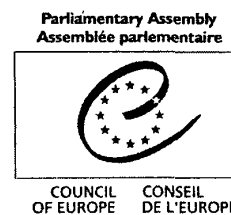


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(Second part)

REPORT

Fourteenth sitting

Thursday 28 April 2005 at 10 a.m.

In this report:

1. Speeches in English are reported in full.
2. Speeches in other languages are summarised.
3. Speeches in German and Italian are reproduced in full in a separate document.
4. Corrections should be handed in at Room 1059A not later than 24 hours after the report has been circulated.

The contents page for this sitting is given at the end of the verbatim report.

Mr van der Linden, President of the Assembly, took the Chair at 10 a.m.

THE PRESIDENT (Translation). – The sitting is open.

1. Minutes of proceedings

THE PRESIDENT (Translation). – The minutes of proceedings of the twelfth and thirteenth sittings have not yet been distributed, so their adoption is deferred to a later sitting.

2. Written declaration

THE PRESIDENT (Translation). – In accordance with Rule 53 of the Rules of Procedure a written declaration, No. 363, on joint study of the events of the First World War in the Ottoman Empire, Document 10532, which has been signed by ninety-seven members, has been printed.

Any Representative or Substitute may add his signature to this written declaration in the Table Office, Room 1083. If any names are added, the declaration will be distributed again two weeks after the end of the part-session, with all the accumulated signatures.

3. Freedom of the press

THE PRESIDENT (Translation). – The business this morning is the debate, under urgent procedure, on the freedom of the press and the working conditions of journalists in conflict zones. Mr Jařab will present the report of the Committee on Culture, Science and Education, Document 10521, and Mr Mihkelson will present the oral opinion of the Political Affairs Committee.

The list of speakers closed at 7 p.m. yesterday. Thirteen names are on the list, and seven amendments have been tabled.

I call Mr Jařab, Rapporteur of the Committee on Culture, Science and Education. He has eight minutes.

Mr JAŘAB (*Czech Republic*). – On Monday, the Assembly agreed to hold a debate under urgent procedure on the freedom of the press and the working conditions of journalists in conflict zones. As we know, the motion originated from members of the delegations from France and Romania, who are very concerned about the fate of two French and three Romanian journalists who were kidnapped in Iraq on 5 January and 28 March this year respectively. I am confident that we all share their deep concern, as has been the case with earlier kidnappings, disappearances and even murders of journalists of whatever nationality and whatever media who became victims of acts of violence and aggression.

For me, the relevant question is what the Parliamentary Assembly can and should do to prevent such regrettable acts and what can and should be done when they do happen. Frankly, I have to admit that I have no easy answers. As an overwhelming number of members of the Assembly decided to hold this debate, I take it that we want to engage in serious reflection on this uneasy matter and thus test our potential and our responsibilities.

What is beyond doubt is our conviction that freedom of expression and of information constitute a core value guaranteed by the European Convention on Human Rights. Situations of war and violent conflict do not and should not qualify the right of the journalist freely to inform and the right of the public to be truly and adequately informed. On the contrary, the importance of such provision is enhanced because such situations frequently require an immediate response and reaction. We have to ask also what is being done and what more can be done to ensure the safety and security of those who serve the public by providing information from high-risk areas. How can their liberty and lives be better protected and the danger minimised?

Of course, we will always continue to condemn, as we have done so far, cases of murder, kidnapping and disappearance of journalists working in conflict areas, on dangerous subjects and in lawless environments. Of course, we shall use the moral authority of the Council of Europe and its representatives to call for the release of journalists taken hostage by adversaries and criminal forces. Of course we will remind the world of the importance of considering, under international law, journalists as civilians even if they report from war areas. But what else can we do? What more can be done?

It should be clearly understood that journalists who decide to work in conflict areas are consciously taking a risk and there is no way of guaranteeing that nothing can ever happen to them. However, it is important that they take on the task and embark on such dangerous missions not only voluntarily but well prepared and equipped. Here we think of training and information programmes for correspondents, as well as of technical devices. Ensuring that such requirements are fulfilled offers us, as politicians and legislators, some space for action and supervision.

One thing that we could recommend is encouraging co-operation with, and the support of, national and international non-governmental professional organisations such as Reporters without Borders. Another is to appeal, through their competent ministers, to governments of member and observer states to guarantee, through legislative measures and executive decisions and acts, the best possible working conditions for journalists working in conflict areas, without compromising the principle of freedom of the press and expression. For instance, it should not be acceptable for authorities to prevent journalists from doing their reporting using the excuse of their hazardous conditions involved – they should be expected to be ready to provide the maximum protection to those who need it. The way in which that delicate balance is achieved should be constantly monitored through the instruments available in the Council of Europe, in co-operation with other international organisations concerned with human rights.

The last thing to add, even if only as a footnote, is that we should also be aware of the reality that the media represent a highly competitive environment in which journalists may sometimes fall victim to their own desire to bring the first and most sensational news, often being driven to such hazardous action by the editors or owners of their media. In such cases, is it not time to ask whether the price of such news is too high? Is there anything that we can do about that in our societies and from the position of the Council of Europe? That could be a subject for another, not entirely unrelated, debate.

THE PRESIDENT (Translation). – Thank you, Mr Jařab. I call Mr Mihkelson to speak on behalf of the Political Affairs Committee.

Mr MIHKELSON (*Estonia*). – I should like to mention three matters that we discussed yesterday in the Political Affairs Committee. First, I shall touch on the question of freedom to report. Those of us here in the Parliamentary Assembly of the Council of Europe stand for human rights, democracy and the rule of law not only in our member states but beyond our area. We should be very concerned that the information that we get is as objective as possible. It is therefore in our interests to ensure that our member and Observer states make it possible for journalists to work in conflict areas such as war zones and lawless regions where our states may be involved in military missions or peacekeeping operations. During the past decade or so, we have sometimes seen that journalists are not always left to work freely. I should particularly mention Iraq, as well as Chechnya, which has been a very hot topic at the Council of Europe for many years.

Secondly, I turn to the instigation of acts of violence against journalists. We all know that impunity in that area is enormous. In the past ten years, 339 killings of journalists have been reported worldwide, but in only 15% of cases have those involved been brought to justice. It is extremely important for our member states and Observer states to do everything possible to break that tendency. Those who target and kill journalists understand that they are immune and beyond the reach of justice. We know about what is going on not only in Iraq but in our member states. Unfortunately, one of our member states, Russia, is very high up in the rankings of countries that are dangerous for journalists to work in.

Thirdly, I want to mention responsibility and training. Media organisations are in a very competitive field but should be responsible in sending out correspondents to conflict areas and should be prepared to send only very well-trained journalists. That would avoid the need for us to discuss such issues today in this urgent debate.

THE PRESIDENT (Translation). – Thank you, Mr Mihkelson. I call Mr Çavuşođlu, on behalf of the European Democratic Group.

Mr ÇAVUŞOĐLU (*Turkey*). – On behalf of the European Democratic Group, I thank the rapporteurs for their comprehensive work. Freedom of expression, particularly in the media, has always been an outstanding issue in democracies in every society. Having a free, pluralist and independent media, in conformity with the responsibilities derived from professional principles, is an essential indicator of the democratic maturity of nations. Today's debate on the freedom of journalists in crisis zones is topical, timely and important.

During times of war and conflict, ensuring the free flow of information, as well as freedom of expression, takes on a heightened importance. At such times, members of all media often face difficulties in meeting the public's growing need for accurate information. The international regulations governing

freedom of information show that, whereas in general that freedom enjoys strong protection, the situation during times of crisis is not so clear. In the light of the increased responsibilities of journalists during such periods, there seems to be a need for new legal measures. If journalists abided with particular care by principles of professional ethics, that would contribute as much as laws and regulations to the cause of responsible journalism.

With the awareness of that responsibility, media institutions and journalists can play an effective role in helping to prevent wars and conflicts, as well as in defusing rising tension in the promotion of peace. Legal texts should be reviewed and legal documents within the framework of European standards should be improved in order to guarantee freedom of expression and information in times of crisis. Appropriate mechanisms could be established to perform regular reviews and take the necessary action to improve the free movement of media professionals and address questions of their rights and responsibilities in times of crisis.

Media organisations and professionals should be encouraged to set up information centres in Europe, with common standards of accreditation, for training journalists in times of crisis. Member states' implementation of the texts adopted by the Council of Europe on freedom of expression and information in times of war and crisis should be monitored. In parallel with all those measures, any interference with the work of journalists in such situations must remain the exception and be strictly in line with the conditions set out in the relevant international human rights instruments.

I stress that we all condemn attacks on freedom of expression, on the free and unhindered exercise of journalism and on the physical integrity of journalists, which recently occurred in some conflict zones. The safety and security of media professionals is a matter of continuing concern, especially in times of crisis. All cases of violence against journalists or the media should be fully and independently investigated. Media professionals and their professional organisations should be appropriately assisted to take measures to reduce the risks that face media personnel.

In view of the urgency and importance of the issue, we support the report and the resolution, which, we hope, will contribute to and assist the legislative work, as well as efforts to remedy situations in which media professionals encounter threats to their safety or freedom when covering crises.

THE PRESIDENT (Translation). – Thank you. I call Mr Oliynyk to speak on behalf of the Group of the Unified European Left.

Mr OLIYNYK (*Ukraine*) said that there were excellent and honest journalists who worked on dangerous missions where even their basic rights had been violated. For example, journalists had been shot in the back. A Unesco study had compared the work of journalists to that of test pilots. A better comparison was with the work of mine clearers. Since it was the job of journalists to bring news, a system to protect them should be devised.

In April 2003, a television journalist, Taras Protsyuk, had been killed in Iraq. While United States sources had claimed that it was a chance incident, there had been film of a United States tank shooting at the journalist. That was the first occasion on which a journalist had filmed his own killers. It was a good example of the dangers faced by journalists reflected in the report before us. The resolution referred to freedom of expression in the media, and anyone who attacked that was performing a criminal act.

He thanked a number of institutions, such as the International Federation of Journalists and the International News Safety Institute, whose activities helped prevent the covering up of attacks on journalists. He hoped for the Assembly's support for measures to safeguard journalists and said that it was a priority to obtain the release of those journalists currently in detention.

THE PRESIDENT (Translation). – Thank you. I call Mr Severin to speak on behalf of the Socialist Group.

Mr SEVERIN (*Romania*). – Today in downtown Strasbourg, one could see the photographs of the two French journalists who were kidnapped by terrorists from fundamentalist organisations in Iraq. Apart from the photographs, one could read the words that the media are the daughters of freedom. That is indeed true, but the media are much more than that – they are the guarantors of freedom. All our values are in peril when the media are not free, not only from state control and that of various oligarchies, but from any other threat or restriction, including, of course, that from global terrorism.

The media make dictatorship impossible. We should therefore mobilise in defence of freedom of the press and of journalists' lives whenever they are threatened. We are considering not only life but our values. Our values are based on the culture of life, which the culture of death denies. What can we do to

defend the lives of journalists and the freedom of the press? What can we do to combat directly expressions of the culture of death and behaviour that goes completely against the values that we promote and defend?

The Assembly should send a message at the end of our deliberations that we exclude any possibility of democratic states' willingness to negotiate with terrorists while they use human life, especially the lives of journalists, as leverage for shaping political decisions. The terrorists must understand that they cannot simply use journalists or any other human beings to blackmail the democratic decision makers. There cannot be dialogue with them.

We are trying to promote a culture of tolerance. However, we cannot tolerate intolerance or any attempt to transform journalists' lives – or those of other human beings – into tools for attaining political goals or promoting a philosophy of death against the values of our culture of life.

We should also express our readiness to organise some sort of transborder police or other force of order to protect journalists in dangerous areas. Terror is internationalising and we should therefore internationalise the structures of order against terrorist acts.

We should call for more solidarity in the international community on enhancing measures for rescuing kidnapped journalists. When the freedom or life of one single journalist is in danger, all our freedoms and liberties are in peril. We should therefore not take the view that the liberation of journalists is the responsibility of the state in which they are citizens. It is the responsibility of the entire international community.

I shall not repeat the various suggestions made by the rapporteur. I simply stress that we should think again about co-operation on intelligence. That would lead to better protection of journalists' lives and freedoms.

Everyone's freedom and life is precious. Journalists' lives and freedom are even more important because they guarantee our values. Our debate is therefore important and I am glad that we are holding it.

THE PRESIDENT (Translation). – Thank you, Mr Severin. I call Mr Schreiner to speak on behalf of the Group of the European People's Party.

Mr SCHREINER (*France*) said that on 5 January 2005, French journalist, Florence Aubenas and Hussein Hanoun al-Saadi had been kidnapped and were detained for 115 days with little news. The incident had occurred shortly after other French and Italian journalists had been kidnapped. More recently, three Romanian journalists, Sorin Dumitru Miscoci, Marie-Jeanne Ion and Eduard Ovidiu Ohanesian, had been detained. It was therefore understandable that the Romanian and French delegations to the Assembly wished to have a debate on this matter.

In the absence of information or claims of responsibility for those and other kidnappings, journalists had acted with solidarity. On 3 March, there had been a meeting of French senators and members of the French National Assembly to demand the release of those detained and Mr van der Linden had been invited to join that event. He thanked Mr van der Linden for coming to support the purpose of the meeting and showing solidarity. His action was greatly appreciated in France.

The activities of journalists were frequently considered uncomfortable in certain countries, but that was why they were essential to democratic societies. Journalists were often in war zones, and everyone would remember the picture of the little Vietnamese girl running in terror from a napalm attack during the Vietnam War. That picture enabled us to discern a different face of war.

Since those days, the risk to journalists had increased. Not only had journalists to accept day-to-day risks, but now terrorists and mafia groups targeted journalists directly in order to reinforce their messages to the world. There had been a declaration demanding the release of Romanian and French journalists in Iraq, but there were hostages in other war zones. When Mr van der Linden came to the meeting with senators and National Assembly members in France, he had said that the freedom of the press must be defended. That was why the Council of Europe had to take the matter up.

THE PRESIDENT. – Thank you, Mr Schreiner. I call Mr Eörsi to speak on behalf of the Liberal, Democratic and Reformers' Group.

Mr EÖRSI (*Hungary*). – The Liberal, Democratic and Reformers' Group was against this debate. Our main argument was that terrorists would like to become part of the public discussion. By discussing this matter today, we are, in a way, implementing the wishes of terrorists. I thank my good friend, Josef Jařab, for the document, which, in our view, attempts a mission impossible.

To whom are we speaking and what is a conflict zone? The authorities have a limited impact in a conflict zone. The final sentence of paragraph 4 of the draft resolution states, "The Assembly calls for the immediate release of those held hostage." However, it does not state who might be holding them hostage. We are asking terrorists to release hostages and this is the first time in our history that we have addressed them.

Journalists are fully aware of the dangers in conflict zones, but they still go to them. Why do they go? I hope that many of them go to report the truth, but many more go because their editors command them to do so, because their fees are very high – if their reports are interesting enough – and because of their own personal ambitions. Journalists cannot be banned from visiting conflict zones. The Political Affairs Committee has an excellent proposal on training journalists, but my reservation is that the terrorists will always be better trained.

When it comes to reporting the truth in a conflict zone, I think of William Howard Russell, who was the father of war journalism. During the Crimean war, he said "Am I to tell these things or hold my tongue?" That was the first expression of self-censorship in a conflict zone. In Iraq, self-censorship is greater than it was in earlier centuries. Journalists who go to Iraq must decide whether they should become part of the propaganda, whether they should exert self-censorship and whether they should obtain accreditation. If they do not obtain accreditation, they cannot access information, but if they obtain accreditation, they must impose certain rules on themselves.

Terrorists consider journalists part of the enemy's propaganda. We could ask the terrorists to observe the Geneva Convention, but we know that terrorists would never stick to any international standards. This week, we have discussed Guantánamo Bay. What do we say when someone whom terrorists consider a major enemy, the United States of America, does not stick to the Geneva Convention? This Organisation stands for the rule of law, and the first precondition for the rule of law is that the authorities can exert their jurisdiction and apply the law. The problem in a conflict zone is that the authorities cannot enforce the law, so I believe that, besides expressing our sympathy, we can help only by providing assistance on the political issues in overcoming these conflicts. That is the solution because, unfortunately, we cannot ban conflict zones.

THE PRESIDENT. – Thank you, Mr Eörsi. I call Lord Judd.

Lord JUDD (*United Kingdom*). – I want to join others in thanking Josef Jařab for this timely report. A report on this important issue from somebody with his background is bound to be particularly significant.

I am glad that we are paying tribute to the courage of journalists. I am even more glad that we are expressing our concern for those who have perished, or been maimed or wounded in the course of their work. It is very necessary that we express our solidarity with those who have been kidnapped and indeed with their families and dependants. The message that must go out from our deliberations is that those who resort to kidnapping work against any cause that they claim to espouse.

We frequently remind ourselves that the Council of Europe is about human rights and humanitarian principles if it is about anything at all. The role of the media in sustaining human rights and in drawing attention to humanitarian issues and challenges is second to none.

Information and honest analysis are central pillars of democracy and free society. Indeed, it is difficult for democracy to be better than the quality of information and analysis with which it is working. In conflict situations, therefore, it is particularly important that it is always abundantly clear – the report touches on this – which reports have come from embedded sources. That is not to question the integrity of the journalists involved – I applaud their courage – but it is to recognise the fact that there are obviously limitations to the comprehensive nature of reports from journalists working in an embedded situation.

I want briefly to refer to two other issues. One is the danger of courageous journalists being used by proprietors and editors who have a line of their own that they wish to peddle and who can be selective in the presentation of the information that the journalists are gathering. They can contextualise that information in a way that the journalists themselves would not embrace.

We must also beware of the use of conflict reporting as a means of entertainment – a means of crudely promoting the sales of newspapers. This, too, is to undermine the courage and professionalism of the journalists themselves.

One of the matters on which I have reflected on a number of occasions is how sometimes journalists – after they have returned from the conflict, in relaxed seminars or wherever – talk most movingly about the experiences they have been through. In looking back on those experiences, they have

expressed anxiety about the degree to which the adrenaline became a dominant feature in how they conducted themselves. They got caught up in the excitement of the situation. When they have time to reflect, they have some challenging things to say to us all about the situations they have faced.

We in the Council of Europe might consider ways to get journalists who have been through such conflicts to come to talk and reflect with us on some of what they have experienced and the lessons they have learned. That could be very important for us.

I had the privilege of being the director of one of Europe's largest humanitarian agencies, Oxfam. On a number of occasions, I was sickened when we approached newspapers and said, "We can see a humanitarian and conflict situation arising. Please come and focus on the issue now, before it's too late," only to receive the reply, "But there is no money in the budget. Don't worry, when the conflict starts, we'll be there." There is a challenge there for the proprietor of every newspaper.

THE PRESIDENT (Translation). – Thank you, Lord Judd. I call Mr Rochebloine.

Mr ROCHEBLOINE (*France*) said that France was on the front line in the kidnapping of journalists and he listed the names of several journalists who had been involved in kidnaps abroad. Since the start of the Iraq War, twenty-one journalists had been kidnapped, some of whom were still being held. He called on democratic countries to support all efforts to free those journalists still in captivity. It was very important to defend the freedom of the press, as freedom of thought and expression was essential to the well being and evolution of mankind.

Several attempts had been made to promote freedom of the press. In 1993, the UN had introduced a world press freedom day, and in 1997, it had created a prize for those who had gone to extreme lengths to defend this freedom.

Recent statistics from the group Reporters without Borders were not encouraging. Press freedom was still being compromised. The European Convention on Human Rights stressed that freedom of opinion, without interference from authorities, was a basic human right. Freedom of opinion led by extension to the freedom of the press. Only when the press was free would there be freedom of conscience and expression. Therefore it was crucial to address the problem without delay. Journalists had to be released and a lasting solution to the problem had to be found.

THE PRESIDENT (Translation). – Thank you, Mr Rochebloine. I call Ms Cliveti.

Ms CLIVETI (*Romania*) said that three Romanian journalists were still being held in Iraq. Initially, the Romanian public had wondered whether such a thing could really be happening, but now everyone was very worried for them. The country was divided on whether the journalists were reckless or courageous, but none in Romania had remained indifferent to their plight. The ultimatum given by the terrorists on the three hostages would run out at 5 p.m. on 28 April. She urged the Assembly to think of the families and friends of those hostages.

She said that everyone would concede that journalism could sometimes be a risky venture, but the authorities should address the issue. Training should be arranged before journalists were assigned to a specific task that might prove dangerous. In particular, female journalists who encounter more problems in terms of sexual harassment and physical violence should receive more extensive support and training. Romania appreciated the support of the Council of Europe on the issue and remained committed to espousing European democratic values. People must not become pawns in political games and civilians must remain protected from the battlefield.

THE PRESIDENT (Translation). – Thank you, Ms Cliveti. I call Mr Păunescu.

Mr PĂUNESCU (*Romania*). – I do not agree with the cynical idea that we should not discuss this problem. I am a senator, writer and journalist from Romania, and Romanians thank the Assembly for this gesture towards freedom. Journalism is a means of communication, bringing people, countries and continents closer together. Mirrors cannot be blamed for what they show, because they reflect things as they really are. Three Romanian journalists are being held hostage in Iraq, like many other people from other countries. They are threatened with the same unfair, barbarian and slow death that faces people in Transnistria.

Those journalists do not have any responsibility at all for the tragedy taking place in Iraq. They do not belong to the armed forces engaged in bloody battles and it is not their role to bring an end to those battles – the end for which we and many other people are waiting. Journalism holds a mirror up to the

world and to war. It is impartial in revealing the tragedy of war, as journalists do not take sides and can convince people that peace is better than war.

Journalists are as innocent as the old men, women and children in Iraq who die every day because they simply cannot end the conflict. The situation is becoming increasingly absurd – some people have provoked a war and others are suffering as a result. Journalists are like doctors who choose to go to the battlefield because humanity is wounded. Anyone who kills a journalist forfeits his right to information and thus the defence of other rights.

It is tragic that three young, talented Romanian journalists should be held responsible for the military actions of their own country. They are not officials and, moreover, they have had the courage to criticise many of the positions taken by their own government. Setting those journalists free and sparing their lives must inspire solidarity across the world.

I should like to remind you of a significant moment in Homer's "Odyssey" when Ulysses returned to Ithaca and punished his wife's suitors by beheading them. He was careful to forgive two people and allow them to live – the singer Phemios and the city crier Medon. Those characters are equivalent to the artist and the journalist. Ulysses understood that many suitors had acted badly and had forced the artist and the city crier to act against the wishes of their own hearts. Ulysses also knew that without the artists and the journalists, he, the hero, would not survive in the memory of future generations. When we talk about the "Odyssey" today, its hero and the citadel of Ithaca, we do so because the artist and the journalist were not murdered by the victors. We pray for Marie-Jeanne Ion, Sorin Miscoci and Eduard Ohanesian, for hostages from all countries and in all times, and for hostages of the illegal Bolshevik regime in Transnistria. At the same time, we must not forget the meaning of life and peace. Terrorists are not afraid of war. War nourishes terrorism and terrorism nourishes war. The only efficient weapons against terrorism are peace, solidarity, education and science, which should be used to eradicate poverty across the world.

Lack of hope radicalises people who live in miserable conditions. They need to experience the bittersweet taste of hope. The Council of Europe is a forum for peace, human rights, hope and democracy. Let us defend those journalists who are held hostage and who are in danger of losing their lives. Nobody should have the abusive right to kill three people judged guilty just because they exist and are different. What power do we have in the face of this tragedy? Our debate has meaning, as it helps us to know in our own conscience that we did everything to help those journalists escape their fate. We must propagate freedom and peace.

THE PRESIDENT (Translation). – Thank you, Mr Păunescu. I call Mr Bockel.

Mr BOCKEL (*France*) said that the freedom of the press and universal suffrage affected everyone. Terrorism attacked both the freedom of the press and democracy. However dramatic the news was, freedom of the press must be protected throughout the world. Everyone had seen and was distressed by what the terrorists had done in Iraq. The work of journalists was very difficult in such circumstances. Terrorism was universally condemned and although there were attempts to understand its causes, allowances for it should not be made. The Council of Europe had to defend universal values, including the freedom of the press.

Victor Hugo had said that freedom of the press was part of democracy. Terrorism was a denial of democracy. It was important to have a variety of sources of information from the Middle East and other countries. Journalists played a large part in influencing opinion. The Council of Europe's role was to ensure that the journalists' role was not overlooked in difficult circumstances. Everything possible must be done to secure the release of the French and Romanian journalists held hostage in Iraq. Only then could freedom of expression be upheld.

(*Mr Bindig, Vice-President of the Assembly, took the Chair in place of Mr van der Linden.*)

THE PRESIDENT. – Thank you, Mr Bockel. I call Mr Kucheida.

Mr KUCHEIDA (*France*) congratulated Mr Jařab on his report and said that there was wide recognition of the important work that the press did. A book jointly written by a psychoanalyst and Florence Aubenas, the French journalist detained in Iraq since January, had highlighted the important role the press played in informing and enlightening its fellow citizens.

From Article 11 of the Declaration of the Rights of Man of 1789 to the European Convention on Human Rights and the United Nations conventions in the twentieth century, the freedom of the press had been protected. There were, however, many risks to that freedom: censorship, the taking hostage of

journalists and excessive control by the owners of the press. Florence Aubenas and her colleagues may have gone to Iraq knowing the risks involved, but continued efforts to bring about their release should be made. Without journalists in the field, no information would be forthcoming and misinformation might therefore prevail. Although the press was sometimes criticised, sight should not be lost of the need to seek the release of those held in Iraq. The debate today was an important opportunity.

THE PRESIDENT. – Thank you, Mr Kucheida. The last speaker is Mr Glăvan.

Mr GLĂVAN (*Romania*) congratulated Mr Jařab on his report and said that, in 1662 Charles II, on the restoration of the monarchy after Cromwell, removed the censorship of the press. Similarly the revolutionaries in France in the eighteenth century had sought to establish freedom of the press. The press had always had a role in protecting democracy and preventing terrorism. It had rightly become the fourth estate. The press had played a large part in spreading democracy in the former communist countries in Europe. The European Convention on Human Rights stated that the freedom of the press was vital both to inform the public and to safeguard democracy.

Governments had a role in ensuring that the press could do their job. Traditionally, war correspondents had been embedded in fighting units and therefore protected by the rules of war. Today, many journalists were going to the conflict zones without accreditation and the term "war correspondent" could not be applied to them. Many journalists had died during the Vietnam War. In the Middle East, losses had increased enormously in recent years and, in January, three Romanian journalists and Florence Aubenas had been detained in Iraq. The Assembly had to do its utmost to secure their release.

THE PRESIDENT. – Thank you, Mr Glăvan.

That concludes the list of speakers. I call Mr Jařab, rapporteur, to reply. You have four minutes, which you may share with the rapporteur of the committee for opinion.

Mr JAŘAB (*Czech Republic*). – All the speakers, especially those from the countries of the five journalists, expressed their concern. Everybody should be concerned, because we are talking not only about these five journalists but others who have been under threat. We hope that there will be no more in future but can hardly believe that that will be so. It is a very serious problem and, of course, we express our solidarity. This is to be taken as a gesture, although it may not be enough for us in the Council of Europe to limit ourselves to gestures. We must also consider what needs to be done to make freedom of the press and freedom of expression a down-to-earth reality in the environment in which we live and function.

Lord Judd mentioned the importance of listening to journalists who have gone through such experiences. In mid-March, there was a public hearing in the French Senate with some of those people, including a former student of mine, a Czech journalist who was kept hostage for some time. We should learn from them as we try to be more effective in preventing harmful things from happening to them during the hazardous missions that they undertake. Of course, we shall never negotiate with murderers and terrorists, but there is a double-edged sword in terms of making situations public.

I thank the members of my committee. I also thank Mr Mihkelson for helping us urgently to create a document that we hope will help in future. I should like to give whatever time is left to my colleague.

THE PRESIDENT. – Thank you, Mr Jařab. I call Mr Mihkelson, rapporteur of the committee for opinion.

Mr MIHKELSON (*Estonia*). – I thank Mr Jařab for his work. As we talk urgently about this subject, we must also remember that it will stay with us. The Committee on Culture, Science and Education is preparing another report on the freedom of the press and terrorism, so we will be able to discuss it again more deeply in this Hemicycle.

THE PRESIDENT. – Thank you, Mr Mihkelson. I call Mr Legendre, the chairperson of the committee. You have two minutes.

Mr LEGENDRE (*France*) explained why it was important to have this debate on the freedom of the press. A seminar in Paris on 17 March 2005 had shown how important it was to speak up for journalists who were held hostage. Their freedom and ours was under attack. Journalists had to be allowed to do their job in safety. It was an excellent report and the Assembly had to say to its critics that it was doing everything possible to champion the cause of the detained journalists.

THE PRESIDENT. – The debate is closed.

The Committee on Culture, Science and Education has presented a draft resolution to which seven amendments have been tabled and a draft recommendation. The amendments to the draft resolution will be taken in the order given on the notice paper, which is: Nos. 2 to 5, 1 and sub-amendment, 6 and sub-amendment, 7.

I remind members that speeches on amendments are limited to one minute.

We come to Amendment No. 2, tabled by Mr Marko Mihkelson, on behalf of the Political Affairs Committee, which is, in the draft resolution, paragraph 2, after the words "working conditions", insert the following words:

"and sometimes even with widespread and systematic targeting by terrorist groups in search of media attention, as is the case at present in Iraq".

I call Mr Mihkelson to support the amendment.

Mr MIHKELSON (*Estonia*). – It should be stated that journalists can be the victims of widespread and systematic targeting by terrorists in search of media coverage and by criminal groups, as has happened in Iraq. That represents a higher level of risk than that generally faced in conflict areas.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 2 is adopted.

We come to Amendment No. 3, tabled by Mr Marko Mihkelson, on behalf of the Political Affairs Committee, which is, in the draft resolution, paragraph 8.i, delete the words "under Article 10 of the European Convention on Human Rights".

I call Mr Mihkelson to support the amendment.

Mr MIHKELSON (*Estonia*). – I agree with the substance of paragraph 8 and the amendment to sub-paragraph *i* is technical. The words "European Convention on Human Rights" should be deleted because the convention is not applicable in Observer states.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 3 is adopted.

We come to Amendment No. 4, tabled by Mr Marko Mihkelson, on behalf of the Political Affairs Committee, which is, in the draft resolution, replace paragraph 9 with the following paragraph:

"All Council of Europe member and Observer states are called upon:

- i. to ensure that journalists can work safely in their territories;
- ii. to investigate all acts of violence or deadly incidents against journalists which occur in their territories as well as those occurring abroad in which their armed or security forces may have been involved, including those due to friendly fire."

I call Mr Mihkelson to support the amendment.

Mr MIHKELSON (*Estonia*). – I believe that paragraph 9 should be replaced, not because I do not agree with its contents but because I believe that additional, related issues should be included in it. First, it should state that an investigation should cover not only acts of aggression but other incidents, including friendly fire. It should also clearly state that the obligation to investigate acts of violence or incidents in which the military or security forces of member and Observer states may have been involved, applies both within and outside their territories.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 4 is adopted.

We now come to Amendment No. 5, tabled by Mr Marko Mihkelson, on behalf of the Political Affairs Committee, which is, in the draft resolution, after paragraph 9, insert the following paragraph:

“Besides, the Assembly calls on Council of Europe member and Observer states to set up compulsory training and information programmes for war correspondents embedded in military forces, to be provided prior to departure.”

I call Mr Mihkelson to support the amendment.

Mr MIHKELSON (*Estonia*). – I believe that more attention should be paid to the issue of embedded journalists. The practice of embedding journalists is increasing and they should be provided with specific training before their departure to the conflict zone. The responsibility for providing this training should lie with the states which attach them to their armed forces.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

I call Lord Judd.

Lord JUDD (*United Kingdom*). – I am not against the principle of journalists being professionally prepared but there are problems about embedded journalism. I am worried about a further co-option of journalists into the cause of the military forces. That is not their role. Their role is to retain as rigorously as is responsibly possible their independence of judgment and their objectivity. We must be cautious.

THE PRESIDENT. – What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 5 is adopted.

We come to Amendment No. 1, tabled by Ms Christine Lucyga, Mr Klaus Werner Jonas, Mr Wolfgang Wodarg, Ms Christine Muttonen, Mr Tiny Kox and Lord Frank Judd, which is, in the draft resolution, after paragraph 10, insert the following paragraph:

“The Assembly stresses that, if, for reasons of their own personal safety, journalists that are embedded in the military or security forces may only work in certain areas, restrictions on their reporting must be limited to the absolute minimum required to prevent the disclosure of confidential information endangering ongoing military operations. Otherwise the monitoring procedure is in danger of amounting to wide-spread censorship.”

I call Ms Lucyga to support the amendment.

Ms LUCYGA (*Germany*) said that there were limitations on freedoms for reporters in conflict zones. Some journalists had to register with armed forces before being allowed to operate in such zones. Any activity which was a challenge to the freedom of the press should be limited.

THE PRESIDENT. – I understand that Mr Jařab wishes to propose an oral sub-amendment on behalf of the Committee on Culture, Science and Education, which reads as follows:

In Amendment No. 1, delete the last sentence.

In my opinion, the oral sub-amendment meets the criteria of Rule 34.6, and can be considered unless ten or more members of the Assembly object. Is there any opposition to the oral sub-amendment being debated?

That is not the case.

I call Mr Jařab to support the oral sub-amendment.

Mr JAŘAB (*Czech Republic*). – If we accept the idea that has just been presented by Ms Lucyga, we do not need to conduct an evaluation of the consequences because that would alter the focus of the whole report. The last sentence of the amendment should be deleted because it is redundant and not appropriate to the report.

THE PRESIDENT. – Does anyone wish to speak against the oral sub-amendment?

I call Mr Jurgens.

Mr JURGENS (*Netherlands*). – The last sentence is not redundant at all because, following the point that Frank Judd made a moment ago, when journalists work with the military, there is a danger of censorship. I therefore believe that the last sentence is a vital part of the amendment.

THE PRESIDENT. – What is the opinion of the mover of the amendment?

Ms LUCYGA (*Germany*) said that she wished to proceed to a vote.

THE PRESIDENT. – The committee is in favour.

The vote is open.

The oral sub-amendment is adopted.

Does anyone wish to speak against the amendment, as amended?

That is not the case.

What is the opinion of the committee on the amendment, as amended?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 1, as amended, is adopted.

We come to Amendment No. 6, tabled by Mr Marko Mihkelson, on behalf of the Political Affairs Committee, which is, in the draft resolution, replace paragraph 11 with the following paragraph:

“Journalists’ employers and professional organisations should organise training courses to prepare journalists for the risks of working in conflict areas.”

I call Mr Mihkelson to support the amendment.

Mr MIHKELSON (*Estonia*). – Statistics show that journalists who have received appropriate training are less likely to run risks, including the risk of being kidnapped. As well as those who are embedded with military forces, freelance journalists should undertake specific training if they are assigned to conflict zones. Their employers and professional organisations should endeavour to organise such training.

THE PRESIDENT. – A sub-amendment has been tabled by Mr Josef Jařab, Lord Frank Judd, Lord Russell-Johnston, Mr Shavarsh Kocharyan and Mr Emanuelis Zingeris, which is, at the end of Amendment No. 6, add the following words:

"The media should declare publicly that no financial payments or political concessions should be made to kidnappers and that political statements made by kidnapped journalists are made under coercion and are hence without any value."

I call Mr Jařab to support the sub-amendment.

Mr JAŘAB (*Czech Republic*). – If the amendment had been added to paragraph 11, there would be no need for a sub-amendment. However, because the amendment wishes to replace paragraph 11, I want to keep the message in the original paragraph 11.

THE PRESIDENT. – Does anyone wish to speak against the sub-amendment?

That is not the case.

What is the opinion of the mover of the amendment?

Mr MIHKELSON (*Estonia*). – In favour.

THE PRESIDENT. – The committee is in favour.

The vote is open.

The sub-amendment is adopted.

Does anyone wish to speak against the amendment, as amended?

That is not the case.

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 6, as amended, is adopted.

We now come to Amendment No.7, tabled by Mr Marko Mihkelson, on behalf of the Political Affairs Committee, which is, in the draft resolution, paragraph 13, replace the words "in the course of their professional work in member states." with the following words:

"in the exercise of their profession, in member and Observer states or in connection with military or peace-keeping operations conducted by Council of Europe member and Observer states abroad."

I call Mr Mihkelson to support the amendment.

Mr MIHKELSON (*Estonia*). – Again, one of my main concerns is whether journalists assigned to territory outside Council of Europe member states in connection with military activities by Council of Europe member states are covered by the draft resolution.

THE PRESIDENT. – Does anyone wish to speak against the amendment?

That is not the case.

What is the opinion of the committee?

Mr LEGENDRE (*France*) (Translation). – The committee is in favour.

THE PRESIDENT. – The vote is open.

Amendment No. 7 is adopted.

We will now proceed to vote on the whole of the draft resolution contained in Document 10521.

The draft resolution in Document 10521, as amended, is adopted.

We will now proceed to vote on the whole of the draft recommendation contained in Document 10521.

The draft recommendation in Document 10521 is adopted.

4. Date, time and orders of the day of the next sitting

THE PRESIDENT. – I propose that the Assembly hold its next public sitting this afternoon at 3 p.m. with the orders of the day which were approved on Monday.

Are there any objections?

That is not the case.

The orders of the day of the next sitting are therefore agreed.

The sitting is closed.

(The sitting was closed at 11.35 a.m.)

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3. Freedom of the Press
Presentation by Mr Jařab of report on freedom of the press and the working conditions of journalists in conflict zones, Document 10521, on behalf of the Committee on Culture, Science and Education

Presentation by Mr Mihkelson of oral opinion of the Political Affairs Committee

Speakers:

Mr Çavuşođlu (Turkey)
Mr Oliynyk (Ukraine)
Mr Severin (Romania)
Mr Schreiner (France)
Mr Eörsi (Hungary)
Lord Judd (United Kingdom)
Mr Rochebloine (France)
Ms Cliveti (Romania)
Mr Păunescu (Romania)
Mr Bockel (France)
Mr Kucheida (France)
Mr Glăvan (Romania)

Amendments Nos. 2 to 5, 1 as amended, 6 as amended and 7 adopted

Draft resolution contained in Document 10521, as amended, adopted

4. Date, time and orders of the day of the next sitting

