robu and had been a warning or a sanction for his criticism of the Moldovan sports lobby in his articles and his book.

31. Ihor Mosiyshuck, the editor of the privately-owned local daily Veshirniy Vasytkiv, was brutally beaten by a group of unidentified young people on a street in his home town of Vasytkiv, Ukraine on 14 August. Mosiyshuck published a series of articles claiming that members of the town council made money from the

privatisation of municipal land. He also ran an investigative report on the desire of certain officials to reopen a controversial fuel storage depot that was closed a year ago because it emitted toxic gases.

32. On 5 June, an arson attack was carried out against Sergei Yanovski of the national daily *Kievskie Vedomosti* and the regional weekly *Nasha Ukraina*. Petrol was fed with a hose through a window into the kitchen of his apartment in the southern city of Kherson, Ukraine, and the apartment was set ablaze while the front door was jammed shut. Yanovski, his wife and their child escaped unhurt. Yanovski had written articles criticising two influential local businessmen.

32. Another arson attack was carried out against the home of Lilia Budjurdova in Simferopol, Ukraine, editor of the weekly *Pervaya Krimskaya*, on 28 February. Petrol had been put in front of the garage on the ground floor of her home as set on fire. Members of her family, woken by the smell of smoke, managed to put out the fire before it destroyed the house. In the latest issue of the newspaper, which has a circulation of 32,000, it carried the list of candidates to parliamentary elections in Crimea on 26 March, having previously had problems with Ukrainian courts.

34. The mysterious murder of the Ukrainian journalist Georgiy R. Gongadze became a national scandal in Ukraine and a focus for protests against the government of the then President, Leonid Kuchma. Gongadze had disappeared on 16 September 2000. On 3 November 2000, a body was found in a forest near Kiyv. The corpse had been decapitated and doused in acid, apparently to make identification more difficult. The authorities did not officially acknowledge that the body was that of Gongadze until the following February and did not definitively confirm it until March 2003. On 28 November 2000, opposition politician Oleksandr Moroz presented secret tape recordings which supposedly implicated President Kuchma in Gongadze's murder. The Prosecutor General of Ukraine announced on 2 March 2005 on television that Gongadze had been murdered by senior policemen of the Interior Ministry. The trials are still ongoing.

35. The South East Europe Media Organisation (SEEMO) in Vienna monitors and regularly reports about attacks against media professionals in the region. The following incidents have been reported by SEEMO:

36. Mubarak Asani, a journalist for the Sarajevo-based public broadcaster BHT 1 TV, received anonymous death threats via telephone after the broadcasting of an investigative report in the weekly political programme "Javna tajna" (Public Secret) on 2 November 2006. The report revealed details about an illegal prostitution ring in the city of Sarajevo involving politicians and other public persons in Bosnia-Herzegovina, although the names of the politicians were not disclosed. After the programme was broadcast, Asani received over a hundred anonymous threatening phone calls as well as a request to make public the names of the politicians involved.

37. Slavica Jovanovic, a journalist from Macvanski Prnjavor in Serbia, received death threats on 18 August 2006 by telephone from an anonymous male. This was not the first time that Jovanovic had been threatened. In the past, her family members had been physically attacked. According to SEEMO, the local police refused to allow Jovanovic to file an official complaint. Indeed, it was only after the Journalists' Association of Serbia (UNS) intervened on her behalf that the police agreed to give her proper protection.

38. On 25 July, Jahja Fehratovic, editor of the weekly *Glas Sandjaka* in Serbia, received anonymous death threats over the phone and, on 12 July, Ladislav Tomicic, a journalist in Croatia for the daily newspaper *Novi list*, received an anonymous letter containing death threats directed at him and his family.

39. Drago Hedl, the editor of the Croatian weekly *Feral Tribune* received a death threat on 9 May 2006. Hedl said the threat was directed at him because of a series of articles he published on the torture and murder of Serbian civilians in Osijek. This was not the first time that Hedl received death threats.

40. On 6 April 2006, a bomb exploded in front of the house of Vassil Ivanov, an investigative reporter for Nova TV channel in Bulgaria. The explosion destroyed his apartment as well as the windows of the building and the cars parked nearby, but nobody was injured. Ivanov suspected the assault might have been connected to his reporting on crime and his investigative stories.

41. There may have been many other attacks against journalists in other European countries in 2006, but other attacks remained unfortunately unknown to the European public. This only underlines the importance of professional media organisations and non-governmental organisations reporting about such incidents.

- Incitements to murder journalists by religious circles:

42. The phenomenon of religious leaders passing religious decrees to murder journalists or writers for their work is unfortunately not new. It became publicly known in Europe in 1989 when the Indian-born writer Salman Rushdie was the object of a religious decree or fatwa by the Grand Ayatollah Khomeini of Iran. This fatwa called for his assassination for having published his novel 'Satanic Verses'. Further religious decrees and death threats against journalists occurred following the publication of Mohammed cartoons in the Danish newspaper Jyllands-Posten in 2005 and other newspapers later.

43. In 2006, two religious decrees became known to have been passed against Europeans for having published their ideas about Islam. The Grand Ayatollah Fazel Lankarani of Iran issued a fatwa calling for the assassination of Rafiq Tagi, a journalist in Azerbaijan who wrote about Islam and reprinted the Mohammed cartoons of Jyllands-Posten in the Azerbaijani newspaper Senet, as well as the editor of Senet, Samir Sedagetoglu. Tagi and Sedagetoglu also received a two-months prison sentence in an Azerbaijani court for this article.

44. Robert Redeker, a French professor and writer who had published a strong criticism of the Prophet Mohammed in the French newspaper Le Figaro on 19 September 2006, received numerous death threats from religious extremists following the publication of his article. One of those death threats was posted on the Internet.

45. The focus of this report is not on attacks on religions, where I fully share Assembly Resolution 1510 (2006) on freedom of expression and respect for religious beliefs. In this report, I am calling on member states to do more to protect journalists against death threats from religious extremists, organised crime, nationalist groups or other persons.

46. Article 2 of the European Convention on Human Rights guarantees the protection of human life by law. All signatory parties to the Convention have the duty to pass and enforce laws that adequately protect the lives of everyone, including journalists who have the right to express their ideas also about religious issues under Article 10 of the Convention. The latter right is not absolute and where legitimate boundaries have been exceeded, legal restrictions may be imposed by courts of law. The rule of law in a state is at stake, however, where journalists are faced with death threats for the ideas they have expressed. The right to life is pre-eminent and deserves the highest protection. It cannot be accepted that the mob takes so-called justice into its hands and threatens to murder people.

47. Therefore, police and law enforcement authorities should be prepared for such threats. It is indispensable that law enforcement authorities react swiftly once threats have become known. Websites calling for the assassination of individuals must be closed down immediately and printed material must be seized. Telephone threats must be investigated with the help of telecom providers. Specific plans for the protection of individuals under serious threats should be developed. For journalists, however, such action must not restrict their work if they so wish, which requires that police and the journalists concerned co-operate. Police and law enforcement authorities in member states have experience in such protection with regard to witnesses in trials involving organised crime. This experience may also guide the protection of journalists.

Co-operation with professional organisations:

48. Several professional organisations are effectively monitoring assassinations, life threats and attacks concerning journalists. On the international level, this includes Reporters without Borders, the International Press Institute and the International Federation of Journalists, while the Glasnost Defence Foundation in Moscow and the South East Europe Media Organisation in Vienna can be cited as regional examples. Their work is indispensable, because these organisations are best placed to do such monitoring. Of course, their work is also protected by the right to freedom of assembly and association under Article 11 of the European Convention on Human Rights.

49. On 15 December 2006, Robert Ménard, Secretary General of Reporters without Borders, handed to the President of the Parliamentary Assembly a list with 12,175 signatures to a petition calling for an international investigation into the murder of Anna Politkovskaya. René van der Linden, the President of the Assembly, met in Moscow on 11 January 2007 with the director of Novaya Gazeta where Anna Politkovskaya had worked.

50. The fact that this Assembly is holding a debate under urgent procedure is a reflection of the public outrage at the death of Anna Politkovskaya and Hrant Dink. But it also provides the possibility for a deeper analysis of the situation of the media in Europe vis-à-vis death threats. The Assembly should therefore develop greater co-operation with professional organisations of journalists and the media. I suggest inviting them to continue to report regularly to the Assembly all attacks on the lives and physical integrity of journalists occurring in Europe.

51. I encourage members of this Assembly to help these organisations and actively contribute to their action for greater protection of the lives and freedom of expression of journalists.

Action by the Committee of Ministers:

52. Following the murder of Anna Politkovskaya on 7 October 2006, the President of the Assembly, the Secretary General of the Council of Europe and the Commissioner for Human Rights of the Council of Europe issued public statements deploring this assassination and expressing their hope that this act be investigated thoroughly. Thomas Hammarberg, the Commissioner for Human Rights, stated: "Ms Politkovskaya's murder signals a major crisis of free expression and journalistic safety in Russia. The Russian authorities already failed at investigating previous murder attempts and death threats on her life. They now have no excuse to not thoroughly investigate the circumstances of her death, and punish those who committed this deplorable crime." I fully share and support this view.

53. While the Committee of Ministers and its Russian Chairmanship at that time did not react to the murder of Anna Politkovskaya, it is now time for the Committee of Ministers to give consideration to specific and thorough follow-up to its monitoring exercise on freedom of expression. Freedom of expression in the media is a core freedom for the Council of Europe, as reaffirmed by the Committee of Ministers in its Declarations on freedom of expression and information of 29 April 1982 and on freedom of political debate in the media of 12 February 2004.

54. As mentioned above, police and law enforcement authorities are obliged under Articles 2 and 10 of the European Convention on Human Rights to react swiftly to threats against journalists linked to their work, for instance by providing adequate protection to journalists, closing down websites that call for the assassination of journalists, and investigating all threats. These authorities should therefore develop specific strategies for the protection of journalists under serious threats. However, such action must not hinder the work of the journalists concerned. The Committee of Ministers should instruct its competent Steering Committee to draw up policy guidelines in this respect, in order to guide authorities in member states.

55. It is, however, not enough to guarantee freedom of expression under Article 10 of the European Convention of Human Rights and open legal recourse to the European Court of Human Rights for any violations of this freedom. Just as with the prohibition of torture under Article 3 of the Convention, the supervisory mechanism of the Convention comes too late for the victims. Therefore, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment has been established by the Committee of Ministers to assist member states in preventing violation of Article 3 of the Convention. A similar approach should be taken with regard to Article 10 of the Convention. Through regular and structured monitoring by the Committee of Ministers of serious threats to freedom of expression in the media in member states, violations of Article 10 of the Convention may be avoided, freedom of expression in the media better protected, and the lives of journalists saved. That is the purpose of this Assembly debate.

Doc. 11143

Reporting Committee: Committee on Culture, Science and Education

Reference to Committee: Reference No. 3303 of 22.01.2007

Draft resolution and draft recommendation unanimously adopted by the Committee on 22.01.07

Members of the Committee: Mr Jacques **Legendre** (Chairman), Baroness **Hooper**, Mr Wolfgang **Wodarg**, Mrs Anne **Brasseur**, (Vice-Chairpersons), Mr Hans Ager, Mr Toomas **Alatalu**, Mr. Kornél Almássy, Mr Lars **Barfoed**, Mr Rony **Bargetze**, Mrs Marie-Louise Bemelmans-Videc, Mr Levan **Berdzenishvili**, Mrs Oksana Bilozir, Mrs Maria Luisia Boccia (Alternate: Mr Stefano **Morselli**), Mrs Margherita Boniver, Mr Ioannis **Bougas**, Mrs Cornelia **Cazacu**, Mr Osman **Coşkunoğlu**, Mr Vlad Cubreacov, Mr Ivica **Dačić**, Mrs Maria **Damanaki** (Alternate: Mrs Eleanora **Katseli**), Mr Joseph Debono Grech, Mr Stepan Demirchyan, Mr Ferdinand **Devinski**, Mrs Kaarina **Dromberg**, Mrs Åse Gunhild Woie **Duesund**, Mr Detlef Dzembitzki, Mrs Anke Eymer, Mr Relu Fenechiu, Mrs Blanca **Fernández-Capel** (Alternate: Mrs Soledad **Becerril Bustamante**), Mrs Maria Emelina Fernández-Soriano (Alternate: Mr Iñaki **Txueka**), Mr Axel **Fischer**, Mr José Freire Antunes (Alternate: Mr José Luís **Arnaut**), Mrs Alena Gajdúšková, Mr Eamon Gilmore, Mr Stefan **Glăvan**, Mr Luc Goutry, Mr Vladimir Grachev, Mr Andreas Gross, Mr Kristinn H. Gunnarsson, Mr Jean-Pol Henry, Mr Rafael **Huseynov**, Mr Fazail **Ibrahimi**, Mrs Halide **İncekara**, Mrs Evguenia **Jivkova**, Mr Morgan **Johansson**, Mr Ali Rashid Khalil, Mr Serhiy Klyuev, Mr József **Kozma**, Mr Jean-Pierre Kucheida, Mr Guy **Lengagne**, Mrs Jagoda Majska-Martinčević, Mr Tomasz **Markowski** (Alternate: Mr Zbigniew **Girzynski**), Mr Andrew **McIntosh**, Mr Ivan Melnikov, Mrs Maria Manuela de Melo, Mrs Assunta Meloni, Mr Paskal Milo, Mrs Christine **Muttonen**, Mrs Miroslava Němcová, Mr Edward **O'Hara** (Alternate: Mr Robert **Walter**), Mr Kent **Olsson**, Mr Andrey Pantev, Mrs Antigoni **Pericleous Papadopoulos**, Mr Azis **Pollozhani**, Mrs Majda Potrata, Mr Dušan Proroković, Mr Lluís Maria de **Puig**, Mr Johannes Randegger, Mr Zbigniew **Rau**, Mrs Anta Rugāte, Mr André **Schneider**, Mr Vitaliy Shybko, Mrs Geraldine Smith, Mrs Albertina Soliani, Mr Yury Solonin, Mr Christophe Spiliotis-Saquet, Mr Valeriy **Sudarenkov** (Alternate: Mr Oleg **Panteleev**), Mr Mehmet **Tekelioğlu**, Mr Ed van Thijn, Mr Piotr Wach, Mr Emanuelis Zingeris.

N.B : The names of the members who took part in the meeting are printed in **bold**

Head of the Secretariat: Mr Grayson

Secretaries to the Committee: Mr Ary, Mr Dossow