



H.E. Ambassador Yurii Onischenko
Embassy of Ukraine
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E-mail: embassy@ukremb.no

Our ref.:
TGE/TH/hk

Date:
12.03.2014

Dear Excellency,

Yesterday a team with three journalists from the Norwegian Broadcasting Corporation, NRK, was withheld by a group of 15-20 soldiers upon departing Crimea. The team had been working for some time on Crimea covering the tense situation on the peninsula. They are all experienced journalists employed by NRK, and had all necessary visas and permissions to work in the area.

The soldiers acted very hostile and aggressive, accusing our staff members of being on a spy mission. Also our team was robbed for technical equipment such as camera, laptops, notepads and their safety equipment. After approximately 45 minutes they were allowed to go, but the equipment was not returned. The team continued their route to the international airport of Odessa. The team undoubtedly recognized the soldiers as Russians, even if flag symbols were removed from the uniforms.

Let me very clearly, your Excellency, state that this incident is fully and completely unacceptable! Both the action from what we see as representatives from the Russian Federation and also for the lack of protection from Ukrainian authorities. International journalists are doing a very important job in covering the current situation in the region, and it is of immense importance that this can be done with the best possible protection from all parts.

I would like to draw your Excellency's attention to the [International Covenant on Civil and Political Rights](#):

Article 19

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order (order public), or of public health or morals.

And further,

Permissible limitations of the ICCPR right to freedom of expression

Article 19(3) of the ICCPR permits limitations on the rights recognized in article 19(2), but those limitations must be:

- (1) provided by law and
- (2) necessary for respect of the rights or reputations of others, for the protection of national security, public order, or public health or morals.

The HRC in its *General Comment 34* has emphasized that:

when a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself...the relation between right and restriction and between norm and exception must not be reversed. [Human Rights Committee, *General Comment No. 34*, note 4, para 21.]

The HRC further stated that:

Paragraph 3 lays down specific conditions and it is only subject to these conditions that restrictions may be imposed: the restrictions must be "provided by law"; they may only be imposed for one of the grounds set out in subparagraphs (a) and (b) of paragraph 3; and they must conform to the strict tests of necessity and proportionality...Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated. [Human Rights Committee, *General Comment No. 34*, note 4, para 22.]

In summary: limitations only acceptable if provide by law, is for a permissible purpose and is deemed necessary. If either fails, it is not permissible.

I urge for you, Mr. Ambassador, to ensure that the incident will be investigated to make clear what happened and expect to be kept updated on this. I would also ask for your full support and contribution in improving the working conditions and safety for journalists working in risk-zones.

A similar letter has been sent to the Embassy of the Russian Federation.

Sincerely,



for Thor Gjermund Eriksen

President, CEO and Editor-in-Chief

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Cc: The Norwegian Ministry of Foreign Affairs

The Norwegian Association of Publishers / Norsk Redaktørforening

The Norwegian Journalist Union / Norsk Journalistlag