

**ARTICLE 19**

GLOBAL CAMPAIGN FOR FREE EXPRESSION

# COVERING CONFLICT

Reporting on  
Conflicts in the  
North Caucasus in  
the Russian Media

MAY 2008

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## 1. INTRODUCTION

Experience shows that freedom of speech and expression are among the greatest casualties of any conflict. Typically, national security is used to justify legal and practical fetters on these freedoms, while insurgent groups try to suppress information or target independent journalists. A culture of impunity for violence against the media is exacerbated during conflicts, often leading to self-censorship. Combatants seek to prevent information about their human rights abuses reaching the general public. Political leaders frequently disseminate biased or manipulated information in order to mobilise public support for their conflict goals. In some cases the media, motivated by patriotism, publishes deliberately distorted information. Persistent misinformation is a powerful factor in entrenching feelings of mutual hatred between communities. This increases the obstacles which have to be overcome in peace processes and hinders conflict resolution.

Highlighting the problem of excessive restrictions on freedom of expression in conflict areas is no easy task. Those attempting to address this issue – or to combat the distorted image of the ‘enemy’ – risk being denounced as traitors or enemy sympathisers. Encouraging greater openness in the face of a national threat may be seen as providing – even unintentionally – assistance to the ‘enemy’.

In times of conflict it is particularly important that freedom of expression and a free flow of information are vigorously defended. Respect for freedom of expression is an invaluable element in any long-term policy to promote peace and end conflict. It is an essential foundation for the wider debate on the nature of the conflict and broader issues of accountability, both of which are critical in addressing the root causes of the conflict. Freedom of expression is also necessary for adequate reporting on the conflict itself and for addressing human rights abuses, both as a cause of the conflict and a factor perpetuating it.<sup>1</sup>

The reporting of conflict in the North Caucasus both in the Russian mainstream and North Caucasus media has had a clear impact on people’s perception of the conflict. Under President Vladimir Putin, the representation of the Chechen conflict in the Russian media has often been shaped in a way that justifies and promotes official policies and goals. Little criticism has been aired of government policies in relation to the Chechen wars or as a response to the conflict in other North Caucasus republics. There have been few opportunities for human rights organisations to participate in the rare public discussions on this subject. In particular, there have been clear attempts to control the flow of information from this region.

Within the North Caucasus the flow of information is often even more restricted. In the current troubled climate, the media face challenges directly linked to the economic and political impact of the conflict in the region. The highly complex linguistic and ethnic make-up of the North Caucasus republics and krais (territorial units), by creating internal tensions and political feuds, further complicates the free functioning of the print and broadcast media. Moreover, the local media are tightly controlled by the local authorities – which again results in very little political debate and dissemination of independent views.

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<sup>1</sup> For more on this, see also the introductory chapter of *War of Words: Conflict and Freedom of Expression in South Asia*, ARTICLE 19, May 2005, <http://www.article19.org/pdfs/publications/asia-war-of-words.pdf>.

This report examines the coverage of instability, violence, conflict and conflict resolution in the Russian Federation (Russia). It is based on both media monitoring and research through first and secondary sources, including interviews with stakeholders in Russia. The introductory chapter provides an overview of the general freedom of expression situation in Russia. It also broaches the issue of separatism, which is labelled ‘extremist’ and rarely reported. Chapter two includes the background to the conflict and an overview of the media in the North Caucasus. Chapter three outlines the main provisions of Russian legislation that have an impact on the reporting of conflict. Chapter four details Russian media policy and practice in this area, including direct and indirect pressure on the media, covering the North Caucasus media as well as restrictions on reporting in Russia generally of conflict in the North Caucasus. Chapter five analyses the findings of ARTICLE 19’s monitoring of the Russian mainstream and local (Dagestan, Chechnya and North Ossetia) media during September and October 2007. Chapter six outlines international standards on freedom of expression in the reporting of conflict and is followed by chapters on the report’s general conclusions and recommendations.

## 1.1. Freedom of Expression in Russia

Government control of the media, particularly national television channels, restricts information on sensitive matters, including conflict. Russia’s main newspapers and radio and television stations are owned either by the government or companies with close ties to the Russian authorities.<sup>2</sup> Under Vladimir Putin’s leadership, the privately owned media that started to flourish in the early 1990s changed their owners or policies, and have increasingly supported federal government policy. The State and State-controlled media have increasingly been used to promote government views.

Russia has neither public service broadcasting nor a diverse range of broadcast media. Lawsuits against former media tycoons Boris Berezovskiy and Vladimir Gusinskiy have resulted in the Russian television channels with the largest audiences being brought under the control of the authorities (NTV, First Channel and Rossiya) or closed (TV-6). News from unofficial sources – such as Euronews, the BBC or CNN – can only be accessed by subscription to cable television; State television is free.

Radio is also largely controlled by the State. Most private stations broadcast music, chat shows, business and cultural news and rarely carry programmes with serious political content. The

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<sup>2</sup> The radio station Ekho Moskvy, as well as the newspaper *Izvestiya* (circulation 246,000) is owned by State-run Gazprom; the newspaper *Rossiyskaya Gazeta* (circulation 374,000) is State-owned; *Argumentiy i Faktiy* (2,825,480 – the highest circulation newspaper) is owned by the Russian bank Promsvyazbank; *Kommersant* (86,000) is owned by Alisher Usmanov (a steel tycoon who also runs a subsidiary of Gazprom); *Komsomolskaya Pravda* (747,956) is owned by metal tycoon Vladimir Potanin through Prof-Media; *Trud* (613,000) is owned by Promsvyazbank. A few newspapers escape government control, of which the main ones are *Novaya Gazeta* (138,000), *Moskovsky Komsomolets* (800,000) and business newspaper *Vedomosti* (42,000). Forty-nine per cent of the shares of *Novaya Gazeta*, famous for its independent reporting, were purchased by United Russia MP Aleksandr Lebedev and former Soviet President Mikhail Gorbachev (2007 data from the National Circulation Agency, Russia (Nazionalnaya Tirazhnaya Sluzhba, [http://www.pressaudit.ru/j\\_catalog.php?vid=1](http://www.pressaudit.ru/j_catalog.php?vid=1)). Moreover, in December 2007 Bank Rossiya’s co-owner Oleg Rudnov (an ally of President Putin) bought a majority stake of *Komsomolskaya Pravda* (T Adelaja, ‘Rossiya Co-Owner Acquires Tabloid KP’, *Moscow Times*, 21 December 2007). In the same month, it was also reported by *Kommersant* that 51 per cent of *Izvestiya* was to be sold by Gazprom-Media to Sogaz, Bank Rossiya’s insurance unit. Bank Rossiya’s majority stakeholder is one of President Putin’s closest allies (‘Gazprom Seen Selling Izvestia to Rossiya’, *The Moscow Times*, 13 December 2007).

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other private independent radio stations (approximately 1,000 in Russia) devote between three and six minutes an hour to news. Foreign radio stations, like Radio Liberty/Radio Free Europe (RFE/RL), the BBC and Deutsche Welle, have extremely small audiences.<sup>3</sup>

The print media enjoys greater freedom and there are a few liberal, independent newspapers, such as *Novaya Gazeta* and *Novye Izvestiya*. However, they enjoy limited circulation, especially in the provinces, where they are beyond the financial reach of many. In addition, in the regions, the private media is subject to strong pressure from local officials.

The Internet is the only means of disseminating news which is not controlled by the authorities. There are no legal regulations on Internet activity and websites do not have to be registered. However, only a minority of the population has access to the Internet, although the number is growing rapidly. According to a survey by the Public Opinion Foundation published in 2007, 28 million people in Russia use the Internet, or 25 per cent of the adult population.<sup>4</sup>

Financial constraints and political corruption make the media dependent on sponsors and frequently turn them into mouthpieces for clans, politicians and oligarchs. The State media enjoy many advantages, including subsidies and favourable deals on rent and printing facilities, which make competition difficult for independent outlets. The very few newspapers distributors available are mostly linked to the government.

Journalism remains a dangerous profession. Several journalists have been killed or attacked in the past few years.<sup>5</sup> These incidents are not normally investigated thoroughly or impartially.

Defamation law is one of the most serious constraints on freedom of expression in Russia. It has been used in many cases to silence criticism of public officials, even where there were suggestions of possible maladministration and corruption. Some public officials, including those at the highest levels of government, do not see the media as an independent critic, but rather as a subordinate body to further particular political goals.

Clearly, this media environment is not conducive to the dissemination of a plurality of opinions reflecting Russia's entire political spectrum.

### **2007 elections and demonstrations**

Prior to the 2007 parliamentary elections, Russian and international civil society vehemently complained about media manipulation and repression of the right to free expression, resulting in voters being deprived of accurate and balanced information.

In the run-up to the 2 December 2007 parliamentary elections, the Russian authorities suppressed, at times violently, freedom of expression and assembly. Actions held by opposition movement The Other Russia, a loose coalition of opposition parties, were particularly targeted. In the

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<sup>3</sup> O Panfilov, 'Midwife to a Reborn Russian Nationalism', *Index on Censorship*, December 2005, <http://www.indexoncensorship.org/?p=93>.

<sup>4</sup> Public Opinion Foundation, Opros 'Internet v Rossii, Rossya v Internete', 23 March 2007, <http://bd.fom.ru/report/map/projects/internet/internet0701/int0701>.

<sup>5</sup> Journalists killed include: *Novaya Gazeta* journalist Anna Politkovskaya (October 2006), *Kommersant* investigative journalist Ivan Safronov (March 2007), *Novoye Televideniye Aleiska* cameraman Vyacheslav Ifanov (April 2007), *Saratovskiy Rasklad* journalist Yevgeny Gerasimenko (26 July 2006), NTV journalist Ilya Zimin (February 2006), and Tula journalist Vaghif Kochetkov (January 2006). Also the Grozny correspondent of the independent *Chechenskoye Obshchestvo* newspaper was kidnapped in August 2006.

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first instance permission was denied for some of its planned demonstrations on allegedly arbitrary grounds. In most cases, The Other Russia attempted nonetheless to demonstrate. On 24 November 2007, the police dispersed the demonstration of the opposition movement The Other Russia<sup>6</sup> in Moscow. One of its leaders, Garry Kasparov, was detained for five days for leading an unauthorised demonstration. Others who gave speeches on this occasion, including human rights activists, were reportedly also detained and beaten. The demonstrations, in Moscow and other cities, were known as Dissenters' Marches.<sup>7</sup>

On 25 November, nearly 200 people were arrested in St Petersburg for participating in demonstrations and chanting the slogan 'Russia without Putin.' Journalist Nikolay Andruschenko of the *New Saint Petersburg* newspaper was reportedly detained for his article 'Why I am joining the Dissenters' March'.

Similar incidents occurred on 24 November in Nizhny Novgorod, where the police blocked most of the streets adjacent to Gorky Square, where the demonstration took place. The police also reportedly stopped people from joining the demonstration, including protesters from nearby cities. A number of demonstrators were beaten as they were taken to the police station. The detainees were accused of participating in an unauthorised rally and of 'resisting the police'.<sup>8</sup>

The crackdown on freedom of expression and assembly is particularly worrying in the context of parliamentary elections. Apart from the use of physical force to suppress dissenting opinions, the clearly biased media coverage of the elections undermined the expression of critical and independent views. While the opposition was denied any significant airtime by most television stations, the overwhelming majority of prime-time broadcasts provided exclusively positive or neutral information about the current political establishment.<sup>9</sup>

### 1.2. An Atmosphere of Intolerance

The main sources of information for the majority of the public are nationwide, State-controlled television channels. As a result, people are primarily exposed to the views of the establishment. The authorities have been able to promulgate the idea of a strong centralised power as a guarantor of cohesiveness for the Russian majority. Dissenting or unorthodox views, or the meaningful representation of minorities and their perspectives, are absent from the mainstream media. This imbalance has, over the years, contributed to the creation of a climate of intolerance.

Intolerance manifests itself in an alarming rate of hate crime against minorities. According to the Russian non-governmental organisation (NGO) SOVA, 67 people were killed in such crimes and more than 550 injured in 2007 – a 13 per cent increase over 2006. SOVA also reported in mid-February 2008 that 17 people had been killed and more than 50 injured in hate crimes in Russia since the beginning of the year, a much higher rate than in 2007.<sup>10</sup> The majority of the most serious attacks

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<sup>6</sup> A coalition of Russian political parties, human rights organisations and other activists.

<sup>7</sup> See, for example, Amnesty International, *Russian Federation: Systematic Repression on Eve of Elections*, 28 November 2007, <http://www.amnesty.org/en/for-media/press-releases/russian-federation-systematic-repression-eve-elections-20071128>.

<sup>8</sup> Authorisation was denied by the city administration on the grounds that Gorky Square was 'not meant for holding public actions.'

<sup>9</sup> See the monitoring results of the Centre for Extremism in Extreme Situations, <http://www.memo98.cjes.ru/?p=3&sm2=on&reports=2007101>.

<sup>10</sup> Associated Press, '17 Killed in Hate Crime', 18 February 2008.

targeted people from Central Asia and the Caucasus.

On the whole, attacks on members of ethnic minorities, including those by skinhead gangs, are not promptly or thoroughly investigated, or even classified as racially motivated. Prosecutions led to only nine guilty verdicts in 2004, 17 in 2005 and 33 in 2006 while in 2007 the number appears to have fallen below 2006 figures.<sup>11</sup>

SOVA told ARTICLE 19 it believes violence against minorities is increasing because of the failure of the authorities to adequately respond to such attacks.<sup>12</sup> Indeed, efforts to counter such crimes remain inconsistent and sporadic. Additionally, mainstream political parties and right-wing leaders at times exploit voters' ethno-nationalist sentiment during elections.<sup>13</sup>

Another reason for lack of tolerance is that under Communist Party rule, people were not exposed to messages that shocked or disturbed, but only to those that survived a rigorous filtering system by the Soviet authorities. As a result, any 'radical' form of expression tends deeply to offend the population.

There has been a decrease in comments vilifying minorities (including Chechens) in the mainstream media in the mid-2000s.<sup>14</sup> However, messages of intolerance in the media may have been the reason for increasing animosity against Chechens and people from the Caucasus generally. After the peace treaty that concluded the first Chechen war (1994-1996), there were numerous references to 'Chechen bandits' and 'Chechen terrorists' in the Russian State-owned media.<sup>15</sup> There are also several websites with racist content. It is primarily the popular press, newspapers such as *Komsomolskaya Pravda* and *Moskovsky Komsomolets*, which have carried racist material. Moreover, the 'Analytical Programme' on State-owned First Channel has used harsh language against certain ethnic groups.

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<sup>11</sup> G Kozhevnikova, *Autumn 2007: Nazi Raids, Russian Marches, and Putin as Schtirnitz*, [http://xeno.sova-center.ru/6BA2468/6BB4208/A886251#\\_ftnref13](http://xeno.sova-center.ru/6BA2468/6BB4208/A886251#_ftnref13).

<sup>12</sup> This is also due to absence of methodical monitoring of and statistical data on crimes against minorities. This is exacerbated by the fact that the victims of hate crimes do not always report them for fear of additional harassment from law enforcement officials. In addition, even when reported, the hate motive to crimes is only occasionally recorded by the police.

<sup>13</sup> G Kozhevnikova, *The Sowing Season in the Field of Russian Nationalism*, 17 July 2007, <http://xeno.sova-center.ru/6BA2468/6BB4208/9845B8F>.

<sup>14</sup> See Section 4.3.1.

<sup>15</sup> O Panfilov, 'Midwife to a Reborn Russian Nationalism', see note 3.

## 2. CONFLICT AND THE MEDIA IN THE NORTH CAUCASUS

### 2.1. Background



**Map 1:** North Caucasian Republics: Krasnodar krai, Stavropol krai, Adygeya, Karachay-Cherkessia, Kabardino-Balkaria, North Ossetia, Ingushetia, Chechnya and Dagestan. Source: N J Melvin, *Building Stability in the North Caucasus: Ways Forward for Russia and the European Union*, SIPRI Policy Paper No. 16, May 2007

The population of the Russian North Caucasus is made up of a multiplicity of ethnic groups. The region consists of seven republics<sup>16</sup> – Adygeya, Chechnya, Dagestan, Ingushetia, Kabardino-Balkaria, Karachay-Cherkessia and North Ossetia – and two krais, Krasnodar and Stavropol. Occupying 255,000 square kilometres (1.5 per cent of the territory of Russia), the region is home to 12.8 million people (8 per cent of the total population of Russia).<sup>17</sup>

The region has a history of conflict, often along inter-ethnic lines. Borders and populations have changed frequently over the past three centuries, in particular since the Russian invasion of the region in the 1770s and 1780s. Occasional clashes grew into systematic military actions, leading to the beginning of the Caucasian War. This finally ended in 1864 after massive loss of life on all sides. Even after 1864 occasional uprisings continued.<sup>18</sup>

<sup>16</sup> The political status of ‘republic’ is traditionally given to those political entities where the majority of the population is a ‘titular nation’ – a population of non-Russian ethnicity. Owing to internal migration and deportation of populations during the Soviet era, the non-Russian population was relegated to a minority in some republics.

<sup>17</sup> P Baev, ‘The North Caucasus’, in *Conflicts in the OSCE area*, July 2004, <http://www.prio.no/files/osce-pdf/osce-northcauc.pdf>. Unlike other territorial units in Russia, the republics have a right to establish their own language (Article 68 of the Russian Constitution) and have their own constitution.

<sup>18</sup> V Degoev, ‘Dva Veka Voyny i Mira na Kavkaze’, in Y Gordina, *Rossiya i Chechnya: Poiski Vykhoda*, 2003, p.221.

### *2.1.1. The Soviet period*

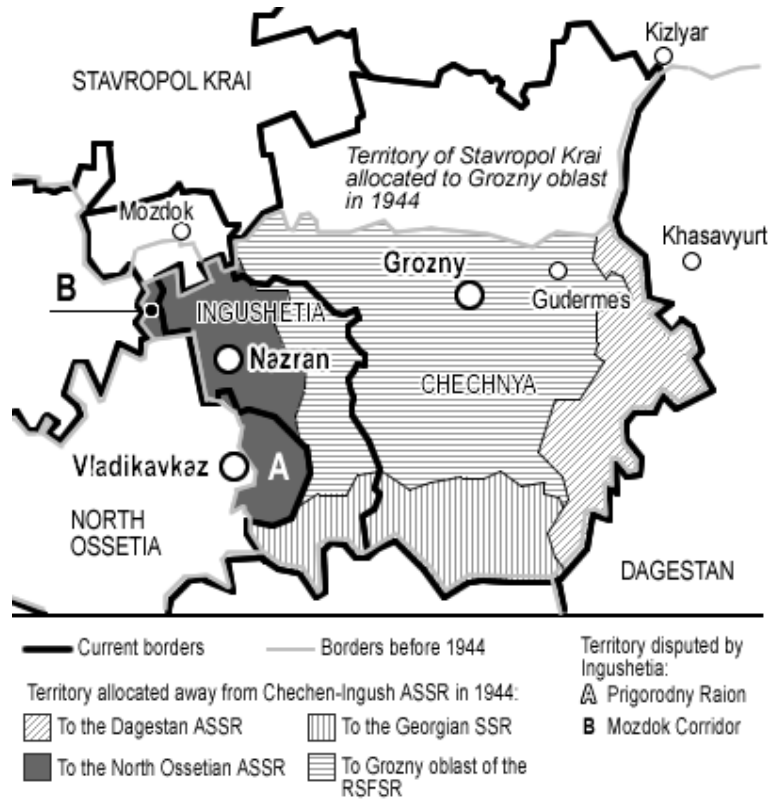
#### **The Soviet Union and the Caucasus**

With the 1917 revolution and the end of the Russian empire, the North Caucasus peoples hoped to become independent. However, emerging independence was resolutely repressed in the 1920-1921 by Soviet military forces.

Soviet leaders established new borders between the Caucasian republics that cut across regional, linguistic, ethno-religious and clan ties.<sup>19</sup> These delimitations still form the basis of many of today's borders. The major non-Russian nationalities of the Soviet Union were granted sovereign republics, while other peoples were given a lesser 'autonomous' status within the republics. In 1943-1944 Stalin ordered the deportation of the entire Balkar, Chechen, Ingush and Karachay populations to Siberia and Central Asia and redrew the region's borders. The territories of these exiled nationalities were given to other republics. (See Map 2 for the changes in the Checheno-Ingush Autonomous Soviet Socialist Republic (ASSR) borders at this time.) Thousands of the deportees died in exile. The return of those who survived in 1957 provoked tensions in all the republics of the North Caucasus, some of which persist today. The Checheno-Ingush ASSR, the Kabardino-Balkaria ASSR and the Karachay-Cherkessia ASSR – all of which had been dissolved in 1943-1944 – were re-established in 1957, but not all of their former territory was returned to them. This led to many territorial disputes, some of which remain unresolved.

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<sup>19</sup> N J Melvin, 'Building Stability in the North Caucasus: Ways Forward for Russia and the European Union', SIPRI Policy Paper No. 16, May 2007, p.10.



**Map 2:** Transfer of the territories in the North Caucasus after the deportation of the Chechen and the Ingush population to the Central Asia in the 1940s.

### 2.1.2. Post-Soviet conflicts in the North Caucasus

In the early 1990s, Boris Yeltsin’s appeal to Russia’s regional leaders to ‘take all the sovereignty they could swallow’ accelerated nationalist mobilisation in the North Caucasus. It was followed by a wave of declarations of sovereignty by many autonomous republics, oblasts (territorial units) and krais – commonly referred to as the ‘parade of sovereignties’. In the North Caucasus, this ‘parade’ was led by Chechnya which proclaimed its independence in November 1991.<sup>20</sup>

#### Chechnya and Ingushetia

The Chechen and Ingush populations have their roots in the same nation, the Vainakh. They evolved as different nations through the centuries. However, they retained close cultural links and their languages are mutually comprehensible. In 1992 the former Checheno-Ingush ASSR was separated into the Chechen and Ingush republics. They failed, however, to define a law on the border between the newly emerged republics, and this triggered territorial disputes.

Relations between the Chechens and Ingush began to deteriorate and reached a low point when Chechen militants attacked Ingushetia on 22 June 2004. The President of Ingushetia, Murat

<sup>20</sup> J Kahn, *Federalism, Democratisation, and the Rule of Law in Russia*, Oxford University Press, Oxford, 2002, p.36.



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Zyazikov, declared that the attacks stemmed from neighbouring republics<sup>21</sup> – a clear reference to Chechnya. Since then, relations between the two republics have become increasingly hostile.

### The first Chechen war

In September 1991 Dzhokhar Dudaev, a former Soviet air force general, proclaimed Chechen independence. However, the Chechen Republic has never been recognised by Russia or the international community. The declaration of independence was followed by elections on 27 October 1991 in which Dzhokhar Dudaev was elected President.

In the wake of economic collapse and widespread instability, Dzhokhar Dudaev dissolved the Chechen parliament in April 1993 and Chechnya descended into lawlessness and chaos. Between 1991 and 1994, tens of thousands of people, mostly Russians, fled the Republic.<sup>22</sup>

In December 1994, following Dzhokhar Dudaev's failure to respond to an ultimatum to surrender, Russian federal forces invaded Chechnya. Then Minister of Defence Pavel Grachev's claim that the army could take Grozny within two hours proved unfounded and the first attempt to take Grozny on New Year's Eve ended in catastrophic failure. In the fighting that followed, thousands of civilians were killed, some in highly publicised raids in neighbouring republics.<sup>23</sup>

In 1995 the Russian authorities staged an election in the Republic that was won by Doku Zavgaev, the former communist leader of Chechnya and the candidate favoured by the Russian authorities, despite a widespread boycott of the vote.

Fighting continued until April 1996 and the assassination of Dzhokhar Dudaev by Russian special forces. Federal presidential elections were scheduled for June 1996, and in this context Dzhokhar Dudaev's successor, Zelimkhan Yandarbiev, quickly negotiated a cease-fire, which was signed on 27 May in Nazran.

After the June 1996 elections, the Nazran agreement was annulled as Russia renewed its military campaign in Chechnya.<sup>24</sup> Once more, Russian military actions failed, and following further peace talks, agreement was reached by both sides to withdraw to agreed points outside Grozny. One of the terms of the agreement was that the question of Chechen sovereignty be put on hold for five years, until 31 December 2001.<sup>25</sup>

In 1996-1997 Chechnya was divided. The main separatist force occupied roughly 60 per cent of the Republic, but suffered from internal divisions among the various field commanders. The Moscow-backed administration of Doku Zavgaev controlled some territory in the north, and the remainder was controlled by various criminal gangs. A presidential election in separatist-controlled areas on 27 January 1997 established Aslan Maskhadov as the rebels' President.

### The second Chechen war

Between 1997 and 1999 the situation in Chechnya continued to deteriorate, and President Maskhadov proved unable to maintain political influence. Following an incursion by separatist forces into

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<sup>21</sup> Y Snegnyev, 'Kto Zashchitit Russkykh v Ingushetii?', *Izvestiya*, 7 November 2007, <http://www.izvestia.ru/special/article3108039/>.

<sup>22</sup> N J Melvin, see note 19, p.21.

<sup>23</sup> *Ibid.*, p.21.

<sup>24</sup> *Ibid.*, p.22.

<sup>25</sup> *Ibid.*, p.22.

Dagestan and a series of bombings of apartment blocks in Moscow – which the Russian authorities blamed on Chechens – then Prime Minister Vladimir Putin declared President Maskhadov's government illegitimate and Russian federal forces invaded Chechnya once more in September 1999.

Federal forces captured Grozny in May 2000 and installed a government. The Russian authorities declared that the second Chechen war ended in April 2002, although no peace agreement was signed. A political process promising autonomy, reconstruction and stabilisation was initiated by Moscow, a new constitution of the Chechen Republic was approved in 2003, and presidential elections were held. The elected President, Akhmad Kadyrov, was assassinated in May 2004 and replaced by Alu Alkhanov. Ramzan Kadyrov, son of assassinated former President Kadyrov, became President of Chechnya in March 2007.<sup>26</sup> He exercises a high degree of personal control over the Chechen authorities.

Attacks by armed groups have continued in Chechnya and have affected neighbouring republics, particularly Ingushetia and Dagestan. Two further hostage crises drew international condemnation, of both the tactics of the hostage takers and the response of Russian special forces.

On 23 October 2002, Chechen separatists took hostage the audience of the production of *Nord-Ost* in a Moscow theatre, demanding the withdrawal of Russian troops from Chechnya. Russian special forces stormed the theatre on 26 October, after pumping gas into the auditorium that rendered the majority of the occupants unconscious. The exact composition of the gas was not revealed, however, and many of the released hostages died as a result of their exposure to it. The majority of the hostage takers were shot during the storming of the theatre.

Two years later, on 1 September 2004, a school was occupied by separatists in the North Ossetian village of Beslan. Children and teachers were kept in the school building for three days without food or water. On 3 September, Russian special forces began a release operation that ended with the deaths of 386 people and left 730 wounded. A parliamentary commission blamed the loss of life on the hostage takers who were accused of beginning to execute hostages; an independent report said that responsibility lay with Russian special forces who triggered the fighting by throwing grenades.<sup>27</sup>

Following the school siege, repression of civil society organisations in North Ossetia increased. At the same time, the tragedy prompted many into political activism through participation in civil society activities.

### **North Ossetia, Ingushetia and Prigorodny District**

The Russian Republic of North Ossetia and the Georgian region of South Ossetia are inhabited by the same ethnic group, Ossetians, but are divided by the Russian-Georgian border. The former South Ossetia ASSR was abolished when Georgia gained independence from the Soviet Union. This sparked ethnic conflict in the region and resulted in the establishment of a *de facto* independent South Ossetian government, which is not recognised by the international community.

At this time many South Ossetian refugees fled north across the border, and settled in the

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<sup>26</sup> Direct elections of regional leaders were replaced in 2004 by an appointment system under which the President of the RF proposes a regional leader who is then approved by the regional legislature.

<sup>27</sup> A Riskin, 'Strana nevyuchennykh urokov: vlast' tak i ne sdelala dolzhnykh vyvodov iz tragedii v Beslane', *Nezavisimaya Gazeta*, 4 September 2006, [http://www.ng.ru/ngregions/2006-09-04/13\\_uroki.html](http://www.ng.ru/ngregions/2006-09-04/13_uroki.html).

Prigorodnyy Rayon (District) of North Ossetia. The district had been part of Ingush territory prior to Stalin's deportation of the Ingush, and they had resettled in the area after their return in 1957, although former property was not returned and the district remained under the administrative control of North Ossetia. From the 1970s onwards, tensions rose between Ingush and Ossetian communities in the region and in 1982 a law was passed denying Ingush legal residence in Prigorodnyy.<sup>28</sup> At the time, approximately half the population of the district was Ingush. This population remained in the district as 'unofficial' residents.<sup>29</sup> The establishment of the Ingush Republic in 1992 resulted in heightened tensions in the area. Attacks on Ingush in both the capital of North Ossetia, Vladikavkaz, and the villages of Prigorodnyy District, began in October 1992 and within a fortnight all Ingush had been driven from the district. The federal government supported North Ossetia in this conflict and sent troops to establish order and assist in the expulsion of Ingush from the disputed areas.<sup>30</sup>

### **Dagestan**

Dagestan is the most ethnically diverse of the North Caucasus republics, with over 20 different indigenous ethnic groups. The largest group, Avars, comprise approximately 30 per cent of the population. The Lezgin, a group comprising about 13 per cent of the population of Dagestan, claim part of Dagestan and part of northern Azerbaijan as their own state, Lezgistan. As a result, the border between Russia and Azerbaijan has not been demarcated.

Chechens who had lived in Dagestan prior to the 1940s returned from deportation to find their settlements inhabited by another ethnic group, the Laks. Since 1991 the Dagestani government has promised to build new houses for the Lak, close to other Laks in the vicinity of Makhachkala, and allow Chechens to resettle their old villages.<sup>31</sup>

### **Kabardino-Balkaria and Karachay-Cherkessia**

Kabardino-Balkaria bears the name of two ethnicities, the Kabardin and the Balkar. The Balkar were among the groups deported by Stalin. Upon their return, there were disputes over land ownership. Since 1992, repeated calls for a separate Balkar Republic have been rejected by the federal government, provoking some tensions.<sup>32</sup> Mutual hostility between Kabardin and Balkar populations is mitigated by a joint desire to prevent the Republic's large ethnic Russian population gaining further representation in regional government.

In Karachay-Cherkessia there are tensions between the Karachay and Nogai populations on one hand, and the Cherkess and Abazin populations on the other.

### **Religion in the North Caucasus**

In the early 1990s a revival began of both Islam and Russian Orthodox Christianity. Most Muslims in the North Caucasus are either Sufi or Salafi and both groups are found in Dagestan, the historical centre for Islam in the region (Salafism was introduced to the North Caucasus in the 1990s by Muslim students who had studied abroad). The Spiritual Board of Muslims of Dagestan (SBMD) was established in 1990 and was officially sanctioned as the only organisation with the right to represent

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<sup>28</sup> H Krag and L Funch, *The North Caucasus: Minorities at a Crossroads*, Minority Rights Group, London, p.35.

<sup>29</sup> *Ibid.*, p.35.

<sup>30</sup> N J Melvin, see note 19, p.12.

<sup>31</sup> H Krag and L Funch, see note 28, p.32.

<sup>32</sup> N J Melvin, see note 19, p.16.

the interests of all Muslims in Dagestan in 1994. The SBMD is a centre of Sufi Islam, and immediately declared its opposition to Salafism. As a result, Salafism was repressed in the North Caucasus, in particular between 1997 and 1999. This further contributed to the sense of instability in the region after the end of the first Chechen war.<sup>33</sup>

### **Elections in the North Caucasus**

In 2004, direct governor elections were abolished by law and a new order was issued providing for direct appointment of leaders in the regions by the President of the Russian President, subject to approval by the local legislature. These moves, in part provoked by events in Beslan, were explained as meeting the need for more effective measures to counter terrorism.<sup>34</sup> The North Caucasian republics returned almost unanimous support for the United Russia party, which backs Vladimir Putin, in the parliamentary elections of December 2007.<sup>35</sup>

### **The situation today**

The situation remains unstable. In Chechnya, attacks by separatist armed groups continue, and the federal government response is now classified as an anti-terrorist operation. The whole North Caucasus remains fragile and human rights abuses continue to be perpetrated in the region. All parties to the conflict – federal forces, Chechen armies supported by Moscow, and separatist forces – have committed human rights abuses, often with impunity. Violations reported from Chechnya and the North Caucasus generally include enforced disappearances, killings and torture.<sup>36</sup>

The region is beset by a number of other serious problems. Pressure on the judiciary affects its independence, harassment of civil society is commonplace and corruption is widespread. Difficult socio-economic conditions are aggravated by high levels of unemployment and low standards of living. The conflict has created a large number of refugees and internally displaced people in the region. Poverty, endemic corruption and insecurity act as a brake on progress both in conflict resolution and economic development. The political instability also makes the republics in the North Caucasus vulnerable to autocratic leadership by local leaders supported by and loyal to Moscow. Ethnic, clan and religious divisions, while they have not developed into large scale violence, continue to fuel instability.

The 2005 report by Dmitriy Kozak, President Putin's Special Envoy to the Southern Federal District, predicted a sharp rise in radicalism and extremism and an increasing gap between 'constitutional democratic principles and existing realities'. He warned that these trends could lead to the emergence of 'a macro-region of socio-political and economic instability' encompassing the entire North Caucasus.<sup>37</sup> Despite the dire warnings contained in the report, the leaders of the majority of the

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<sup>33</sup> Ibid., p.20.

<sup>34</sup> V Ryzhkov, 'Otmena Vyborov: Votum Nedoveriya Narodu', *Vedomosti*, 2 November 2004, <http://www.vedomosti.ru/newspaper/article.shtml?2004/11/02/82964>.

<sup>35</sup> For example, in Kabardino-Balkaria 96.38 per cent voted for United Russia, in Chechnya 99.4 voted for United Russia. A Doroshev, 'Russia's Chechnya votes 99.4 pct for Putin Party', Reuters, <http://www.alertnet.org/thenews/newsdesk/L03496854.htm>.

<sup>36</sup> U.S. Department of State, *Country Reports on Human Rights Practices in Russia – 2006*, 6 March 2007, <http://www.state.gov/g/drl/rls/hrrpt/2006/78835.htm>.

<sup>37</sup> RFE/RL, L Fuller, 'North Caucasus: Dmitriy Kozak – Troubleshooter Or Whipping Boy?', 20 June 2005, <http://www.rferl.org/featuresarticle/2005/6/5A2EA0A7-20F5-413E-8A7A-C791EF0BB7A2.html>.

North Caucasus republics have been reappointed since 2005.<sup>38</sup>

## 2.2. The Media in the North Caucasus

The media in the North Caucasus face a variety of obstacles. The conflicts themselves and associated instability have clearly had a negative effect on the freedom of the media in the region. In addition, media outlets have to contend with a lack of independent sources, a lack of technical and practical expertise among journalists, and above all, a difficult financial situation. The conflicts and instability have tended to exacerbate all of these problems and reduced respect for the rule of law, compromising journalists' safety. In addition, the media are hampered by the absence of a solid legislative framework.

### Media outlets

Television is the dominant medium and all the nationwide State-owned channels are received in the region. Local channels' programming consists mainly of entertainment and propaganda.<sup>39</sup> Local interest programming and news, where they exist, are variable in quality and suffer from a variety of factors which limit the professional level of broadcasts.<sup>40</sup> A journalist from North Ossetia noted that people in the Republic tend to watch national channels more than local ones for two main reasons: local television stations only operate for a few hours a day and national channels, although not unbiased, are more informative than local ones, even on local issues.<sup>41</sup>

The situation is very different in the print media. National newspapers reach the North Caucasus with a few days' delay. A small number of mostly young people read the newspapers on the Internet, but the majority read local newspapers.<sup>42</sup>

Although propaganda acts to build consensus for official policies, there is a widespread distrust of official and some private sources. Similarly, the few Internet sites that provide a different perspective are often funded by opposition groups and are consequently biased. The population is often aware of media ownership and they treat information from these sources with scepticism.<sup>43</sup>

There is a relatively large number of newspapers in the region, although they tend to have low circulation figures – an average of 20,000 copies per newspaper, among populations of between 0.5 and 2.5 million in each republic. State-owned or subsidised newspapers dominate, although independent publications do exist.

The Internet is accessible, but not readily so. However, access has increased as a result of a federal drive to connect schools to the Internet. Internet sources are more varied than print or broadcast media. The Internet is used mainly by younger people and the Internet market is expanding,

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<sup>38</sup> <http://www.rferl.org/featuresarticle/2005/6/5A2EA0A7-20F5-413E-8A7A-C791EF0BB7A2.html>.

<sup>39</sup> ARTICLE 19 interview with Grigory Shvedov, Caucasian Knot, January 2008.

<sup>40</sup> Ibid.

<sup>41</sup> Private communication with Alan Tskhurbaev, Institute for War and Peace Reporting, February 2008. The other republics, with the possible exception of Dagestan, where the media is slightly more developed, and Chechnya, where there is a particularly high level of pro-government (and particularly pro-Kadyrov) propaganda.

<sup>42</sup> Ibid.

<sup>43</sup> F Tlisova, 'Press Under Threat In The North Caucasus', 8 June 2006, [http://iwpr.net/?apc\\_state=hrufcrs321509&l=en&s=f&o=321574](http://iwpr.net/?apc_state=hrufcrs321509&l=en&s=f&o=321574).

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primarily for entertainment purposes, but also increasingly for social and political reasons.<sup>44</sup> Information from the Internet is also at times distributed to people who do not regularly use it in the form of print-outs, enabling them to read and criticise websites and simulating debate.<sup>45</sup>

#### Primary sources

Independent and reliable primary sources of information for media outlets are lacking. Most available information about political issues is provided by the Ministry of Internal Affairs. As a result, reporting of sensitive events can be one-sided due to a simple lack of alternative information. Access to other sources is problematic, especially alternative sources linked to groups characterised as ‘terrorist’ or ‘extremist/separatist’.<sup>46</sup> Nevertheless, some agencies are turning to separatist websites to try to overcome the lack of substantive information available through official channels.<sup>47</sup>

There are a number of websites providing coverage of the situation in Chechnya and other republics which often contradict the State authorised version of events. However, some of these are led by separatist groups, the main example being KavkazCenter which calls overtly for the overthrow of the current Chechen government.

Other sources are human rights organisations. However, relying on NGOs can be problematic as some are fronts for failed politicians.<sup>48</sup> There are very few independent publications in the region which are not financed by parties or people in the opposition. Independent sources based outside the region include Caucasian Knot, a news agency established in 2000 by the human rights organisation Memorial. It unites journalists from the North and South Caucasus to provide an overall picture of the area<sup>49</sup> and deals with a variety of topics, including human rights, culture and business.<sup>50</sup> One significant practice is that its journalists sign their articles personally, although this can be dangerous. This is not the case with other agencies that publish controversial articles. Another alternative source is the internet newspaper kasparov.ru, founded by leader of The Other Russia Garry Kasparov.

International sources available include Radio Free Europe/Radio Liberty (RFE/RL) and the BBC. RFE/RL is available on shortwave radio but listener figures are low.<sup>51</sup> BBC and RFE/RL are available on the Internet. Articles are also published on the website of the Institute for War and Peace Reporting (IWPR), which is active in the North and South Caucasus.<sup>52</sup> The international media have shown some interest in the North Caucasus, and in particular in Chechnya, but coverage has been sporadic. As a result, little information on the North Caucasus conflict comes out of the region and international awareness of the difficulties affecting the region’s media is low.

#### Safety

The primary effect of regional instability on the media is to raise practical concerns regarding the safety of journalists and reporters. The availability of information itself is affected by the volatile situation, and it is often too dangerous to conduct in-depth research in certain areas. The destruction

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<sup>44</sup> ARTICLE 19 interview with Grigory Shvedov, Caucasian Knot, January 2008

<sup>45</sup> Ibid.

<sup>46</sup> ARTICLE 19 interview with Andrej Soldatov, Agentura.ru, January 2008.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> ARTICLE 19 interview with Grigory Shvedov, Caucasian Knot, January 2008.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid.

<sup>52</sup> A London-based organisation that trains and supports independent reporting by journalists in conflict regions.

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and degradation of infrastructure in the region means distributing newspapers is problematic. Similar technical and logistical obstacles are encountered to varying degrees throughout Russia, but are much more pronounced in the North Caucasus and affect both State and privately-owned newspapers.<sup>53</sup> In many cases, experienced journalists leave the region to work for national or international outlets because of safety and financial concerns. The representative of an independent news agency told ARTICLE 19 that this phenomenon has reduced the number of independent and accurate sources of information in the North Caucasus and had had a negative impact on audiences inside and outside the region.<sup>54</sup>

### Technical and practical issues

A lack of technical and practical expertise among local media employees is a barrier to good reporting, among other limiting factors. Outdated equipment and lack of marketing knowledge, experience and national and international law protecting journalists are common problems. Journalists have generally received little training, and have limited skills in analysis and investigative journalism.<sup>55</sup> As a result of these and other factors, journalists for the most part do not add analytical content to their reporting and limit themselves to relating the facts.<sup>56</sup>

The few professional journalists in the region tend to move to Moscow where they can enjoy better job prospects and larger audiences.<sup>57</sup> Those who stay in the North Caucasus prefer to work for the international media such as Regnum, Caucasian Knot and RFE/RL.<sup>58</sup> Funds are not available to pay freelancers,<sup>59</sup> and even among the State-subsidised media there is an absence of professional and popular journalists.<sup>60</sup>

Registration and licensing procedures, while rigorous, do not generally present problems for media outlets.<sup>61</sup>

### Finance

By far the most significant problem facing the media in the North Caucasus is finance. This restricts staff training and procurement of up-to-date equipment. The pressure is felt most keenly by independent media who operate without State subsidy.

Financial backers are, therefore, a relevant factor in determining the level of media freedom. While private and/or independent media sources do exist, there are few wholly independent sources of financial backing. Sources of advertising revenue are scarce. There is either a lack of knowledge among media outlets about how to access advertising revenue, or a lack of local businesses prepared to advertise.

The local economic situation inevitably dictates the viability of running an independent media outlet. The poor economic situation in the region means the population has little purchasing power,

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<sup>53</sup> ARTICLE 19 interview with Grigory Shvedov, Caucasian Knot, January 2008.

<sup>54</sup> ARTICLE 19 interview with Andrej Soldatov, Agentura.ru, January 2008.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid.

<sup>59</sup> Internews interview with a North Caucasus journalist, 'Welcome to Moscow', 29 May 2007, originally published by Transitions Online, [http://www.internews.org/articles/2007/20070529\\_tol\\_emf.shtm](http://www.internews.org/articles/2007/20070529_tol_emf.shtm).

<sup>60</sup> ARTICLE 19 interview with Grigory Shvedov, Caucasian Knot, January 2008.

<sup>61</sup> ARTICLE 19 interview with Oleg Panfilov, Centre for Journalism in Extreme Situations, January 2008.

and a limited interest in buying newspapers or cable television. These obstacles, coupled with the risk of repressive government tactics,<sup>62</sup> help explain the predominance of State-owned or influenced media.

The following assessments of the media landscape in the different republics are by no means exhaustive.

### 2.2.1.1. Chechnya

Chechnya's media landscape is dominated by State-run and financed outlets, with close links to the local republican authorities.<sup>63</sup> The two main television stations, State Television and Radio Company of the Chechen Republic (GTRK), and the Television and Radio Company Grozny present little or no substantive coverage of the situation within the republic.

RFE/RL broadcasts daily on shortwave from outside Chechnya.

The print media in Chechnya includes a large number of publications in comparison to other republics. There are three State-run (and State-sympathetic) newspapers, *Vesti Respubliki* (circulation 22,000)<sup>64</sup>, *Stolitsa* (20,000)<sup>65</sup> and *Golos Chechenskoy Respubliki* (5,000),<sup>66</sup> although these are not widely read by the local population.<sup>67</sup> A number of privately run publications are also available, such as the newspaper *Groznenski Rabochiy*.

Several local newspapers have had to discontinue publication as the local authorities did not have sufficient funds to support them.<sup>68</sup> There is still a relatively high number of print media outlets; in 2006 it was estimated that there were approximately 49, of which about half were financed by the local State budget. A number of the others were financed by local officials. In general, these newspapers refrain from writing about Chechen issues.<sup>69</sup>

Virtually all newspapers in Chechnya are dependent to a certain degree on President Ramzan Kadyrov because they are funded by either the Republic or district budgets. The main exception until 2008 was *Chechenskoe Obshchestvo*, an independent newspaper established in 2002. In January 2008, however, its editor took up a post in the administration of the president of Chechnya, and the newspaper is no longer published.

In addition, in 2005 the Centre for Journalism in Extreme Situations started a new magazine project called *Chechenskoe Obshchestvo Seigodnya*. It is printed in Prague (Czech Republic), for Chechens outside Chechnya, and in Moscow for people in Chechnya. The magazine has carried some information on human rights issues, but is not overtly political.<sup>70</sup>

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<sup>62</sup> See Section 4.3.

<sup>63</sup> Internews report, *North Caucasus Media Report*, September 2005, p.13.

<sup>64</sup> Caucasian Knot – Kavkazkii Uzel, Sredstva Massovoj Informatsii, [http://www.kavkaz-uzel.ru/smi/?srch\\_count=20&srch\\_section1=smi&srch\\_section2=chechnya&srch\\_section3=papers](http://www.kavkaz-uzel.ru/smi/?srch_count=20&srch_section1=smi&srch_section2=chechnya&srch_section3=papers).

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> *The Chechen Times*, 'Chechnya's Literary Pyre', 5 March 2003.

<sup>68</sup> Centre for Journalism in Extreme Situations (CJES), 'SMI Chechenskoy Respubliki v 2006 Godu', November 2006, [http://www.cjes.ru/bulletin/?bulletin\\_id=2251](http://www.cjes.ru/bulletin/?bulletin_id=2251).

<sup>69</sup> I Tekushev, 'Media Freedom in the North Caucasus', 30 October 2006,

<http://www.mediahelpingmedia.org/content/view/46/2/>

<sup>70</sup> ARTICLE 19 interview with Oleg Panfilov.



The use of the internet in Chechnya is growing rapidly, although access remains quite limited.

The ownership and origin of newspapers is not always clear. In some cases newspapers appear to be printed by separatists, for example the newspaper *Ichkeria*.

Overall, journalists tend to be loyal to the government of the Republic and President Kadyrov. For example, a representative of an independent news agency told ARTICLE 19 that during a seminar for journalists in Chechnya, all the journalists participating were extremely vocal in their defence and support of President Kadyrov.<sup>71</sup>

### 2.2.1.2. Dagestan

The Dagestan State Television and Radio Company is the principal State television and radio provider, followed by the private station TBS. These channels carry little in the way of news reporting. There are also a number of radio stations, both part State and part privately owned, and wholly private, many of which broadcast from the capital of the Republic, Makhachkala. The national radio station Ekho Moskvyy also broadcasts in Dagestan.

A number of publications have in the past been forced to close down following criticism of public figures.<sup>72</sup> As a result, there are few independent or oppositional media. There are approximately 10 newspapers available republic-wide, for example *Dagestanskaya Pravda* (circulation 13,200),<sup>73</sup> *Novoye Delo* (25,000)<sup>74</sup> and *Makhachkalinskaya Izvestiya* (17,000 – the city administration newspaper).<sup>75</sup> The newspapers are published in Russian and other languages (Avar, Dargin, Kumyk and others)<sup>76</sup> and there is also an Islamic press.<sup>77</sup>

Print outlets tend to be mouthpieces for their chief sponsors or founders. An example is *MK in Dagestan*, controlled by Makhachkala Mayor Said Amirov. Almost every article in this newspaper starts or ends with expressions such as ‘Only due to Said Dzhaparovich Amirov’ or ‘Thanks to the Mayor of our capital.’<sup>78</sup> Some newspapers are funded by local businessmen.

Other newspapers tend to either praise the local authorities or display a neutral attitude, and headlines are predictable, for example ‘Results of the Visit of Dagestan’s Leader to Moscow’.<sup>79</sup>

So, while there is no official censorship by authorities in Dagestan,<sup>80</sup> the reality is that criticism of the local government is largely absent.

Some independent or opposition press does exist, however. The main independent newspaper is *Chernovik*. In addition, the Dagestan media appears to be slightly more diverse than that of other republics.

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<sup>71</sup> ARTICLE 19 interview with a Russian independent news agency, January 2008.

<sup>72</sup> CJES, ‘Freedom of speech in Dagestan’, November 2002, [www.cjes.ru/bulletin/files/rep/2002/rep\\_en\\_12\\_09.doc](http://www.cjes.ru/bulletin/files/rep/2002/rep_en_12_09.doc).

<sup>73</sup> Data from <http://www.reklama-online.ru/smi/press/price/id/2050>.

<sup>74</sup> Data from <http://www.reklama-online.ru/smi/press/price/id/1341>.

<sup>75</sup> Caucasian Knot, ‘Svaboda Slova v Davestane’, <http://kavkaz-uzel.ru/analyticstext/analytics/id/542933.html>

<sup>76</sup> I Tekushev, see note 69.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

<sup>80</sup> CJES, ‘Freedom of speech in Dagestan’, see note 72.

### 2.2.1.3. Ingushetia

The State Television and Radio Company of Ingushetia broadcasts from Nazran, with some original programming and some re-broadcasting of the output of the national State television channel, TV Rossiya.<sup>81</sup>

There is considerable censorship in Ingushetia. In particular, materials for broadcasting and for publication are filtered (and effectively censored) by the Republic's Presidential Press Office.<sup>82</sup> Self-censorship is common, as those engaging in overt criticism of public authorities can face investigation by the authorities, intimidation, revocation of their registration, discontinuation of contractual agreements by distributors, the imposition of large fines or threats against their personal safety.<sup>83</sup>

A major independent source of information, until it was blocked in November 2007, was Ingushetiya.ru, an opposition site carrying mostly anti-establishment propaganda.<sup>84</sup> The site is available outside Russia. Confusion is also caused by its name being similar to the pro-government site, Ingushetia.ru.

### 2.2.1.4. Kabardino-Balkaria

Control by the Republic's Presidential Press Office, self-censorship and fear of retaliation are widespread in Kabardino-Balkaria.

A 2005 Internews report rated Kabardino-Balkaria's media development positively.<sup>85</sup> Since then, newspapers that provided independent information have been closed down.<sup>86</sup>

The two major State-owned channels are the State Television and Radio Company and the Nalchik Public Television Company. The scope for revenues from advertising in Kabardino-Balkaria is greater than in other areas of the North Caucasus and the region's only television company without State funding, TV-27, is an example of development in this field.<sup>87</sup>

*Kabardino-Balkarskaya Pravda* is the main daily newspaper operating in Nalchik, and was established by the parliament and the government of Kabardino-Balkaria. Its circulation is 18,710, and it is published five times a week.<sup>88</sup>

There are forms of prior censorship. Articles and broadcasts are vetted before dissemination by the Republic's Presidential Press Office, which filters information provided by media outlets.<sup>89</sup>

### 2.2.1.5. Karachayevo-Cherkessia

Ethnic divisions in Karachay-Cherkessia cloud the media landscape, resulting in television channels catering for different ethnicities. This has consequences for potential advertising revenue because each

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<sup>81</sup> Internews report, *North Caucasus Media Report*, September 2005, p.15.

<sup>82</sup> I Tekushev, see note 69.

<sup>83</sup> Ibid.

<sup>84</sup> For more on this, see Section 4.4.7.

<sup>85</sup> Internews, *North Caucasus Media Report*, September 2005.

<sup>86</sup> ARTICLE 19 interview with Andrey Soldatov.

<sup>87</sup> Internews, see note 85.

<sup>88</sup> *Kabardino-Balkarskaia Pravda* website, <http://kbpravda.ru/>.

<sup>89</sup> I Tekushev, see note 69.

side is reluctant to be associated with the business interests of the other.<sup>90</sup>

There is a State Television and Radio Company, and a number of other channels financed by public authorities. Examples are Cherkessk TV and Ekran.

At present, there are five official print media outlets in Karachay-Cherkessia that receive financial support from the Republic. They are the Russian language *Den Respubliki* and the newspapers *Karachai*, *Cherkes Kheku*, *Nogai Davysy* and *Abazashta*, published in the languages of the indigenous peoples of the Republic. The total circulation of all five is around 35,000 copies.<sup>91</sup>

The Presidential Administration keeps tight control over the topics and materials published. The Deputy Head of the Presidential Administration, Murat Karaketov, conducts weekly working conferences with the editors-in-chief of the newspapers, using those meetings to express dissatisfaction with certain materials. In accordance with an oral instruction from the Presidential Administration, none of those newspapers publishes information about the trial of the former President's son-in-law, Ali Kaitov.<sup>92</sup>

Following the 2003 election victory of President Mustafa Batdyev, an independent newspaper, *Vesti Gor* (News of the Mountains), was established. It is at present the only opposition newspaper.<sup>93</sup> The quality of its reporting, however, has been hampered by a lack of experienced journalists and a tendency to publish material which has not been verified.<sup>94</sup>

#### **2.2.1.6. North Ossetia**

Most forms of media are controlled or financed by the Republic's administration. The main State television channel is GTRK Alania. There are a number of private stations; examples include Vizavi and ART. Radio in North Ossetia is well developed and in terms of advertising revenue this is the most fruitful media outlet.<sup>95</sup>

Newspapers include the State-owned *Severnaya Osetiya* and the privately owned *Osetiya Svobodny Vzglyad*. The former is more outspoken and often covers scandals and investigations; however, overall its standards are quite low.<sup>96</sup>

Journalists with the independent mass media in North Ossetia are often prevented from attending certain official events.<sup>97</sup>

There is a degree of freedom shown in the media in the discussion of certain topics, in particular on relations with neighbouring Ingushetia and South Ossetia. Attitudes towards Ingushetia and the Ingush are generally negative and are related to long-standing ethnic and territorial conflicts, in particular the disputed territory of Prigorodnyy. Attitudes towards South Ossetia are generally very positive.<sup>98</sup>

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<sup>90</sup> Internews, see note 85.

<sup>91</sup> I Tekushev, see note 69.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Internews, see note 85.

<sup>96</sup> Private communication with Alan Tskhurbaev, see note 41.

<sup>97</sup> I Tekushev, see note 69.

<sup>98</sup> Ibid.

The national radio station Ekho Moskvyy broadcasts in North Ossetia.

#### **2.2.1.7. Stavropol Krai, Krasnodar Krai and Adygeya**

Little information is available on the media in these regions. As in other areas, the State-owned media predominate and the lack of funds is the main obstacle to the development of independent media. An abundance of short-lived, often free-of-charge print media has appeared in recent years. This has restricted the available revenue from advertising and undermined the credibility among the public of the print media in general. Newspapers which formerly relied upon postal subscriptions now find financial survival more difficult.<sup>99</sup>

The one independent radio station in Krasnodar Krai, Russian News Service-Krasnodar, ceased broadcasting on 5 January 2008 for unknown reasons. It had been known for reporting on opposition demonstrations and allegations of bribe-taking in the executive. An earlier change of management resulted in the resignation of the majority of its staff, including the editor and his deputy, by way of protest against a new editorial policy banning reporting on opposition activity.<sup>100</sup>

The governor of Stavropol Krai, Alexander Chernogorov, stated in January 2008 that he had sued three journalists for defamation and won in each case.<sup>101</sup> At the same time, the local section of the Russian Union of Journalists stated it was planning to set up a Grand Jury to examine cases of violations of journalistic ethics by the local media.<sup>102</sup>

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<sup>99</sup> S Santalova, 'Piechatnye SMI Stavropolya', published on CJES, 21 November 2007, [http://www.cjes.ru/lenta/view\\_news.php?id=25992&y=2007&m=11&lang=rus](http://www.cjes.ru/lenta/view_news.php?id=25992&y=2007&m=11&lang=rus)

<sup>100</sup> Khroniki Presledovaniy, 'Zakrylas Poslednaya Nazevisimaya Radiostanstiya Kubani', 5 January 2008, <http://hroniki.info/?page=news&id=124>.

<sup>101</sup> Stavropol'skaya Pravda, 'Udel Silnykh', 5 January 2008, [http://www.stpravda.ru/20080115/Udel\\_silnyh\\_15421.html](http://www.stpravda.ru/20080115/Udel_silnyh_15421.html).

<sup>102</sup> Ibid.

## **3. RUSSIAN LEGISLATION AFFECTING THE REPORTING OF CONFLICT**

### **3.1. Constitutional Guarantees**

Freedom of speech is guaranteed by Article 29 of the Russian Constitution, which states:

- (1) Everyone shall have the right to freedom of thought and speech.
- ...
- (5) Freedom of the mass media shall be guaranteed. Censorship shall be prohibited.

However, Article 29(4) places limits on these rights by guaranteeing the rights to ‘seek, obtain, transfer, produce and disseminate’ information, but only by ‘lawful means’. The protection provided by Articles 29(1) and (5) can therefore easily be limited by legislation. There is no guarantee that such legislation would itself correspond to international standards.

The Russian Constitution also protects freedom of religion (Article 28) and the principle of non-discrimination (Article 19), while Article 13 prohibits the incitement of ethnic and religious strife.

### **3.2. Incitement to Hatred**

Article 282 of the Criminal Code criminalises incitement to hatred as follows:

- (1) Actions aimed at inciting national, racial or religious hostility, humiliation of national dignity and propaganda of superiority or inferiority of citizens on the basis of their religious, national or racial affiliation, when carried out in public or through the media:

are punishable by a penalty amounting to 500 to 800 minimum wage units or the convicted offender’s salary or other income for a period of five to eight months, or restriction of freedom for a period of up to three years, or deprivation of liberty for a period of two to four years.

- (2) The same acts carried out:

- a) through violent means or threat of its use;
- b) through the use of one’s official position;
- c) by an organised group;

are punishable by deprivation of liberty for a period of three to five years.

Amendments to various laws in 2007<sup>103</sup> mean that ‘a motive of ideological, political, racial, national or religious hatred’<sup>104</sup> is an aggravating circumstance in relation to several articles in the Criminal

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<sup>103</sup> Federal Law On the Amendment of Certain Legal Acts of the Russian Federation with regard to the Realisation of State Control in the Area of Anti-terrorism, 24 July 2007. Other amended laws are the Law On Countering Extremism Activities, the Law On Mass Media and the Administrative Code.

<sup>104</sup> These motives were also added to Article 63 of the Criminal Code, on Circumstances aggravating

Code,<sup>105</sup> allowing for greater penalties. Promoting hatred against a ‘certain social group’ was also added to the list of prohibitions.

Prohibiting intentional incitement to racial and religious hatred is consistent with international standards. However, these provisions do not conform to international standards in all respects. The concept of ‘social group’ is not defined in Russian law, creating the potential for it to be interpreted arbitrarily, for example to suppress political criticism. The introduction of ‘ideological’ and ‘political’ motives is somewhat problematic, although if such motives are restricted to aggravating circumstances this may be legitimate. It has been noted that while greater penalties are warranted in relation to some crimes with ideological and political motives – such as the murder of anti-fascists by neo-Nazis – the Criminal Code already allowed for this prior to the amendments. These crimes were not, in any case, being addressed adequately by the authorities, so that new provisions are unlikely to solve the problem of hate crime.<sup>106</sup> The amendments, rather, seem to provide a basis for the application of harsh penalties in the case of minor violations, for example during political events and demonstrations.<sup>107</sup>

### 3.3. The Extremism Law

The federal Law On Countering Extremist Activities (Extremism Law) was originally adopted in 2002 and amended in June 2006<sup>108</sup> and August 2007.<sup>109</sup>

#### Vagueness and breadth of terms

Article 1(1)(a) of the Extremism Law, as amended, defines ‘extremist activities’ as:

forcible change of the foundations of the constitutional system and violation of integrity of the Russian Federation;

public justification of terrorism and other terrorist activity;

incitement to social, racial, ethnic or religious hatred;

propaganda of exclusiveness, superiority or inferiority of an individual based on his/her social, racial, ethnic, religious or linguistic identity, or his/her attitude to religion;

violation of rights, liberties and legitimate interests of an individual and citizen, subject to his/her social, racial, ethnic, religious or linguistic identity or attitude to religion;

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punishment.

<sup>105</sup> Articles 111, 112 and 115 (infliction of bodily harm), 116 (assault), 119 (threatening murder of infliction of bodily harm), 150 (commission of a crime by a minor), 213 (hooliganism), 214 (vandalism) and 244 (desecration).

<sup>106</sup> SOVA Information and Analytical Centre, A Verkhovsky, *Anti-Extremist Legislation and Its Enforcement*, 19 September 2007, <http://xeno.sova-center.ru/6BA2468/6BB4208/9D8E370#r8>.

<sup>107</sup> For example, in the case of ‘hooliganism’, regulated at Article 213 of the Criminal Code.

<sup>108</sup> Federal Law On the Introduction of Changes to Article 1 of the Federal Law on Countering Extremist Activity.

<sup>109</sup> See note 103.

preventing citizens from the exercise of their electoral rights and the right to participate in a referendum, or violating the secrecy of the vote, combined with violence or threats to use violence;

preventing legitimate activities of government authorities, local self-government, election commissions, public and religious associations or other organisations, combined with violence or threats to use violence;

committing crimes based on motives indicated in Article 63, part 1(e) of the Russian Criminal Code;<sup>110</sup>

propaganda and public demonstration of Nazi attributes or symbols, or attributes and symbols similar to Nazi attributes and symbols to the point of confusion;

public appeals to the exercise of the said acts or mass dissemination materials known to be extremist, as well as their production and possession for the purposes of mass dissemination;

publicising knowingly false accusations against a federal or regional official, in their official capacity, alleging that they have committed acts listed in this article as illegal and criminalised;<sup>111</sup>

organisation and preparation of the said acts, as well as incitement to committing them;

financing the above acts or providing any other support in their organisation, preparation and exercise, inter alia, by providing the following: educational, printing, material and technical facilities, phone, and other types of communication or providing information services.

ARTICLE 19 is of the view that specific provisions of the Extremism Law, at least inasmuch as they impinge on freedom of expression, are simply not necessary. The Russian authorities have justified this legislation as necessary to contain ultra-nationalism. Politically motivated violence and incitement to religious and ethnic hatred are certainly a threat to the security of a country and its minorities, and this threat is very much alive in modern Russia. However, prohibitions on incitement to violence and other extremist activities are already provided for in the Criminal Code. Criminal Code restrictions on various extremist activities are, for example, contained in Article 280, which imposes restrictions on ‘public calls to carry out extremist activities’; Article 282(1), which prohibits ‘organisation of an extremist association’; and Article 282(2), which prohibits ‘organisation of the activities of an extremist organisation’. Article 282(2) also criminalises the failure of any organisation that has been declared extremist to discontinue its activities. As a result, the Extremism Law is superfluous.

The provisions lend themselves to abuse and to harassment of the media. For example, while an ‘extremist activity’, such as the drawing of swastikas, is subject to a maximum sentence of 10 days’ administrative arrest, a public call to do so through the media can result in up to five years in prison.<sup>112</sup>

The vagueness of the provisions of the Extremism Law is a serious concern. There were some

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<sup>110</sup> It relates to ‘commission of a crime by reason of national, racial, or religious hatred or enmity ...’, and with the 2007 amendments, motives of a ‘political’ and ‘ideological’ nature were added, as well as ‘hatred against a certain social group’.

<sup>111</sup> This is discussed below, see Protection of public officials.

<sup>112</sup> Where the appeal is not made through the media, the penalty is up to three years in prison. SOVA, see note 106.

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positive developments in this regard with the 2007 amendments, which replaced ‘justification of extremism’ with ‘justification of terrorism’, which is narrower in scope.<sup>113</sup> Other broad and vaguely defined acts, such as ‘debasement of national dignity’, were also removed from the definition of extremism. However, the Law remains problematic, with key terms such as ‘terrorism’ left undefined.<sup>114</sup> The vagueness and breadth of the provisions leave them open to interpretation and potential abuse. The lack of precise definitions is contrary to Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), which provides that a restriction must be ‘provided by law’. This means that one ‘must be able ... to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail’.<sup>115</sup>

According to international law, restrictions on the right to free expression are justified only when they are absolutely ‘necessary in a democratic society’.<sup>116</sup> The Extremism Law variously prohibits ‘public justification’ (of terrorism), ‘propaganda’ (of superiority or inferiority, or of Nazi attributes or symbols), ‘public demonstration’ (of Nazi attributes or symbols), ‘public appeal’ (to illegal acts) and ‘publicising’ (allegations against officials).

The restrictions do not require a clear link to be established between the expression and the likelihood of violence to constitute liability. The Explanatory Note to the 2006 amendments clearly states that public speech that creates ‘the *possibility* of extremist activities’ can be considered a form of extremism [italics added]. Under international law, restrictions on free expression on the grounds of national security or public order<sup>117</sup> are limited to cases in which the expression is *intended to incite violence* and there is a *direct and immediate connection* between the expression and the likelihood or occurrence of such violence. This principle has specifically been endorsed by the UN Special Rapporteur on Freedom of Opinion and Expression,<sup>118</sup> and emerges from the jurisprudence of the European Court of Human Rights<sup>119</sup> and many national courts.<sup>120</sup>

The European Court of Human Rights has held that freedom of expression is protected not only in relation to “information” or “ideas” that are favourably received ... but also to those which offend, shock or disturb the State or any other sector of the population. Such are the demands of pluralism, tolerance and broadmindedness without which there is no “democratic society”.<sup>121</sup> This stems from the fundamental importance of the right to freedom of expression, which ‘constitutes one of the essential foundations of [a democratic] society, one of the basic conditions for its progress and for the development of every man’.<sup>122</sup> While it may be legitimate to prohibit certain extreme speech

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<sup>113</sup> However, the definition of ‘extremist materials’ at Article 1(3) still refers to materials that call for or justify an extremist activity.

<sup>114</sup> An explanatory note to Article 205(2) of the Criminal Code states that ‘public justification of terrorism shall be understood as public statements which recognise the terrorist ideology and practiced as legitimate and deserving to be supported and emulated’ (reported in SOVA, note 106). This is a circular definition.

<sup>115</sup> *Rekvényi v. Hungary*, 20 May 1999, Application No. 25390/94, para. 34 (European Court of Human Rights).

<sup>116</sup> Article 10(2) of the European Convention of Human Rights, ratified by Russia in 1998.

<sup>117</sup> It may be noted that all of the activities defined as extremist under Russian legislation can be categorised as relating to either national security or public order.

<sup>118</sup> See UN Doc E/CN.4/1996/39, 1996, para. 154.

<sup>119</sup> See, for example, *Karatas v. Turkey*, 8 July 1999, Application No. 23168/94, paras. 50-52.

<sup>120</sup> See, for example, *Athukoral v. AG*, 5 May 1997, SD Nos. 1-15/97 (Supreme Court of Sri Lanka) and *Secretary of State for the Home Department v. Rehman* [2001] UKHL 47 (United Kingdom House of Lords).

<sup>121</sup> *Handyside v. the United Kingdom*, 7 December 1976, Application No. 5493/72, para. 49.

<sup>122</sup> *Ibid.*, para. 49.



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which undermines the rights of others, the primary means to combat ultra-nationalism, as with all social evils, should be education and contestation, not banning.

Criminalising incitement that simply *might* lead to extremism activity or to the *possibility* of violence, or that simply justifies violence, is clearly not in conformity with these internationally recognised principles. Furthermore, Russian legislation does not appear to incorporate a proper intent requirement (which should be intent to cause the prohibited evil, not intent to make the statements). Among other things, these provisions are likely to have an adverse effect on the ability to freely criticise (or simply comment on) State policy in dealing with terrorism.

In the case of displaying Nazi symbols, a simple display is enough to engage liability, regardless of any risk of harm or the context. This would formally ban historical and arts exhibitions on this topic. It would also rule out the peaceful use of such symbols to remind others of their insidiousness – such as a demonstration which involved the display of Nazi symbols to call for an end to discrimination.

### Extremist materials

The creation or dissemination of extremist printed, audio, audio-visual or other materials meant for public use is prohibited (Articles 1(1)(a) and 13(1)). The judicial authorities are responsible for producing a federal list of banned extremist materials (Article 13(5)).<sup>123</sup> The inclusion in the list of certain materials may be appealed in court (Article 13(6)). Extremist materials are defined in Article 1(3) as documents intended for public use, calling for the carrying out or justifying of extremist activities. These include the works of Nazi leaders and of leaders of the Italian Fascist Party justifying ‘war or other crimes directed at partial or full elimination of a certain ethnic, social, racial, national and religious group’. Article 15 provides that the author of materials containing at least one of the characteristics listed in Article 1 is a ‘person carrying out extremist activities’ and ‘bears responsibility as further defined in Russia’s legislation’ and makes it illegal to disseminate ‘extremist’ materials.

The main problem with these provisions is the failure to provide a sufficiently close link to the harm sought. Article 1(3) again uses the term ‘justification’ of extremist activities,<sup>124</sup> rather than direct incitement to violence or some other social evil, such as discrimination. It is also highly problematic that the authorities should develop a list of banned publications, which is clearly not connected to any particular context and may therefore be subject to abuse. The banning of these publications is more likely to undermine historical research and debate than to contain effectively the threat of neo-Nazi groups.

### Protection of public officials

Article 1(1)(a) prohibits ‘publicising knowingly false accusation against a federal or regional official, in their official capacity, alleging that they have committed acts listed in this article as illegal and criminalised’. Defamation of public officials was included in the definition of extremism through the 2006 amendments. This means that a journalist might be found guilty of extremism for disseminating or publishing an article criticising a public official which included allegations of extremist behaviour (as defined broadly under Russian law).

Extremism and defamation law belong to two very distinct legal spheres which should not be

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<sup>123</sup> The list was first published in August 2007. See below, Section 4.1.

<sup>124</sup> In this case it is justification of extremism, rather than justification of terrorism, as in Article 1(a).

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confused. The purpose of defamation law is to protect reputations. These should not be protected through the harsh means envisaged in the Extremism Law. This is particularly the case given that, in Russia public officials often regard critical comment on their performance as defamatory.<sup>125</sup>

Existing defamation law already provides adequate, indeed often undue,<sup>126</sup> protection for reputation. Although the Extremism Law does require publication of knowingly false material, there are many ways in which this could be abused to limit legitimate criticism. Duplication of restrictive rules increases this possibility, to the detriment of freedom of expression. The 2007 amendments, by removing the requirement that the statement be declared slander by a court, also increases this possibility. Moreover, as a commentator noted, '[officials] include bureaucrats of almost all levels in the administrative hierarchy, and MPs (federal and regional)'.<sup>127</sup>

These provisions breach international standards by providing greater protection to public officials. The European Court of Human Rights has stated that public officials should tolerate a *higher degree* of criticism than ordinary citizens.<sup>128</sup> It also noted that defamation laws that grant public figures special protection are 'liable to hamper the press in performing its task as purveyor of information and public watchdog',<sup>129</sup> and that freedom of the press affords the public one of the best means of discovering and forming an opinion of the ideas and attitudes of political leaders. More generally, freedom of political debate is at the very core of the concept of a democratic society.<sup>130</sup> The media should be able to report on matters in the public interest, including the exposure of wrongdoing by the authorities. This enhances the accountability of public officials through greater scrutiny and information on their actions.

### Restrictions on the media

Article 11(1) specifies that dissemination of extremist materials through the media, or the use of the media to carry out extremist activities, is prohibited.

Article 8 stipulates that the dissemination of extremist materials through the media or 'existence of signs of extremism in the activities of the media outlet' (which, as noted above, includes defamation) are prohibited. In these cases, the founder and/or the editor-in-chief of the relevant media outlet will first be issued a warning by the authorities and assigned a time period during which they should eliminate the problem. The warning can be appealed in court. However, the activities of the media outlet can be terminated if it does not appeal, fails to correct the violation within the established timeframe, or re-offends within 12 months of the warning being issued.

Article 11(2) provides that a media outlet can be closed where it engages in an extremist act

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<sup>125</sup> See *The Cost of Reputation. Defamation Law and Practice in Russia*, ARTICLE 19, London, 2007, <http://www.article19.org/pdfs/publications/russia-defamation-rpt.pdf>.

<sup>126</sup> Ibid.

<sup>127</sup> SOVA, A Verkhovski, see note 106.

<sup>128</sup> The Court held:

The limits of acceptable criticism are wider as regards a *politician* as such than as regards a private individual. Unlike the latter, the former inevitably and knowingly lays himself open to close scrutiny of his every word and deed by both journalists and the public at large, and he must consequently display a greater degree of tolerance. No doubt Article 10(2) enables the reputation of others - that is to say, of all individuals - to be protected, and this protection extends to politicians too, even when they are not acting in their private capacity; but in such cases the requirements of such protection have to be weighed in relation to the interests of open discussion of political issues. (*Lingens v. Austria*, 8 July 1986, Application No. 9815/82, para. 42).

<sup>129</sup> Ibid., para. 44.

<sup>130</sup> Ibid., para. 42.

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which leads to a violation of human rights and freedoms or causes harm to a person's health, the environment, public order, public safety, property; harms the legitimate economic interest of individuals or legal entities, the public or the State; or poses a real danger of such harm. The closure is by court order, or the federal executive press and broadcasting authorities or the General Prosecutor. Moreover, Article 15 states that if the leader of an organisation engages in public incitement of extremism or has been convicted of extremism, the organisation is obliged, within five days, 'to publicly declare its disapproval of the statement or action of this person'. If the organisation does not do so, 'this will be regarded as a fact demonstrating the presence of an element of extremism in its activities'.<sup>131</sup>

The Law also requires that any reference to an extremist organisation must record that it has been banned; failure to do so can result in a fine.<sup>132</sup> By January 2008, the Russian authorities had compiled a list of 17 extremist organisations.<sup>133</sup> In order to prevent the further dissemination of extremist materials, a court may order an injunction against the dissemination of a particular edition of a publication, or the circulation of audio or video recordings of a broadcast, as well as for the confiscation of any unsold copies.

The main problem with these provisions, as with other provisions noted here, is that they impose wide prohibitions on media reporting on the activities of extremist organisations, even when the media is not engaged in incitement. Extremism, like terrorism, is a matter of great public interest, and the public has a right to be informed about it in order, for example, to better understand what might motivate such views or actions or to assess the government's response. The provisions of the Extremism Law may lead to media outlets or journalists being declared 'extremists' simply for carrying out their professional duties by providing a forum for discussion of government policies and activities. Furthermore, the broad definition of 'extremism' makes it relatively simple to classify organisations as extremist, even when they do not deserve to be included in this category.<sup>134</sup>

The Law also singles out the media for special treatment, over and above general penalties for promoting extremism which apply to all forms of expression. As a result, they have a chilling effect on independent voices and the media, which adversely restricts the free flow of information and the public's right to know. This is particularly true given the severity of the penalties.

The sanctions which can be imposed may lead to very serious violations of freedom of expression, since Russian law and practice offer very few guarantees against media outlets being illegally harassed. Above all, the Law fails to provide any opportunity for an organisation to appeal against a court decision to label it 'extremist'. This is particularly serious given the draconian powers to close media outlets which are granted to the authorities.

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<sup>131</sup> See, for example, the case of the Russian Chechen Friendship Society, Section 4.4.4.

<sup>132</sup> Article 13(15) of the Code of Administrative Offences. An extremism organisation is defined at Article 1(b) of the Extremism Law as a 'public or religious union or other organisation, against which, based on this federal law, a court of law's ruling on its liquidation or prohibition of its activities, due to involvement in extremist activities, has already entered into force'.

<sup>133</sup> In addition to the list of extremist materials mentioned above.

<sup>134</sup> Again, an example is provided by the case of the Russian Chechen Friendship Society. See Section 4.4.4.

## 4. THE RUSSIAN GOVERNMENT’S MEDIA POLICY AND CONFLICT REPORTING

### 4.1. Application of Extremism and Incitement Legislation

Extremism legislation is selectively applied in Russia. In many cases the authorities have failed to implement it effectively to reduce hate crime while at the same time using it to repress freedom of expression. For example, there have been cases in which extremism legislation was employed to suppress critical and dissenting voices in the arts.<sup>135</sup> The evidence suggests that the authorities are more systematic in using the legislation against the political opposition rather than, for instance, Nazi groups. In early 2007, for example, most instances of ‘anti-extremist’ actions directed against civil society groups targeted the opposition social movement United Civil Front and the coalition The Other Russia.<sup>136</sup> In April 2007, the National Bolshevik Party was declared extremist by the Moscow City Court and its activities were banned. A ban was also placed on the Rodina Party during the 2006 Moscow city elections for broadcasting racist political advertising (see below).

There are several examples of the extremism legislation being used against the media and civil society in a manner that breaches international standards. The Russian edition of *Esquire* magazine was investigated for ‘illegally displaying Nazi attributes’.<sup>137</sup> It had published a photo of a riot policeman whose helmet had two zigzags resembling the Nazi SS insignia which offended the State Duma. In 2007 Rainbow House, a gay and lesbian group in Tyumen oblast, was denied registration by the Federal Registration Service, which, incredibly, judged it ‘extremist’ as such groups ‘undermine the sovereignty and territorial integrity of the Russian Federation due to reduction of its population’.<sup>138</sup>

Extremism legislation has also been used to suppress criticism of public officials. For example, the Voice of Beslan group was ordered to close in December 2007 for criticising President Putin for the lack of a thorough investigation into the Beslan tragedy.

In 2007, the Prosecutor’s Office of Syktyvkar (Komi Republic) instigated criminal proceedings against Savva Terentiev for incitement to hatred (Article 282(1) of the Criminal Code) for referring to the local police in insulting terms on his private blog. The offence is punishable with a fine of up to 300,000 roubles (EUR 8,600), deprivation of the right to hold particular posts, and forced labour or imprisonment for up to two years. After the case was initiated, the police entered Savva Terentiev’s flat and seized his computer. This is the first criminal case brought in Russia for materials placed on a blog.<sup>139</sup> It demonstrates the tendency of legal officials to confuse crimes of incitement – whether to extremism or hatred – and defamation.<sup>140</sup>

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<sup>135</sup> For example, see ARTICLE 19, *Art, Religion and Hatred. Religious Intolerance in Russia and its Effect on Art*, December 2005, <http://www.article19.org/pdfs/publications/russia-art-religion-and-hatred.pdf>. Artists have faced criminal charges of religious hatred for artworks that may have been provocative but did not constitute incitement.

<sup>136</sup> G Kozhevnikova, *The Sowing Season in the Field of Russian Nationalism*, see note 13.

<sup>137</sup> Ibid.

<sup>138</sup> G Kozhevnikova, ‘Winter Maneuvers of the Ultra-Right: Explosions, Congresses and Trials’, 8 May 2007, [http://xeno.sova-center.ru/6BA2468/6BB4208/9281D7A#\\_ftn14](http://xeno.sova-center.ru/6BA2468/6BB4208/9281D7A#_ftn14).

<sup>139</sup> ‘Filtrui Zhurnal. Prokuratura Grozit Bloggeru Dvumya Godami Tyurmy’, *Kommersant*, No.143, 13 August 2007.

<sup>140</sup> See Section 4.4.5.

The Extremism Law requires publication by the authorities of an official list of materials ruled as extremist by the courts. The list, albeit incomplete, appeared in August 2007.<sup>141</sup> Two subsequent lists were published by Rosregistration, a body of the Ministry of Justice. In January 2006, there were 61 items on the list.<sup>142</sup>

Publications suspected of extremism are reviewed by experts, such as linguists and social psychologists, to establish whether they contain elements of extremism. Since the spring of 2007, there have been instances in which entire print-runs of The Other Russia's publications, rather than samples, have been confiscated.<sup>143</sup> For example, the entire print-run – 120,000 copies – of the 31 May 2007 edition of The Other Russia's newspaper *Vperyod, Petersburg!* was confiscated and not returned until nearly a month later. Newspapers printed in preparation for the Dissenters' March<sup>144</sup> were confiscated, also for a review of possible extremist content. Unlawful confiscations are usually carried out with impunity, although in some cases the authorities have admitted to a mistake and apologies have been issued.<sup>145</sup> Meanwhile, a large number of articles including hate speech and incitement have been published.

In many cases, there has been little or no connection between the expression and acts of ethnic or religious hostility. For example, even in the case of the Rodina Party, although the broadcast was certainly offensive,<sup>146</sup> it did not amount to incitement to ethnic violence.

The use of extremism legislation to shield public officials from criticism is of particular concern. In such a climate, the media tends to exercise extreme caution in reporting sensitive issues, including conflict and related human rights violations, particularly when these are perpetrated by Russian forces.

## 4.2. Unofficial Regulations

Instructions are often handed down to the media about how to report sensitive political issues. In November 2005, instructions issued by the Presidential Administration to State television stations were leaked. The instructions centred on reporting in the Caucasus. The leak stimulated a great deal of debate.

State television stations were instructed:

- not to use the term 'Islamic' in connection 'terrorist acts', but instead to refer to 'international terrorism';
- to replace 'jamaat' with 'terrorist organisation', 'shahid' with 'terrorist' or 'suicide

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<sup>141</sup> The list included 14 titles, among them a Nazi film, a neo-Nazi music album, Al-Wahhab's materials, and right-wing propaganda.

<sup>142</sup> SOVA, G Kozhevnikova, *Autumn 2007: Nazi Raids, Russian Marches, and Putin as Schtirli*, 30 January 2008, [http://xeno.sova-center.ru/6BA2468/6BB4208/A886251#\\_ftnref13](http://xeno.sova-center.ru/6BA2468/6BB4208/A886251#_ftnref13).

<sup>143</sup> SOVA, *Main Current Issues and Recommendations on Anti-Extremist Legislation and Its Enforcement*, September 2007, <http://www.mhg.ru/files/007/e5.doc>.

<sup>144</sup> A series of pro-democracy demonstrations held in late 2007. See Section 1.1.

<sup>145</sup> ARTICLE 19 interview with Galina Kozhevnikova.

<sup>146</sup> It showed dark-skinned men dropping rubbish as a blonde woman walked past with a pram. The slogan said: 'Let's clear up Moscow of rubbish'. The leader of the Rodina Party maintained that the ban was enforced to eliminate political opposition during the elections rather than for a genuine desire to safeguard the rights of minorities. Radio free Europe, C Blogg, 'Russia: Nationalist Party Barred From Moscow Election', 28 November 2005, <http://www.rferl.org/featuresarticle/2005/11/b058b58d-c196-4cb1-b0f8-6db948f452c7.html>.

bomber’, ‘wahhabi’ with ‘Islamic fighter/extremist’, and ‘jihad’ with ‘terrorist sabotage’;

- to replace ‘emir’, ‘imam’, ‘sheik’ with ‘head of group formation’.<sup>147</sup>

These instructions were reportedly submitted at the end of October at one of the regular meetings between the President’s Administration and the broadcast media<sup>148</sup> in which the Administration states its wishes (normally perceived as ‘instructions’) regarding the coverage of events.

This was perceived as an act of censorship. It was referred to as the ‘third phase’ in the information policy of the Kremlin in the North Caucasus, following the control of information through restriction on travel to the region and accreditation requirements,<sup>149</sup> and the filtering of information.<sup>150</sup>

Of particular concern is the special instruction issued by President Mustafa Batdjev of Karachay-Cherkessia in March 2006 prohibiting all State and municipal officials, including ministers and their deputies, from communicating with the media without special permission from the presidential press office.<sup>151</sup>

### 4.3. Reporting Conflict

Restrictions on reporting increased notably between the first Chechen war and Russia’s military campaign in Dagestan in 1999 in connection with incursions by Chechen separatists. The relatively free coverage of the former contrasted with the marked information vacuum surrounding the latter as journalists were denied entry to Dagestan. Only a few independent journalists managed to provide reports which differed from the news approved by the Russian authorities.<sup>152</sup> The control of information on the North Caucasus also means that the media are unable to operate freely, and that leaks and whistleblowing happen rarely if ever. Many have seen Vladimir Putin’s policies as a determining factor in this change. From the start of his term as Prime Minister in 1999, Vladimir Putin began to win the favour of journalists and heads of media outlets and frequently invited them to the Kremlin. He continued this after he was elected President, but increasingly only with journalists who demonstrated their loyalty.<sup>153</sup> In the following years, control of media outlets became progressively more pronounced.

#### 4.3.1. Chechnya and the Chechen Wars

There were marked differences between the reporting of the first and second Chechen wars. During the first, more criticism was voiced, including of abuses by the army. For example, the national NTV was known for its critical reporting; criticism was also broadcast on Ekho Moskvyy radio and (the now closed) TV-6. *Novaya Gazeta* and several other newspapers, including *Izvestiya*, were critical of acts by the federal army in Chechnya.<sup>154</sup> The Internet and independent newspapers facilitated discussion on

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<sup>147</sup> SOVA ‘Tsensura ili Etika?’ Gosudartzhennomu TV – Gosudartzhennuyu Politkorrektnost, 9 November 2006, <http://xeno.sova-center.ru/213716E/21398CB/659A02B>.

<sup>148</sup> Gazeta.ru, O Serlov, ‘Slovar Blagonadevnykh Slov’, [http://www.gazeta.ru/comments/2005/11/01\\_a\\_466736.shtml](http://www.gazeta.ru/comments/2005/11/01_a_466736.shtml)

<sup>149</sup> See Section 4.3.1

<sup>150</sup> Gazeta.ru, O Serlov.

<sup>151</sup> I Tekushev, see note 69.

<sup>152</sup> O Panfilov, see note 3.

<sup>153</sup> Ibid.

<sup>154</sup> BBC Monitoring, ‘Russian Media Mull Chechnya Abuses’, 11 July 2001, [http://news.bbc.co.uk/1/hi/world/monitoring/media\\_reports/1434473.stm](http://news.bbc.co.uk/1/hi/world/monitoring/media_reports/1434473.stm)

the Chechen question. Xenophobia in the media was more a reflection of popular nationalism than State-sponsored propaganda.<sup>155</sup>

By the time of the second Chechen war things had changed dramatically. Already in September 1999, television channels reported ‘clear signs of Chechen involvement’ in the bombing of two blocks of flats in Moscow, despite the absence of any investigative journalism into the attacks. An official investigation was held and suspects tried and convicted. However, it is alleged that the trials did not adequately confirm responsibility for the bombing.<sup>156</sup>

In the following years, distorted reporting of the Chechen conflict was frequent in the Russian mainstream media. Russian actions in Chechnya were presented in an exclusively positive light, while Chechen separatists were vilified. The widespread portrayal of Chechens as ‘terrorists’ led to increased instances of hate speech against foreigners and Caucasians in both extremist and mainstream media. Commentators noted that these methods continued to be used by the authorities to provoke anti-Chechen sentiment so as to build consensus for their military actions in Chechnya.<sup>157</sup>

In 2008 the mainstream media remained under the control of the Russian authorities. However, from 2004 onwards the coverage of Chechnya (and the expression of anti-Chechen sentiments) in the mainstream media decreased. By this time military actions in Chechnya had mostly ended, and federal forces were primarily engaged in Ingushetia (2004), North Ossetia (Beslan – 2004), Nalchik (Kabardino-Balkaria – 2005), Dagestan (2006 to the present) and Ingushetia (2007-2008). It was noted in 2008 that journalists prefer to cover Ingushetia, because of ongoing military operations and the greater accessibility of information.<sup>158</sup>

Overall, information on the North Caucasus, including Chechnya, in the mainstream media is superficial.<sup>159</sup> This reflects the government’s position that the war in Chechnya is over. Instances of fighting are officially defined in the media as ‘counter-terrorism actions’ rather than ‘war’. Generally the reporting is minimal, with the exception of more independent media outlets – primarily newspapers, and independent or opposition websites.<sup>160</sup>

### **Portrayal of Chechens in the mainstream media**

From the mid-2000s the coverage of Chechens – and racist content in general – in the mainstream media decreased. By 2008 reporting of Chechnya in the Russian mainstream media mostly related to reconstruction and life returning to normal after the end of the conflict.

This can be attributed to a number of factors. The Russian authorities consider the Chechen wars to be over. Following the Beslan school siege, the media became concerned about descriptions of the conflict and related stories using ethnically rooted terminology that might lead to further instability and in particular to a resumption of the Ingush-Ossetian conflict.<sup>161</sup> This response was markedly different to the anti-Chechen hysteria and widespread xenophobia in the media which followed the

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<sup>155</sup> O Panfilov, ‘Midwife to a Reborn Russian Nationalism’.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> ARTICLE 19 interview with Andrey Soldatov.

<sup>159</sup> Ibid.

<sup>160</sup> ARTICLE 19 interview with Oleg Panfilov.

<sup>161</sup> ARTICLE 19 interview with Galina Kozhevnikova, SOVA Analytical Centre, January 2008.

*Nord-Ost* theatre siege in Moscow.<sup>162</sup>

Today, Russian nationalism in the media centres around the exclusive celebration of ‘Russianness’, particularly in the form of Orthodox Christianity, rather than repression of the ‘other’. Although a relatively small number of Russians are practising members of a religious faith, many believe that some form of adherence to the Russian Orthodox Church is a crucial part of being Russian.<sup>163</sup> For example, *Krasniy Sever*, the main newspaper in the Yamalo-Nenets Autonomous Okrug (Urals), portrays traditional (mostly family) values in a regular section dedicated to the Russian Orthodox religion. The reporting of religious matters is less prominent, but still extensive on television, particularly on local channels in the regions. Interestingly, an analysis of the Chechen media revealed analogous dynamics in the use of religion to express a people’s identity – only in this case the religion was Islam.<sup>164</sup>

Finally, even if there is no overt racism in the media, other less direct methods, such as allusion, innuendo, images and juxtapositions, are used to portray minorities in a negative light. For example, in television series villains frequently have the physical characteristics associated with people from the Caucasus and speak with strong North Caucasus accents.<sup>165</sup>

Such portrayals contribute to continuing widespread anti-foreign sentiments.<sup>166</sup> Tensions have also recently been felt vis-à-vis Georgians, Estonians and Poles. Political tensions over extraditions have also led to anti-British sentiments that were still acute in 2008. Some anti-Western rhetoric is present in the Russian mainstream media.<sup>167</sup>

### **The media within Chechnya**

The situation in the Chechen media deteriorated after President Ramzan Kadyrov initiated a powerful propaganda campaign that developed into a virtual personality cult. Information flow is now tightly controlled, with the media not being allowed to broach topics such as human rights violations by federal forces. The little criticism that does exist does not go as far as making any type of direct or indirect references to President Kadyrov and his entourage.<sup>168</sup>

Messages of tolerance have increased in the Chechen media. However, some (more or less hidden) separatist rhetoric can still be found.<sup>169</sup>

### **Access to information**

Chechen journalist Musa Uradov told ARTICLE 19 that the greatest problem for a journalist in

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<sup>162</sup> See Section 2.1.2.

<sup>163</sup> This was clearly shown in a study conducted by SOVA in 2007 analysing the print media in 25 Russian regions.

<sup>164</sup> ARTICLE 19 interview with Galina Kozhevnikova, SOVA Analytical Centre, January 2008.

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> The media has been used to create the image of foreigners as spies and of NGOs as in the service of foreign intelligence services. One case widely covered by the Russian media occurred in early 2006, when the British Embassy in Moscow was accused of espionage by the Russian authorities. The coverage of the event overwhelmingly portrayed British diplomats as spies, despite the fact that no conclusive evidence was supplied by law enforcement officials.

<sup>168</sup> ARTICLE 19 interview with Stanislav Dmitrievskiy and Oksana Chelysheva, London, 2006.

<sup>169</sup> ARTICLE 19 interview with Galina Kozhevnikova. From the study .. ([add details](#))



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Chechnya is getting information on local events.<sup>170</sup> He noted that public officials avoid all contact with journalists. For example, if journalists request information from the Ministry of Internal Affairs, they are told that they must speak to the Minister directly, which is virtually impossible. Journalists can obtain information only through personal contacts and off the record.

#### Interviews with Chechen leaders

The Russian authorities have forbidden the reporting of interviews with Chechen separatist leaders. The use of direct quotations can lead to charges of extremism or incitement to religious and ethnic hatred.<sup>171</sup> For example, the *Kommersant* daily newspaper was issued with an official warning for publishing an interview with Chechen rebel leader Aslan Maskhadov on 7 February 2005.<sup>172</sup> *Kommersant* filed a lawsuit,<sup>173</sup> arguing that the issuing of the warning was illegitimate because the information published was not ‘extremist’. In April 2005, the Moscow Arbitrage Court ruled against *Kommersant*.<sup>174</sup>

The NTV television station withdrew an interview with Chechen rebel leader Zelimkhan Yandarbiyev’s widow on 30 May 2004. According to reports in the Russian media, this followed directives from the security services. On 1 June 2004, Leonid Parfyonov, director of NTV’s political programme, was dismissed.<sup>175</sup>

Attempts to control separatist leaders’ access to the media has extended to foreign countries. In the USA, the television channel ABC was strongly criticised by the Russian authorities for broadcasting an interview with Chechen separatist leader Shamil Basayev without first consulting the Russian authorities. ABC was informed that its accreditation to travel to Chechnya would not be renewed.<sup>176</sup>

The British authorities were strongly criticised for permitting Channel 4 to broadcast an interview with Chechen rebel leader Shamil Basayev in February 2005. The Russian Foreign Ministry also criticised the Swedish authorities and the Swedish independent news agency TT for publishing an interview with Shamil Basayev on 21 March 2005. The news agency was even accused of partial responsibility in the ‘setting ablaze of a Russian diplomat’s car’ after the interview.<sup>177</sup> The Foreign Ministry has also put pressure on several countries to shut down the pro-separatist news website KavkazCenter.

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<sup>170</sup> ARTICLE 19 interview with Musa Uradov, January 2008. At the time of the interview the journalist worked in Moscow for *Kommersant*.

<sup>171</sup> See the case of Stanislav Dmitrievskiy, found guilty of incitement under Article 282 of the Criminal Code. See Section 4.4.4.

<sup>172</sup> S Petukhov, ‘*Kommersant* Answered For “Blood” of Aslan Maskhadov’, *Kommersant*, 20 April 2005, [http://www.kommersant.com/p571659/r\\_1/%3C1%3EKommersant%3C1%3E Answered For %E2%80%9CBlood%20%80%9D\\_of\\_Aslan\\_Maskhadov/](http://www.kommersant.com/p571659/r_1/%3C1%3EKommersant%3C1%3E%20%80%9CBlood%20%80%9D_of_Aslan_Maskhadov/). See the case of Stanislav Dmitrievskiy as in note 172. See Section 4.4.4.

<sup>173</sup> Against the Federal Service of Legal Supervision in Mass Communications and Protection of Cultural Heritage (Rosokhrankultura).

<sup>174</sup> S Petukhov, see note 172.

<sup>175</sup> International Press Institute, *IPI Watch List Report. Russia*, November 2005, Update, [http://www.freemedia.at/cms/ipi/watchlist\\_detail.html?country=KW0078](http://www.freemedia.at/cms/ipi/watchlist_detail.html?country=KW0078), November 2004 Update.

<sup>176</sup> Ibid.

<sup>177</sup> Ibid.

### Safety issues

One of the main reasons for the exclusively positive reporting of Ramzan Kadyrov is fear of the consequences of criticism.<sup>178</sup> As a journalist from *Novaya Gazeta* told ARTICLE 19, an independent journalist has much more to fear in the North Caucasus than in Moscow – even taking into account that by 2007 three *Novaya Gazeta* journalists had been killed in Moscow.<sup>179</sup> Many journalists simply leave the North Caucasus to escape the threats and harassment not only from the authorities, but also from businesspeople who may sue if they feel their interests are under threat.<sup>180</sup>

A Chechen journalist reported in 2008 that in recent years the situation in Chechnya has improved, with fewer shootings and greater safety in the streets of Grozny, including at night. There were greater concerns for safety (for journalists as well as the general population) in Dagestan and Ingushetia.<sup>181</sup> At the same time, journalists continue to fear retaliation. Attempts to investigate and report incidents involving the military (such as abuses of civilians at the hands of the military) are particularly risky. Even when an official investigation into these cases is ordered by a court, the army continues to obstruct the work of journalists researching such cases.<sup>182</sup>

A journalist based in Moscow stated that there is some reporting of human rights violations in the North Caucasus. However, what particularly alarms the authorities are investigations to expose those who ordered the crime. Journalist Anna Politkovskaya was engaged in just such an investigation when she was killed in 2006.<sup>183</sup>

Even mild criticism of the authorities can lead to journalists being labelled opposition sympathisers – and this can lead to harassment and obstruction in their professional activities.<sup>184</sup>

Safety issues are common in other republics. IWPR reported that, only a week after Anna Politkovskaya's death, a journalist in Kabardino-Balkaria was told by a security services officer: 'If they give us the order to rub out journalists, you will be one of the first'. Another journalist was reportedly warned: 'We have people who don't like journalists very much. And even those who have sworn to kill you personally'.<sup>185</sup> Understandably, these cases generate self-censorship. IWPR reported that an editor in Cherkessk (Karachay-Cherkessia) who once criticised the local authorities stated, after being intimidated by public officials: 'I have children, but for these people killing someone is as easy as having breakfast. I can't change anything even if I lay down my life for this. So I will keep silent and do what they say'.<sup>186</sup> Reportedly there have also been several threats against political leader Garry Kasparov from the chairman of the Chechen Parliament for the strong criticism of Russian policy in Chechnya and of Ramzan Kadyrov in his Internet newspaper, [kasparov.ru](http://kasparov.ru).<sup>187</sup>

In Karachay-Cherkessia, where the freedom of expression situation is particularly acute, the opposition leader and media editor Keram Semyonova was murdered in 2001 and opposition

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<sup>178</sup> ARTICLE 19 interview with Stanislav Dmitrievskiy and Oksana Chelysheva, London, 2006.

<sup>179</sup> ARTICLE 19 interview with *Novaya Gazeta* representative, January 2008.

<sup>180</sup> Ibid.

<sup>181</sup> ARTICLE 19 interview with Musa Uradov, January 2008.

<sup>182</sup> Ibid.

<sup>183</sup> ARTICLE 19 interview with Andrey Soldatov.

<sup>184</sup> ARTICLE 19 interview with Musa Uradov, January 2008.

<sup>185</sup> D Tsei, 'North Caucasus: Journalists Feel the Heat', IWPR 16 November 2006,

[http://iwpr.net/?p=crs&s=f&o=325463&apc\\_state=henpers](http://iwpr.net/?p=crs&s=f&o=325463&apc_state=henpers).

<sup>186</sup> Ibid.

<sup>187</sup> Private communication with Oksana Chelysheva, February 2008.

journalists Vladimir Panov and Yan Svider were severely beaten in 2002.<sup>188</sup>

### **Restrictions of journalists' travel to the region**

Restrictions on travel to Chechnya make it extremely difficult for journalists to report on the region. New regulations were adopted by the Russian Information Centre (*Rozinformtsentr*) in August 2004, requiring journalists to apply for accreditation directly from the Ministry of Internal Affairs. International journalists are also required to apply for permission to travel and obtain accreditation. No permission is needed to visit other republics.<sup>189</sup>

During the second Chechen war, journalists mostly had to work from the military base in Khankal in Chechnya. One Chechen journalist who attempted to enter Grozny reported that he was stopped by the military, questioned and transferred to two different military bases before being released.<sup>190</sup>

If visits are carried out through official channels, journalists are escorted by security agents, which discourages ordinary people from talking to them for fear of reprisals.<sup>191</sup> The only way for journalists to obtain independent information is to travel without accreditation – and without informing the authorities of their travel. For instance, *Novaya Gazeta* journalists (including Anna Politkovskaya), as well as some foreign journalists, have travelled to Chechnya undercover.<sup>192</sup>

There have been cases in which outspoken journalists were denied accreditation. For example, problems over accreditation prevented Yury Bagrov, a North Caucasus correspondent for RFE/RL, from travelling to Chechnya to cover the 2004 elections and, in 2005, meetings on the first anniversary of the Beslan school siege.<sup>193</sup>

### **4.3.2. Reporting of terrorist acts**

Agentura.ru, a network of journalists who cover terrorism and intelligence in Russia, told ARTICLE 19 that reporting extremism and terrorist activities is extremely challenging, primarily because of a lack of trustworthy sources.<sup>194</sup> Journalists have to resort to separatist websites to obtain information; information obtained through official channels and government press offices routinely lacks accuracy and depth.<sup>195</sup> Another obstacle is the legal restrictions on the reporting of extremism – which may lead to media outlets and organisations who report on extremists being accused of extremism.<sup>196</sup>

In October 2005, the Anti-terrorist Forum of Journalists 'Future without terrorism, terrorism without future' was held in Moscow. On this occasion, Federal Security Service (FSB) officers offered to carry out master classes for journalists on how to cover terrorist acts.<sup>197</sup> At the same time the authorities continued to obstruct the media and criticise their work reporting such acts. In 2007 further

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<sup>188</sup> D Tsei, see note 185.

<sup>189</sup> ARTICLE 19 interview with Andrey Soldatov.

<sup>190</sup> ARTICLE 19 interview with Musa Uradov, January 2008. Uradov was then a war correspondent for *Kommersant*.

<sup>191</sup> ARTICLE 19 interview with Oleg Panfilov.

<sup>192</sup> For example, the French journalist Andre Gluxman wrote an article after journeying illegally to Chechnya.

<sup>193</sup> International Press Institute, November 2005 Update, see note 176.

<sup>194</sup> ARTICLE 19 interview with Andrey Soldatov.

<sup>195</sup> Ibid.

<sup>196</sup> See Section 3.3.

<sup>197</sup> Joint text of Center of Extreme Journalism and Agentura.ru, Russian *Legislation concerning terrorism and freedom of speech*, available at <http://studies.agentura.ru/tr/presscoverage/>

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courses were offered on how journalists should behave during operations against mass urban unrest. According to an interior ministry spokesman, preference would be given to journalists having completed the course when giving interviews or statements on such events. According to the *Ekho Moskvy* radio station, the long-term aim was to forbid journalists without training from working in such situations.<sup>198</sup>

The coverage of the *Nord-Ost* events by NTV was publicly denounced by President Putin, who noted that the television channel had ‘broadcast the movement of the special forces’ several minutes prior to the attack on the hostage-takers, which ‘could have caused the huge tragedy’. He stated that he believed the channel had flouted the regulations on reporting terrorism in order ‘to increase the popularity of the channel ... and in the end to earn money’.<sup>199</sup>

However, it was at the time of the Beslan school siege that interference in the work of journalists and deliberate misinformation by the authorities reached a peak.

### Beslan

During the hostage crisis in Beslan there were concerns about interference in the work of journalists and the lack of transparency on the part of the authorities. Well-known journalists were unable to reach the scene. There was an attempt to detain Andrey Babitski of RFE/RL at Vnukovo airport; he was taken to the police station and accused of ‘hooliganism’ for alleged involvement in a drunken quarrel.<sup>200</sup> He was given a five-day sentence, reduced to a fine on appeal.<sup>201</sup>

Anna Politkovskaya was also unable to reach the area. On her way to Beslan she became ill and was taken to the intensive care unit of the Central Hospital of Rostov. During a transfer flight she had felt sick and lost consciousness. Doctors concluded that she had been poisoned.<sup>202</sup>

On 3 September, when government forces stormed the school, the press secretary of the North Ossetian President and the Head of the Ministry of Internal Affairs called a meeting with journalists in Beslan. They were asked to delay submitting their reports for a few days so that the special unit rescuing hostages could approve them first. This followed the publication in some sections of the media of the number of hostages released in the first group; the number differed from official accounts.<sup>203</sup>

On the same day, video-tapes with recordings for television stations ZDF and ARD (Germany), APTV (USA) and Rustavi-2 (Georgia) were seized. A cameraman with the Russian television channel TBC was beaten and a journalist from Georgia was arrested for not having a Russian visa. Other journalists were beaten and detained.<sup>204</sup> The press officers of the North Ossetian Ministry of Internal Affairs, who were present at the scene and should have provided the media with

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<sup>198</sup> ‘Bastion’ training established, Agentura.ru, <http://studies.agentura.ru/tr/presscoverage/bastion/>

<sup>199</sup> Agentura.ru. ‘Naruszenie Prav Zhurnalistov v Beslane’, <http://studies.agentura.ru/tr/presscoverage/beslan/>  
There was also an attempt to have a correspondent of the TBC channel, Viktoria Shenderovicha, dismissed for her coverage of the *Nord-Ost* theatre events in the programme ‘Free Cheese’.

<sup>200</sup> Ibid.

<sup>201</sup> Reporters Without Borders, ‘Beslan Tragedy Coverage Obstructed’, 9 September 2004, [http://www.rsf.org/article.php3?id\\_article=11322](http://www.rsf.org/article.php3?id_article=11322).

<sup>202</sup> Agentura.ru, ‘Naruszenie Prav Zhurnalistov v Beslane’, see note 199.

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

information, showed a disinclination to do so.<sup>205</sup>

The disinformation drew strong reactions from the population. Inhabitants of Beslan beat up a journalist with *Komsomolkaya Pravda*, Alexandr Kots. Those who attacked him were reported as saying that he distorted the information in his article published on 4 September.<sup>206</sup> The detrimental effect that disinformation had on the media was also denounced in a report by the Organisation for Security and Co-operation and Europe (OSCE) Representative on Freedom of the Media, Miklos Haraszti. He criticised the Russian government stating that during the hostage crisis it ‘did not provide in a timely manner truthful information on the handling of the crisis’.<sup>207</sup>

## 4.4. Direct and Indirect Pressure

Using the argument that the Caucasus is a zone riven by tensions and instability, the authorities frequently use a range of methods to attack the independent press. The following are some of the more striking examples of such practices.

### 4.4.1. Killing of journalists

Freedom of expression (or the lack of it) in Russia is often both encapsulated and brought to public attention by the plight of the country’s journalists. Many have been severely penalised for their writing. As a journalist from *Novaya Gazeta* told ARTICLE 19, ‘in the North Caucasus those journalists who tell the truth are killed’.<sup>208</sup>

#### **Anna Politkovskaya**

Anna Politkovskaya was killed on 7 October 2006. She was an internationally respected journalist who provided critical, analytical coverage of the conflict in Chechnya, despite the personal risk that such work entailed. She had received threats for years before she was shot dead in her apartment block in Moscow in what looked like a contract killing.

Anna Politkovskaya had criticised both President Putin (for the conduct of military operations in Chechnya) and President Kadyrov (for human rights violations – including the kidnapping and torture of civilians – by his security forces). According to her editor, at the time of her killing Anna Politkovskaya was about to publish a story on torture practices believed to be used by the security services in Chechnya. Russia’s General Public Prosecutor Yuri Chaika linked the murder to ‘enemies abroad’ in a press conference on 27 August 2007.<sup>209</sup>

No arrests were made until 11 months after the killing. On 18 October 2007, officials announced that nine people had been charged with involvement with the murder. Among the accused was a senior Federal Security Service Officer.<sup>210</sup> On the first anniversary of Anna Politkovskaya’s

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<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> The information that the authorities failed to provide included: how many people were taken hostage; what was the number of hostage takers; who were they; what were their demands. OSCE Representative on Freedom of the Media, Report on Russian media coverage of the Beslan tragedy: Access to information and journalists’ working conditions, 16 September 2004, [http://www.osce.org/documents/rfm/2004/09/3586\\_en.pdf](http://www.osce.org/documents/rfm/2004/09/3586_en.pdf).

<sup>208</sup> ARTICLE 19 interview with *Novaya Gazeta*, January 2008.

<sup>209</sup> N Ognianova, ‘Getting away with murder in the former Soviet States’, *Attacks on the Press in 2006*, Committee to Protect Journalists (CPJ), [http://www.cpj.org/attacks06/europe06/eur\\_analysis\\_06.html](http://www.cpj.org/attacks06/europe06/eur_analysis_06.html).

<sup>210</sup> Reuters, ‘Prosecutors Charge 9 in Politkovskaya’s Murder’, 18 October 2007.

death, 1,200 people protested at the authorities' failure to bring those responsible to justice.<sup>211</sup>

### **Magomedzagid Varisov**

On 28 June 2005 Magomedzagid Varisov, a well-known journalist with *Novoye Delo*, Dagestan's biggest national weekly, was shot in the capital Makhachkala. The recipient of several death threats, Magomedzagid Varisov had written articles critical of the Dagestani opposition and was believed to be under surveillance by unidentified individuals.<sup>212</sup> A letter from the Islamist group Sharia published on the separatist Kavkazcenter website on 30 June claimed the group had 'executed' Magomedzagid Varisov because he was the 'mouthpiece of Kremlin propaganda and the Dagestani puppets'.<sup>213</sup> However, there were reportedly some doubts as to whether Sharia was indeed responsible for his murder.<sup>214</sup>

### **Gadzhi Abashilov**

The head of the Dagestan State Television and Radio Company (GTRK-Dagestan), Gadzhi Abashilov, was killed in a drive-by shooting on 21 March 2008. Abashilov, an influential figure in Dagestan's media for over 10 years, had been director of the company for just over a year. At time of printing a murder investigation had been opened and was at an early stage. The attack was not the first against a director of GTRK-Dagestan. Abashilov's predecessor Tagib Abdusamarov survived an attack by a sniper in 2004 in which he was shot in the chest. Abashilov reportedly featured in a list of 'unwelcome journalists' compiled by media owners.<sup>215</sup>

### **Ilyas Shurpaev**

First Channel journalist Ilyas Shurpayev was found dead in his Moscow apartment on 21 March 2008, having been strangled and stabbed, and the apartment set on fire. He had recently moved to Moscow from his native Dagestan. At time of printing a murder investigation had been opened and was at an early stage, with Shurpaev believed to have known his killers and let them into his building. Shurpaev reportedly also featured on the list of 'unwelcome journalists' noted above.<sup>216</sup>

## **4.4.2. Disappearances and abductions**

### **Elina Ersenoyeva**

On 17 August 2006 Elina Ersenoyeva, Grozny correspondent for the independent *Chechenskoe Obshchestvo* newspaper, was seized by masked men in Chechnya. The newspaper's editor noted that she had written articles on the plight of Chechen refugees and on conditions in Grozny prisons.<sup>217</sup> Only two days before she was seized, Elina Ersenoyeva had communicated with the Russian human rights centre Demos complaining of harassment by Chechen security forces. In early 2008 there was

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<sup>211</sup> IFEX, 'Russia: Free Expression Advocates Mark First Anniversary of Politkovskaya's Murder', 9 October 2007, <http://www.canada.ifex.org/en/content/view/full/86879/>.

<sup>212</sup> International Press Institute, November 2005 Update, see note see note 176 .

<sup>213</sup> The Jamestown Foundation, 'Assassinations Continue in Dagestan', *Chechnya Weekly*, Vol.6, Issue 26, 7 July 2005, [http://www.jamestown.org/print\\_friendly.php?volume\\_id=409&issue\\_id=3394&article\\_id=2369984](http://www.jamestown.org/print_friendly.php?volume_id=409&issue_id=3394&article_id=2369984).

<sup>214</sup> Ibid.

<sup>215</sup> <http://www.kavkaz-uzel.ru/newstext/news/id/1210068.html> and <http://www.newsru.com/russia/21mar2008/dagestan.html>, retrieved 25 March 2008.

<sup>216</sup> Ibid.

<sup>217</sup> Elina Ersenoyeva was also reportedly secretly married to Shamil Basayev.

still no news about her.

### **Abduction of journalists in Ingushetia**

Early on the morning of 24 November 2007, three Moscow television journalists from the Russian station REN TV – Artem Vysotskii, Karen Sakhinov and Stanislav Gorachikh – and Oleg Orlov, an activist from Memorial, were abducted from a hotel in Nazran and severely beaten.

The four men were in Ingushetia to cover the political situation before the 2 December 2007 Russian parliamentary elections. Fifteen armed, masked men stormed the hotel where the group was staying. They placed plastic bags on their heads, before abducting them and driving them to an unknown location. The victims were beaten and threatened with execution. They were then left in a field and had to walk to the nearest police station where they were held until late afternoon. In addition to physical harm, the armed assailants took possessions, including computer equipment, mobile phones, clothing and all their money. Two of the men were hospitalised.<sup>218</sup> Human rights workers in Nazran believe that the abductions were aimed at preventing the media from monitoring and reporting a demonstration which was due to take place in the area the same day.<sup>219</sup>

### **4.4.3. Arrest and detention**

#### **Andrey Babitskiy**

Andrey Babitskiy, a Russian journalist for RFE/RL, has covered events in Chechnya since the mid-1990s. On 15 January 2000, he ‘disappeared’. Two weeks later the Russian authorities announced that they had arrested him at a checkpoint near Grozny.<sup>220</sup> The reason given for the arrest was that he did not have accreditation to cover the war. He was detained for two days by unidentified individuals before being taken to a detention centre where he was physically abused.<sup>221</sup>

On 2 February 2000 the Russian authorities declared that Andrey Babitskiy had been released. However, on 3 February the Presidential Administration Press Service Chief Sergey Yastrzhembsky informed the press that Andrey Babitskiy had in fact been handed over to Chechen separatists in exchange for Russian soldiers.<sup>222</sup>

Confusion ensued as the Chechen authorities refuted the claim. On 4 February footage was aired of the handover. At the time there were real fears for his safety, with suggestions that he might have been murdered.<sup>223</sup>

Although Andrey Babitskiy was eventually released, the harassment continued. In 2000 the

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<sup>218</sup> CPJ, ‘Russia: Television crew attacked in Ingushetia’, 26 November 2007, <http://www.cpj.org/news/2007/europe/russia26nov07na.html> and Amnesty International, *Russian Federation: Human Rights Activist and Journalists Beaten in Ingushetia*, 24 November 2007, <http://www.amnesty.org/en/for-media/press-releases/russian-federation-human-rights-activist-and-journalists-beaten-20071124>.

<sup>219</sup> Amnesty International, *Russian Federation: Human Rights Activist and Journalists Beaten in Ingushetia*, see note 217.

<sup>220</sup> Writers in Prison Committee, ‘Fears heighten for safety of journalist Andrei Babitsky’, IFEX, 8 February 2000, <http://www.ifex.org/en/content/view/full/9511>.

<sup>221</sup> V Izmailov, ‘The Babitsky Trial: Rule of Law?’, *Perspective*, Institute for the Study of Conflict, Ideology and Policy, November–December 2000, <http://www.bu.edu/iscip/vol11/Izmailov.html>.

<sup>222</sup> Writers in Prison Committee, see note 220.

<sup>223</sup> Ibid.

Russian authorities stated that they were investigating ‘his alleged support for Chechen rebels’.<sup>224</sup>

After a trial between 2 and 6 October 2000, he was found guilty of knowingly using false documents. He was offered an amnesty to avoid trial, but he refused.<sup>225</sup> Immediately after he was convicted he was granted an amnesty.<sup>226</sup>

In 2004 Andrey Babitski was prevented from covering the hostage siege in Beslan.<sup>227</sup> In 2005 he faced prosecution for an interview with Chechen separatist leader Shamil Basayev. He now lives in the Czech Republic.

### **Journalists held in Ingushetia**

Several journalists were detained in Nazran, Ingushetia, on 26 January 2008, for covering unauthorised demonstrations against alleged vote-rigging during the December 2007 parliamentary elections. The protest was broken up by the police and violence ensued. The journalists included Ekho Moskvyy correspondents Roman Plyussov and Vladimir Varfolomeyev, and RFE/RL correspondent Danila Galperovich. Their videos, equipment and identity documents were confiscated by the police.<sup>228</sup> The journalists were held at the Nazran Police Department and interrogated as witnesses to the demonstration. Despite being told that they were not under arrest, they were detained for 20 hours. They were then escorted by armed Interior Ministry special troops to neighbouring North Ossetia ‘for their own security’.<sup>229</sup>

Two other journalists who were arrested, Said-Hussein Tsarnayev of Ria Novosti news agency and Mustafa Kurskiyev of *Zhizn* magazine, were accused of starting a fire at the Hotel Serdalo, where they were staying, and were not released until the evening of 27 January. Mustafa Kurskiyev was reportedly beaten by police.<sup>230</sup>

Ingushetia Deputy State Prosecutor Genali Merjuyev later stated that the journalists had not been arrested but their presence at the scene of an anti-terrorist operation required them to be escorted to a police building for an identity check.<sup>231</sup>

#### ***4.4.4. Closure of the Russian-Chechen Friendship Society***

Before its closure in 2006, the Nizhny Novgorod-based Russian-Chechen Friendship Society (RCFS) monitored events in Chechnya and other republics in the North Caucasus and, through its Russian-Chechen Information Agency, disseminated news from the region. This included allegations of enforced disappearances, torture and killings of civilians by the Russian army. RCFS also campaigned for an end to conflict.

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<sup>224</sup> CPJ, ‘Babitsky’s “Crime” and Punishment’, 28 February 2000, <http://www.cpj.org/Briefings/2000/Babitsky/main.html>.

<sup>225</sup> V Izmailov, see note 221.

<sup>226</sup> Ibid.

<sup>227</sup> See Section 4.3.2.

<sup>228</sup> IFEX, ‘Russia: Ten Journalists Arrested for Covering Protest’, 29 January 2008, <http://www.ifex.org/fr/content/view/archivefeatures/212/>.

<sup>229</sup> Ibid.

<sup>230</sup> Reporters Without Borders (RWB), ‘Russia: several journalists held illegally by police in Ingushetia’, 28 January 2008, [http://www.rsf.org/article.php3?id\\_article=25218](http://www.rsf.org/article.php3?id_article=25218).

<sup>231</sup> Ibid.



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A decision to close RCFS was issued by a court in Nizhny Novgorod on 13 October 2006<sup>232</sup> and upheld by the Supreme Court on 23 January 2007. The organisation has since re-registered in Helsinki. In addition, the Foundation to Support Tolerance (FST) was established in Nizhny Novgorod in December 2006 as a successor to RCFS, with the aim of promoting tolerance and understanding in Russia.<sup>233</sup>

The Nizhny Novgorod Prosecutor's Office initiated proceedings to close down RCFS under the recently adopted law on NGOs,<sup>234</sup> which makes it illegal for people with criminal records to head NGOs, and the Extremism Law. The Prosecutor's Office held that RCFS's director, Stanislav Dmitrievskiy, should have stepped down from his position because of his conviction in 2006 for 'inciting national, racial or religious hostility' under Article 282 of the Criminal Code.<sup>235</sup> His conviction was based on the publication in the RCFS's monthly magazine *Pravo-Zashchita* of articles written by Chechen separatist leaders in 2004.<sup>236</sup> He was given a two-year suspended prison sentence.

There had been attempts to close RCFS in 2005 for failing to respond promptly enough to a request for financial documents from the Federal Registration Service and on the grounds that the name of the organisation had to be modified in order to comply with Russian law. While RCFS had indeed failed to submit its financial documents on time, a consequent attempt to close it down is something of an over-reaction. Stanislav Dmitrievskiy and his colleague Oksana Chelysheva were harassed because of their work.

On 17 August 2007, the Nizhny Novgorod District Court increased the sentence imposed on Stanislav Dmitrievskiy so that if he committed two administrative offences within a four-year period he would face two years' imprisonment. The increased sentence followed a petition from the Department of the Implementation of Criminal Sentences. However, when Stanislav Dmitrievskiy requested a copy of the motion in order to lodge an appeal, the Department refused to provide it. Following an appeal to the ruling in November 2007, the Regional Court of Nizhny Novgorod ruled in February 2008 that Stanislav Dmitrievskiy's sentence could not legitimately be increased. However, it also ruled that repeated breaches of public order provisions might result in his probation period being extended.

Stanislav Dmitrievskiy was one of the organisers of the Dissenters' March in April 2007 in Nizhny Novgorod.<sup>237</sup> He was briefly detained following the march, fined and warned by the court not to organise similar activities.

The RCFS submitted two complaints to the European Court of Human Rights, on the closure of RCFS and on the conviction against Stanislav Dmitrievskiy. Both were pending in early 2008.

At the OSCE Human Dimension meeting in September 2007 the Russian authorities requested that RCFS representatives leave the meeting. The RCFS remained in the meeting, mostly thanks to

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<sup>232</sup> The decision came only six days after the murder of journalist Anna Politkovskaya, who had also provided critical coverage of events in Chechnya.

<sup>233</sup> See below on recent harassment of the Foundation to Support Tolerance, Section 4.4.5.

<sup>234</sup> The Law On Introducing Amendments into Certain Legislative Acts of the Russian Federation, January 2006 (came into force in April 2006).

<sup>235</sup> See Section 3.2.

<sup>236</sup> A statement by separatist Akhmed Zakayev and an address made by Chechen rebel leader Aslan Maskhadov to the European Parliament.

<sup>237</sup> For information on the marches, also in Moscow and St. Petersburg, see section 1.1.

support by other delegations.<sup>238</sup>

#### **4.4.5. Harassment**

There were many reports of journalists and NGOs being harassed because their reporting of the conflict differed from the official version. In many cases, the victims received threats against themselves and their families, including death threats.

##### **Nizhny Novgorod Foundation to Support Tolerance**

On 29 August 2007, three police officers entered the premises of the Nizhny Novgorod FST<sup>239</sup> and seized its computers on the basis of an order (No. 39) signed by the Head of the Ministry of the Interior's regional department. The computers were seized on the grounds that the organisation had unlicensed computer software. The order did not contain details about the reason for the search. The FST was ordered to appear in court on 31 August. Reportedly, the first question asked by the officers was to determine the whereabouts of Stanislav Dmitrievskiy, an advisor for the organisation.<sup>240</sup>

A criminal case for the use of counterfeit software was initiated by the Prosecutor's Office in October 2007. Almost the entire staff was interrogated, except for the director Oksana Chelysheva.<sup>241</sup> On 16 January 2008 Oksana Chelysheva received a telephone call from the head of the NGO Registration Chamber informing her that an investigation would be conducted in February into the organisation's activities. Due to NGO legislation enacted in 2006, such spot investigations are legal, and commonplace. As of February 2008, the computers had not been returned and FST had received no further information on the case.<sup>242</sup>

The FST has no access to Russian banks that would enable it to receive funding, allegedly due to a secret ruling prohibiting Russian banks from serving certain organisations. The FST states to have received information to this effect in a conversation with security officials, yet in February 2008 it still not obtained access to the ruling.<sup>243</sup> Oksana Chelysheva and Stanislav Dmitrievskiy write for the *Novaya Gazeta* in Nizhny Novgorod and the Internet newspaper *kasparov.ru*.

##### **Novaya Gazeta and Human Rights Alliance - Nizhny Novgorod**

*Novaya Gazeta* covers social and political issues and is critical of Russian government policy.<sup>244</sup> On 30 August 2007, the same police officers who had visited the FST premises also raided the Nizhny Novgorod office of the independent newspaper *Novaya Gazeta* on the basis of an order (No. 40) signed by the Head of the Ministry of the Interior's regional department and again seized computers.<sup>245</sup>

According to Zakhar Prilepin, editor-in-chief of *Novaya Gazeta* in Nizhny Novgorod, the police demanded to see software licences. When he was unable to produce the documents

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<sup>238</sup> ARTICLE 19 interview with Oksana Chelysheva, January 2008 and <http://www.rferl.org/featuresarticle/2007/10/E01A79D9-5708-482B-BBB1-6284EABB74F9.html> retrieved on 8 March 2008

<sup>239</sup> See Section 4.4.4.

<sup>240</sup> See Section 4.4.4.

<sup>241</sup> ARTICLE 19 interviews with Oksana Chelysheva, January and February 2008.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

<sup>244</sup> 'Russian Federation: Raid on offices of Nizhny Novgorod Foundation to Support Tolerance', 31 August 2007, <http://www.frontlinedefenders.org/node/1138>.

<sup>245</sup> 'Purge in Nizhny Novgorod', 30 August 2007, <http://www.finrosforum.fi/?p=538&language=en>.

immediately, all computers were seized by the police, bringing the newspaper's work to a halt. In addition, staff was not allowed to copy the stored information, so that the edition could not be published.<sup>246</sup> The computer were eventually returned without hard disks.

The office of the Nizhny Novgorod Human Rights Alliance was also raided on 29 August 2007. The Alliance's staff stated that this was their fourth inspection in seven days.

The actions taken against the FST, *Novaya Gazeta*, the Human Rights Alliance and the RCFS suggest a concerted campaign to suppress sources of alternative information. This seems to be part of a series of 'anti-extremist' actions promoted by the local authorities. Following the 28 August meeting of the Anti-Terrorism Committee of the Nizhny Novgorod region, the Governor of Nizhny Novgorod oblast declared that all youth organisations in the region must be checked for 'signs of extremism' and to assess their potential 'danger'. He stated that this was a 'necessary' measure in light of the forthcoming elections.

### **Caucasian Knot**

Caucasian Knot provides alternative information on the events in the Caucasus. Employees and correspondents with the organisation and even their relatives, have repeatedly been threatened.<sup>247</sup> On one occasion, Caucasian Knot's website was hacked into and all information was subsequently deleted. The organisation believes that its e-mails are regularly scrutinised – which is permitted under Russian law. Caucasian Knot was criticised by President Kadyrov during 2007 and, in January 2008, by the Chechen Ombudsman.<sup>248</sup>

### **Yuri Bagrov**

Journalist Yuri Bagrov was threatened by an FSB agent in May 2005 as he attempted to cover an opposition rally against local authority corruption in North Ossetia's capital, Vladikavkaz. The agent order him to stop an interview with one of the organisations supporting the protest, on the grounds that he did not have press accreditation and was violating Russian media law. When Yuri Bagrov protested, the agent threatened him and then followed him to his office.<sup>249</sup> The agent again threatened him and forced him to erase the recording.<sup>250</sup> In May 2005 Yuri Bagrov was prevented from covering the second hearing in the trial of Nurpashi Kulayev for his role in the Beslan hostage crisis of 2004. He was also prevented from entering the North Ossetian Supreme Court, again on the grounds that he did not have the necessary accreditation.<sup>251</sup>

On 25 August 2004, Yuri Bagrov's house, his office and his mother's house were searched by FSB agents allegedly looking for weapons and drugs. Several of his possessions (including his passport, tape recorders and tapes, computers and disks) were confiscated.<sup>252</sup> Charges were then brought against him for forging documents to obtain Russian citizenship. Yuri Bagrov had moved to North Ossetia from Georgia in 1992 with a Soviet passport, which was replaced by a Russian one

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<sup>246</sup> Ibid.

<sup>247</sup> ARTICLE 19 interview with Grigory Shvedov, Caucasian Knot, January 2008.

<sup>248</sup> Ibid.

<sup>249</sup> 'Russia: CPJ Disturbed by New FSB Harassment on Journalist Yuri Bagrov', 23 May 2005, <http://www.cpj.org/news/2005/Russia23may05na.html>.

<sup>250</sup> Ibid.

<sup>251</sup> Ibid.

<sup>252</sup> R Isavev, 'Journalist Yuri Bagrov to be tried in Vladikavkaz', *Prague Watchdog*, 8 December 2004, <http://www.watchdog.cz/?show=000000-000003-000002-000047&lang=1>.

when it expired.

Yury Bagrov wrote for the US-based Associated Press for five years until 2004. His coverage of issues, including Russian casualties in Chechnya, at times challenged official reports. He also reported on Chechen rebels and on abductions in Ingushetia.<sup>253</sup>

### **Alan Tskhurbaev**

On 11 February 2008 the Vladikavkaz office of journalist Alan Tskhurbaev was raided by the police as he conducted a meeting with colleagues. Police from the Economic Crime Section searched the room and demanded that those present show their papers. A computer and documents were seized. Alan Tskhurbaev is accused of working in the North Caucasus illegally.

Alan Tskhurbaev works as a reporter for Radio Free Europe/Radio Liberty and news website gazeta.ru. At the time of the raid on his office Tskhurbaev was collaborating with the Moscow-based NGO Centre for Journalism in Extreme Situations and the London-based Institute for War and Peace Reporting.

### ***Chechenskoe Obshchestvo***

The independent newspaper *Chechenskoe Obshchestvo* was subjected to a campaign of harassment owing to its commitment to human rights reporting. Founded in 2003, the paper provided regular updates on the human rights crisis in Chechnya and was one of the few objective and unbiased sources of information on the subject. Timur Aliev, the editor-in-chief, was put under intense pressure by the police to close the newspaper in July 2004. According to Timur Aliev, he was summoned to the Nazran office<sup>254</sup> of the Interior Ministry's Organised Crime Directorate and questioned about recent reports in the newspaper about the involvement of pro-Moscow Chechen forces and Russian soldiers and security forces in human rights abuses. He was told that the articles were 'anti-government' and was urged to suspend publication, at least temporarily.<sup>255</sup> When he refused, the state-run printer, Poligrafkombinat, received directions to cease printing the paper until after the elections in Chechnya, in August 2004.<sup>256</sup> The newspaper continued to remain available electronically.

This was not the first time that *Chechenskoe Obshchestvo* had been targeted for harassment. In April 2004, the Media Ministry in Chechnya issued an official warning to the newspaper because of its reporting on the assassination of Qatar-based fundraiser for the Chechen rebel groups, Zelimkhan Yandarbiyev.<sup>257</sup> On some occasions, printers refused to print the newspaper when it contained caricatures of Vladimir Putin.<sup>258</sup>

On March 3 2008 Timur Aliev confirmed that early in 2008 he had taken a position as assistant to the president in the Chechen presidential administration, and that as a result, *Chechenskoe Obshchestvo* would no longer be published, there having been no interest among other staff to

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<sup>253</sup> 'Russia: CPJ Disturbed by New FSB Harassment on Journalist Yuri Bagrov', see note 247.

<sup>254</sup> The newspaper was then based in Nazran, Ingushetia. It moved to Grozny in 2007.

<sup>255</sup> Amnesty International, *Russian Federation: The Risk of Speaking Out – Attacks on Human Rights Defenders in the context of the armed conflict in Chechnya*, 12 November 2004, <http://www.amnesty.org/en/library/info/EUR46/059/2004>.

<sup>256</sup> 'CPJ concerned about campaign to obstruct work of journalists reporting on Chechnya, criminal investigation launched against monthly newspaper', <http://www.ifex.org/en/content/view/full/65147>.

<sup>257</sup> ARTICLE 19 interview with Oleg Panfilov.

<sup>258</sup> ARTICLE 19 interview with Oleg Panfilov.

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maintain the newspaper. There were only two issues of the newspaper through December 2007 and January 2008.<sup>259</sup>

### Voice of Beslan

The Voice of Beslan was established in 2005 by relatives of the victims of the 2004 hostage crisis dissatisfied with the response of the federal forces to the siege. On 21 December 2007 it was ordered to close by an Ossetian court over technicalities about the organisation's leadership. In January 2008, Ingushetia-based prosecutors accused the Voice of Beslan of extremism and of slandering President Putin because it had appealed to the USA to carry out an independent investigation into the crisis.

The prosecutors' charges relate to an open letter, made public in 2005, condemning President Putin for concealing the truth about the incident to protect top officials. It is not clear why the charges were brought two years after the open letter was published.

The group's founder, Ella Kesayeva, believes that the authorities' decision to prosecute was connected to the organisation's fight for an impartial investigation of events in Beslan.<sup>260</sup> No senior official has been charged in connection with the crisis, despite reports from numerous witnesses of mismanagement.<sup>261</sup> Ella Kesayeva maintains that the Russian government shares responsibility for the deaths in Beslan and that the use of flame-throwers and shelling by Russian tanks contributed to the death toll.<sup>262</sup>

The Voice of Beslan has been charged under the provision of the Extremism Law dealing with defamation of public officials and the publication of 'extremist materials'.<sup>263</sup> If convicted, the NGO could be ordered to close.

On 8 February 2008, a group of people claiming to be from the Department of the Federal Service of judicial police officers (UFSSP) visited E L Tagaeva-Betrozova, the Chair of the Voice of Beslan, and declared that Ella Kesayeva was required to submit an explanation in writing in response to an accusation that she and some other members of the organisation had beaten up seven police officers in the Beslan Pravoberezhnyy District Court. The person presenting these allegations refused to reveal the source of the accusations. He added that the assault charge extended not only to the seven judicial police officers but also to a judge and warned her of the impending summons in the event that accused Voice of Beslan members did not provide the explanation.<sup>264</sup> The Voice of Beslan declared these accusations to be false.<sup>265</sup>

According to Ella Kesayeva, a few days prior to the incident, she had been warned by the Chair of the Pravoberezhnyy District Court to refrain from submitting appeals and complaints or she would face fresh accusations. Ella Kesayeva and two other members of the organisation were

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<sup>259</sup> 'Prosto ya rabotayu pomoshchnikom', 3 March 2008, <http://timur-aliev.livejournal.com/214891.html>, and 'O chitatel'yakh...', 12 March 2008, <http://timur-aliev.livejournal.com/216417.html>

<sup>260</sup> RFE/RL, C Bigg, 'Russia: Court Charges Beslan Victims' Group with "Extremism"', 14 January 2008, <http://www.rferl.org/featuresarticle/2008/1/c2f7d98e-af21-447b-a7b7-346855c6dbf1.html>.

<sup>261</sup> Mail & Guardian Online, 'Relatives of Victims of Beslan Siege Go on Trial', 14 January 2008, [http://www.mg.co.za/articlepage.aspx?area=/breaking\\_news/breaking\\_news\\_international\\_news/&articleid=329579&referrer=RSS](http://www.mg.co.za/articlepage.aspx?area=/breaking_news/breaking_news_international_news/&articleid=329579&referrer=RSS).

<sup>262</sup> A Rodriguez, 'Beslan Moms Blame Putin, Face Charges', *The Chicago Tribune*, 17 January 2008.

<sup>263</sup> See Section 3.3.

<sup>264</sup> 'Three Members of the "Voice of Beslan" are Accused of Beating Up Seven Court Offices and a Judge', *Harassment Chronicles*, 11 February 2008, <http://www.hroniki.info/?page=news&id=100&l=en>.

<sup>265</sup> Ibid.

summoned by the UFSSP for questioning on 11 February 2008.<sup>266</sup>

On 31 March 2008 the administrative charges against Ella Kesayeva and her colleagues were dropped, although at time of publication authorities had stated their intention to appeal the decision.<sup>267</sup>

### **Chechen Committee for National Salvation**

The Chechen Committee for National Salvation (CCNS) is an NGO established in 2001 in Ingushetia. It collects and distributes information on the situation in Chechnya and Ingushetia, including human rights violations, and provides assistance to refugees. In 2004, CCNS was charged with extremism in connection with materials produced by the organisation which allegedly aimed to incite discord, discredit the activity of law enforcement officials, and justify the actions of illegal armed units in Chechnya.<sup>268</sup> This related to 12 press releases disseminated through the Internet, with unsubstantiated accusations of crimes by the Russian armed forces and law enforcement officials. The Nazran district court initially dropped the charges against CCNS, but this ruling was overturned by the Supreme Court. A new trial began in April 2005.<sup>269</sup> The case was still pending in February 2008.

On 11 December 2007 the Department of the Federal Registration Service for the Republic of Ingushetia alleged that CCNS had failed to submit financial and other documents.<sup>270</sup> CCNS was not informed what law it was alleged to have breached. Attempts by the director, Ruslan Badalov, to find out have been unsuccessful. He has submitted a complaint, referring to Article 24 of the Russian Constitution, stating that everyone has the right to have access to the documents and materials which have a direct affect on their rights and freedoms. The date for the court hearing had still not been scheduled by the end of January 2008.<sup>271</sup> CCNS has stated that all the necessary documents have been submitted to the Federal Registration Services.<sup>272</sup>

### **Foreign journalists**

The activities of foreign journalists have been restricted.

On 24 November 2006, journalist Susanne Scholl of the Austrian channel ORF and her team were briefly detained in Chechnya. They were stopped at a checkpoint near Achkoy-Martan and questioned by Federal Security Service officers. Susanne Scholl was accused of ‘failure to register as a foreigner and of unlawfully using a satellite phone and shooting TV reports in Chechnya’.<sup>273</sup> Their footage was confiscated and they were held for more than six hours at the checkpoint, even though their documents were in order.<sup>274</sup> Susanne Scholl had been working on a documentary about Anna

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<sup>266</sup> Ibid.

<sup>267</sup> [http://www.gazeta.ru/news/lastnews/2008/04/03/n\\_1201492.shtml](http://www.gazeta.ru/news/lastnews/2008/04/03/n_1201492.shtml)

<sup>268</sup> Prague Watchdog, ‘Ingushetia’s public prosecutor’s office lodges complaint against ChKNS to Supreme Court’, 1 February 2005, <http://www.watchdog.cz/?show=000000-000008-000004-000022&lang=1>.

<sup>269</sup> ‘Chechen Committee of National Salvation faces closure’, Caucasian Knot, 24 September 2004, <http://eng.kavkaz.memo.ru/newstext/engnews/id/707759.html>.

<sup>270</sup> ‘Chechen Committee of National Salvation complains of pressure by the authorities of Ingushetia’, Caucasian Knot, 14 December 2007, <http://eng.kavkaz.memo.ru/newstext/engnews/id/1203767.html>.

<sup>271</sup> ARTICLE 19 interview with Ruslan Badalov, January 2008.

<sup>272</sup> ‘Chechen Committee of National Salvation complains of pressure by the authorities of Ingushetia’, see note 266.

<sup>273</sup> RWB, ‘Temporary arrest of an Austrian Channel journalist and her team: Reporters Without Borders strongly protests’, 30 November 2006, [http://www.rsf.org/article.php3?id\\_article=19964](http://www.rsf.org/article.php3?id_article=19964).

<sup>274</sup> *Glasnost Defense Foundation’s Digest*, No. 307, 27 November 2006, <http://www.gdf.ru/digest/digest/digest307e.shtml>.

Politkovskaya (see section 4.4.1).<sup>275</sup>

On 29 March 2006 the police in Khasavyurt (Dagestan) detained US journalist Kelly McEvers. She was questioned by Federal Security Service agents for 10 hours about her investigations into terrorism in Dagestan. They confiscated her camera, tape recorder, computer disks and notebook. She was released the following day, only to be detained and questioned again for several hours after returning to Makhachkala. She was eventually released and her possessions returned.

Journalists are at times denied visas to Russia and accreditation to travel to the North Caucasus.

#### **4.4.6. Censoring local voices**

##### **Local broadcasts**

In October 2006, President Putin took part in a televised phone-in show with people from the mountain settlement of Botlikh in Dagestan. Participants consisted of local government officials and military servicemen. Almost none of the local population was allowed to participate and the questions were entirely predetermined. The event was held in the grounds of a new army base in the village to exclude potentially embarrassing questions.<sup>276</sup> During a previous phone-in, a policeman had attempted to reach the microphone to inform President Putin of the ‘utter collapse’ of the police in Dagestan. To avoid similar incidents, the local authorities prevented local residents from having unrestricted access to the phone-in.<sup>277</sup>

Prior to the 2006 phone-in, there were rumours that a protest was being planned by villagers to make President Putin aware of their concerns – the military base stops them using a large part of their best land, and local people want army recruits from the region to be allowed to serve in the local army unit rather than being posted elsewhere in Russia.<sup>278</sup> However, according to one resident, they were aware they would not be allowed to raise any of their real concerns.

In 2005, residents had protested against the base being built on their best land. They managed to halt construction work for 40 days by obstructing the road between the village and the construction site. The government agreed to move the base further away from the village, but subsequently reneged on this agreement and failed to provide the promised improvements to the infrastructure in the region. Repeated armed clashes have created an extremely tense atmosphere in the area. In February 2007 some military servicemen allegedly attacked a local hostel and fired at random. The incident was never investigated.

#### **4.4.7. Interference with websites**

In November 2007, the opposition Ingush website Ingushetiya.ru became inaccessible to residents of the Republic. According to site owner Magomed Yevloev, the service providers, Telekom Limited and ITT Joint-Stock Company, had begun to forward requests to other sites on their servers. As a result, visitors were first hitting a pornographic site and then an empty webpage.

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<sup>275</sup> ‘Temporary arrest of an Austrian Channel journalist and her team: Reporters Without Borders strongly protests’, 30 November 2006, [http://www.rsf.org/article.php3?id\\_article=19964](http://www.rsf.org/article.php3?id_article=19964).

<sup>276</sup> D Alieva, ‘Dagestan’s Pre-Scripted Phone Chat with Putin’, IWPR, 26 October 2007, [http://iwpr.net/?p=crs&s=f&o=340147&apc\\_state=henicrse58cb812961b5af5f7bfeedfe8e2521](http://iwpr.net/?p=crs&s=f&o=340147&apc_state=henicrse58cb812961b5af5f7bfeedfe8e2521).

<sup>277</sup> Ibid.

<sup>278</sup> Ibid.

Towards the end of November 2007 Magomed Yevloev's father was visited by approximately 20 representatives from his clan, some of whom were members of the Ingush government. They persuaded him to persuade his son to close his website.<sup>279</sup>

Two weeks later, Magomed Yevloev transferred the administration of the site to Ibragim Kostoev. Magomed Yevloev continued to be the site owner, but stopped working on news. This was immediately followed by the closure of a criminal case against him for incitement of ethnic hatred through the materials on the website.<sup>280</sup>

#### **4.4.8. Other**

Bribery is also used to influence reporting. This can be effective because of journalists' low salaries and the general economic stagnation in the region.<sup>281</sup>

The authorities directly influence the recruitment of journalists in certain media outlets. For example, Ingushetia's President Murat Zyazikov reportedly interferes in the hiring and firing of journalists. In 2006 the Regnum news agency reported it was unable to employ a correspondent, as it did not wish to hire those 'suggested' by the President, and others declined offers of employment for fear of harassment. News agencies often have to accept interference by the local authorities because they are unable to guarantee the security of their correspondents.<sup>282</sup>

The security services have also discredited outspoken media outlets and journalists by publishing compromising information in the State-sponsored media, for example accusing journalists of spying for Western security services. This has been the fate of virtually all journalists in the North Caucasus working for foreign media, or for the Russian media sponsored by Western donors.<sup>283</sup>

Finally, criminal cases against media outlets, and threats of closure or revocation of registration, can also be used as levers to enforce compliance.

### **4.5. Comments**

All forms of harassment against journalists create a chilling effect on the work of the media and have an adverse impact on the free flow of information. The most extreme chilling effect occurs in case of murder and disappearance of journalists for reasons that are linked to their profession. In these cases, the authorities should ensure that a thorough and impartial investigation, with a view to bringing those responsible to justice, is carried out as a matter of urgency. Unfortunately, this has not happened following the murder of Anna Politkovskaya and other journalists. The authorities should also ensure thorough investigations in the case of harassment and beating of journalists by unknown individuals, such as in the November 2007 case of REN-TV journalists and Memorial activists in Orlov, mentioned above. The authorities should ensure that journalists are able to carry out their professional duties without fear of harassment.

It is also inadmissible for journalists to be detained for trivial reasons such as lack of

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<sup>279</sup> CJES, Arkhiv Rassilki Tsentr Ekstremalnoy Zhurnalistiki, 12 December 2007, [http://www.cjes.ru/lenta/view\\_news.php?id=27327&y=2007&m=12&lang=rus](http://www.cjes.ru/lenta/view_news.php?id=27327&y=2007&m=12&lang=rus).

<sup>280</sup> [http://www.cjes.ru/lenta/view\\_news.php?id=27312&y=2007&m=12&lang=rus](http://www.cjes.ru/lenta/view_news.php?id=27312&y=2007&m=12&lang=rus)

<sup>281</sup> Tlisova Fatima, 'Press Under Threat In The North Caucasus', 8 June 2006, [http://iwpr.net/?apc\\_state=hrufrs321509&l=en&s=f&o=321574](http://iwpr.net/?apc_state=hrufrs321509&l=en&s=f&o=321574)

<sup>282</sup> Ibid.

<sup>283</sup> Ibid.



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accreditation (Babitskiy, 2000), failure to register as a foreign journalist and unlawful use of a satellite phone (Scholl, 2006) and the coverage of unauthorised demonstrations (several journalists in Ingushetia, 2007). These cases (as well as, for example, criminal charges against Babitskiy) appear to have been dictated by a desire to prevent independent coverage of North Caucasus events. Even when journalists are found responsible for administrative violations, the authorities should avoid disproportionate responses.

Of further concern is the harassment of NGOs that disseminate information on the North Caucasus. The closure of the Russian-Chechen Friendship Society and the criminal conviction of Stanislav Dmitrievskiy are examples of abuse of incitement legislation. As noted, while the State is permitted to take measures under criminal law against incitement to ethnic hatred, there has to be a distinction between expression intended and likely to incite violence, and expression intended to stimulate political debate – including on sensitive issues. Dmitrievskiy's actions (the reporting of separatists' statements that were non-violent) clearly do not constitute incitement. The same is true for the charges against Voice of Beslan and the Chechen Committee for National Salvation: while their statements might be controversial, they do not amount to incitement. As noted, it is also particularly worrying that the definition of extremism, under Russian law, includes the defamation of public officials – so that accusations of maladministration have resulted in charges against Voice of Beslan, which could lead to its closure. The prolonged legal proceedings are draining for the representatives of these organisations. For example, the case against the Chechen Committee for National Salvation, which started in 2004, had still not been resolved in 2008.

Dmitrievskiy and his colleagues also continue to be harassed – through additional legal actions, and inspections of the Foundation to Support Tolerance and *Novaya Gazeta* in Nizhny Novgorod. Similarly, other forms of harassment have been perpetrated against Voice of Beslan and the Chechen Committee for National Salvation. The seizure of computers, inspections and harassment by FSB agents have also been used to intimidate journalists into submission, despite the principle arising from Article 10 of the European Convention on Human Rights that the media should operate free from government interference. According to this principle, the local (North Caucasus) authorities should also refrain from forms of interference in, for example, the recruitment of journalists for certain media outlets.

## 5. CONFLICT REPORTING: MEDIA MONITORING RESULTS

Monitoring of the media was undertaken in September and October 2007. The aim of the monitoring was to uncover trends in the reporting of instability, violence, conflict and conflict resolution (dialogue, tolerance and reconciliation measures) in the North Caucasus and to analyse these trends in the context of freedom of expression in Russia. The following hypotheses were tested:

1. Instability, violence and conflicts in the North Caucasus are predominantly framed as extremism, terrorism and crime. The use of alternative perspectives – such as structural flaws (corruption, unemployment, democratic procedures and institutions in decay, poverty); criticism of governmental policies and strategies as regards North Caucasus; and human rights violations by law enforcement and military agencies – is insignificant.
2. Violations of freedom of expression are rarely reported as such.
3. There are few reports on dialogue and confidence-building initiatives by civil society.
4. Protests in the North Caucasus are not covered.

### 5.1. Methodology

Media monitoring was carried out between 27 August and 26 October 2007. One prime-time newscast and every issue of selected newspapers were monitored each day. The following media were monitored:

- Federal newspapers *Novaya Gazeta*, *Kommersant*, *Komsomolskaya Pravda* and *Rossiiskaya Gazeta*, and television channels First Channel, Rossiya, NTV and Ren TV.
- Regional media included VGTRK-Chechnya, Alania (North Ossetia) and RGVK-Dagestan television channels.

The coding system is included in Appendix 2.

The expert panel was composed of journalists not employed by the media monitored and who specialize in reporting on the North Caucasus. The experts were: Oleg Kusov (RFE/RL), Grigory Shvedov (Caucasus Knot Editor-in-Chief), Valery Dzutsev (former IWPR country director), Andrey Soldatov (Agentura.ru, *Novaya Gazeta*), and Timur Aliev (publisher of *Chechenskoe Obshchestvo*).

In the 11 media outlets monitored, a total of 346 news items related to instability, violence, conflict and conflict resolution in the North Caucasus during the monitoring period. The following list shows how many relevant news items each media outlet reported:

*Kommersant*: 71

RGVK-Dagestan: 52

*Rossiiskaya Gazeta*: 51

*Komsomolskaya Pravda*: 33

*Novaya Gazeta*: 29

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First Channel: 29

NTV: 26

Rossiya: 24

Ren TV: 16

Alania: 9

VGTRK-Chechnya: 6

## 5.2. Results and Analysis

### 5.2.1. Geography of news

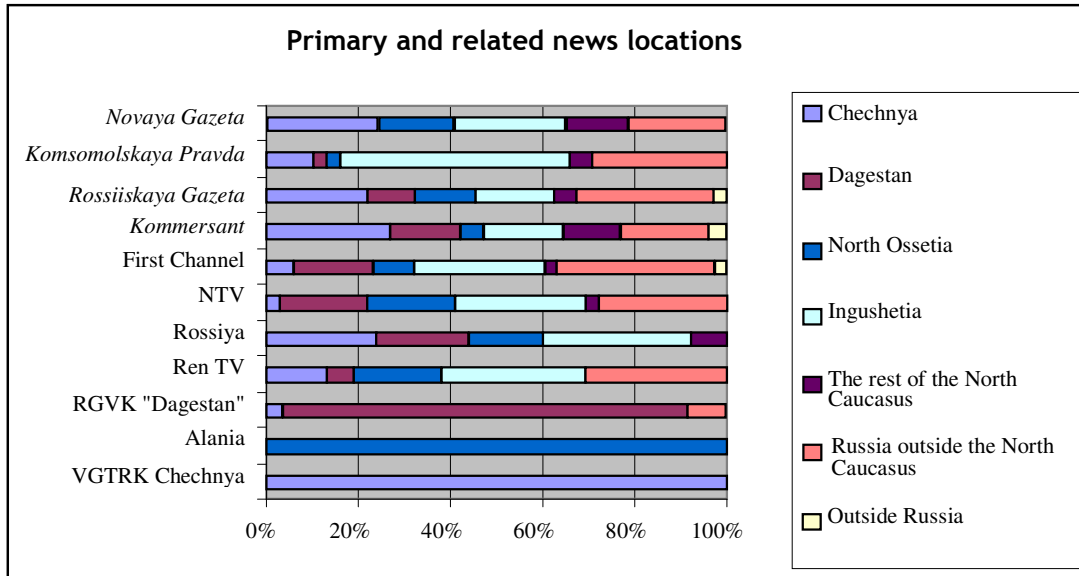


Figure 1: Reports per region, primary and related news locations, percentage within each media outlet<sup>284</sup>

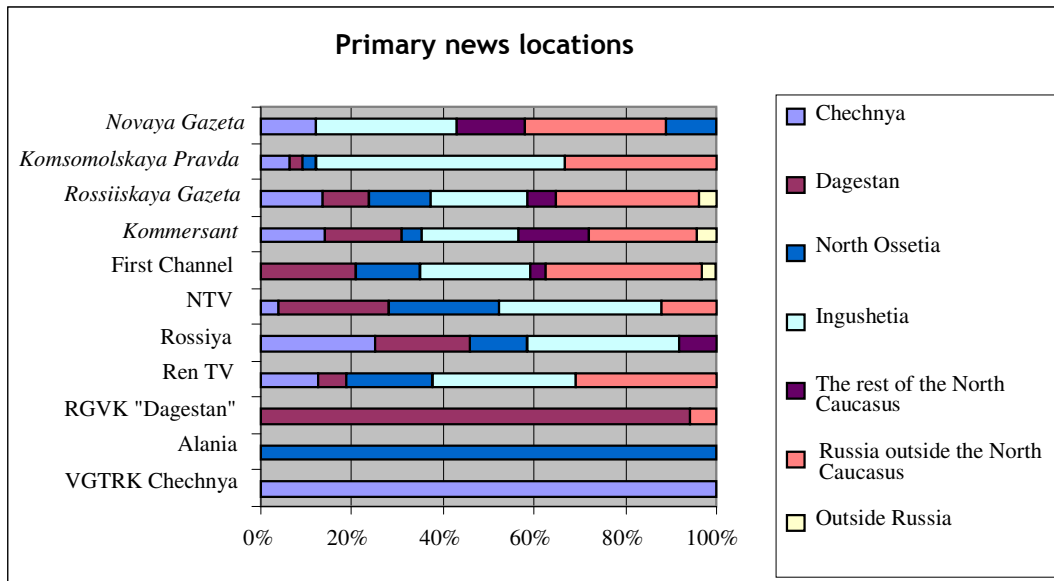


Figure 2: Reports per region, primary news location, percentage within each media outlet

<sup>284</sup> Percentage was calculated as the number of times a geographic category appears in the news divided by the number of all appearances of all geographic categories in the news in a media outlet.

## **5.2.2. Main findings**

### **5.2.2.1. State-owned media**

News items on instability, violence, conflict and conflict resolution in Chechnya constitute no more than 10 per cent of all news from the North Caucasus in the Moscow-based media.

NTV and the First Channel devoted significantly less attention to Chechnya-related news. Chechnya was a news location in between 3 and 4 per cent of news stories on the North Caucasus on NTV. The First Channel broadcast no news items in which Chechnya was the main location.

*Kommersant* and *Novaya Gazeta* published the highest percentage of news on Chechnya. In 14 and 12 per cent of their reports, respectively, Chechnya was the main location. In 24 per cent and 27 per cent of their news stories, respectively, Chechnya was either a main or related location.

On Rossiya, an official state channel, about 24 per cent of reports on the North Caucasus were from and about Chechnya.

### **5.2.2.2. Regional media**

Regional television channels did not broadcast any news from outside their home territory with the exception of RGVK-Dagestan that devoted 6 per cent of its news to Russia outside the North Caucasus.

#### **North Ossetia**

The overwhelming majority of the news from and about North Ossetia appeared on the federal and Moscow-based channels and in the newspapers between 28 August and 3 September 2007, the days of the commemoration of Beslan (Figure 3). At other times, North Ossetia went unreported.

#### **Dagestan and Ingushetia**

Dagestan and Ingushetia news received more or less equal coverage across the State-owned media. Peaks of news from Dagestan happened between 18 and 21 September, when a number of counter-terrorist operations were reported. Peaks of news from Ingushetia were on 31 August when a Russian teacher and her family were murdered, and 20 September, the day of the Ingush President's press conference about a decrease in the number of terrorist acts and a counter-terrorist operation in Ingushetia. News from Chechnya peaked when the Prosecutor General reported on progress in the investigation into the murder of Anna Politkovskaya and there were reports of Chechen suspects in the case (28-31 August and 17 September); and when a police column was attacked in Chechnya (8 October).

Reports from Ingushetia as a main location of events occupied the greatest share of news on the North Caucasus. Rossiya devoted 33 per cent of its broadcasts about North Caucasus to Ingushetia. In the *Kommersant*, the number of reports from Russia outside North Caucasus was slightly greater than coverage of Ingushetia (24 per cent compared to 21 per cent). *Novaya Gazeta* demonstrated a similar trend (28 per cent compared to 24 per cent). The difference was more significant in the *Rossiiskaya Gazeta* (22 per cent compared to 31 per cent).

#### **Chechnya**

There has been a substantial decline in coverage of Chechnya, once a dominant topic in the federal and

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Moscow-based media. Chechnya completely dropped off the news agenda of the two most commercially orientated channels that are highly dependent on their ratings, First Channel and NTV. Both channels, however, are majority owned by the State or State-controlled corporations. Rossiya, also State-owned, has in contrast maintained some coverage of Chechnya. In addition, Rossiya is watched throughout Russia and the North Caucasus, and it is possible that it is mandated by the State to provide representation of various republics and regions.

One of the experts suggested that reports about insurgency in Chechnya and continuous armed resistance would have been at variance with the Russian authorities' declared victory over terrorism and extremism in Chechnya. It may, therefore, have been decided to stop reporting on Chechnya in order to avoid having to explain this apparent contradiction. Some experts felt that there were other reasons that contributed to the level of media coverage of Chechnya.

Audiences have been progressively losing their interest in Chechnya. Paradoxically this apparent lack of concern about Chechnya began when the Russian media provided extensive coverage of the first war. Despite the diversity of perspectives, reporting was characterised by partisan campaigning rather than professional journalistic standards. First Channel ratings fell dramatically during the first war in Chechnya. By contrast, ratings on NTV, which provided alternative information and perspectives to the official version on the war, almost doubled. However, the involvement of senior NTV management in the 1996 presidential campaign in Russia undermined the channel's reputation for professional journalism.

Another expert believed that the absence of Chechnya from the mainstream news was linked to the absence of experienced journalists specialising in the area. A few years ago, a pool of journalists with contacts, networks and sources worked on Chechnya full-time. However, such journalists have been killed (Anna Politkovskaya); fallen ill (Vyacheslav Izmailov); transferred to a new workplace; moved to Moscow (Musa Uradov); taken senior management positions; or left journalism (Timur Aliev). At present there are almost no experts on Chechnya and the North Caucasus in general working in the Moscow media.

In addition, there are objective obstacles erected by the Ministry of the Interior and the Federal Security Service, which make independent reporting from Chechnya impossible.<sup>285</sup> As noted, visits by journalists to Chechnya have an itinerary agreed with the authorities. The reports that emerge from such trips and interviews with President Kadyrov are unlikely to grab the interest of Russian audiences.

One of the experts explained that the relatively high visibility of Chechnya in the two newspapers least influenced by the government, namely *Kommersant* and *Novaya Gazeta*, was based on a long-standing pattern which had been established during the war in Chechnya. In addition, an ethnic Chechen journalist, Musa Uradov, had joined the Moscow staff of *Kommersant*, and is a driving force behind reporting on Chechnya. *Novaya Gazeta* has long focused on human rights protection and it is therefore not surprising that Chechnya, the site of widespread human rights violations, should continue to be well represented in its reporting.

### Local news reports

The monitoring revealed that television channels in the republics have no news reports on other North

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<sup>285</sup> See Section 4.3.1.

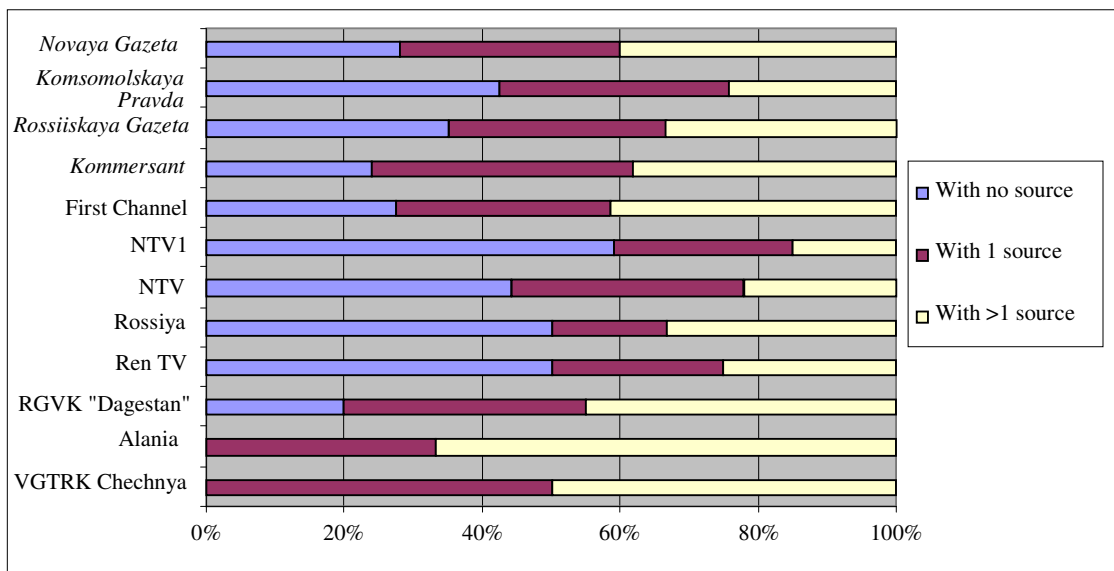
Caucasus republics or from outside North Caucasus. A number of factors contribute to this trend.

The news channels monitored present their news immediately after the Rossiya-Vesti all-Russian news programme and there is, therefore, no incentive for the regional news programmes to do their own reports on events outside their region.

Regional channels do not have the financial resources to send correspondents to neighbouring republics. In addition, journalistic attitudes appear to show some degree of parochialism and the tradition of cultural exchange and interconnectedness across the North Caucasus republics is not reflected in news reporting.

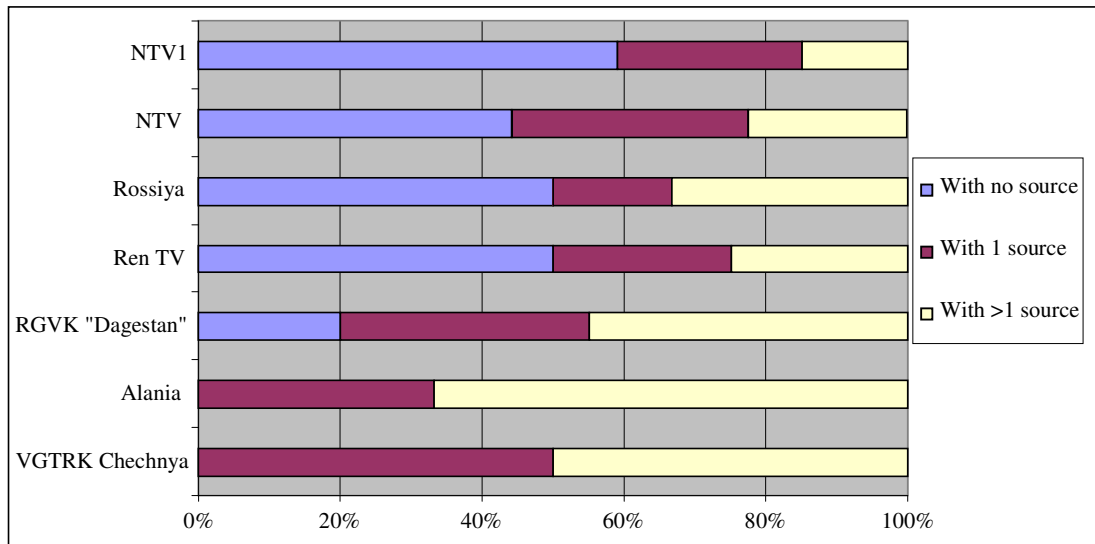
Another expert suggested that even if there had been a desire on the part of journalists or the media to include news from other North Caucasus republics, the federal government would have opposed the creation of horizontal media networks in the North Caucasus because the emergence of a regional identity would have been seen as a threat to the primacy of central government.

### 5.2.3. Sources



**Figure 4:** Percentage of reports with different number of sources, all media<sup>286</sup>

<sup>286</sup> NTV1 includes bulletin announcements of news stories at the beginning and in the middle of the programme.



**Figure 5:** Percentage of reports with different number of sources, television

A large number of reports in the federal and Moscow-based media on violence, instability, conflict and conflict resolution in the North Caucasus do not quote sources. About 40 per cent of North Caucasus news stories have no sources in the *Komsomolskaya Pravda* and *Rossiiskaya Gazeta* and in the national channels, between 28 and 50 per cent of news stories from and about problems in the North Caucasus give no sources. *Kommersant* and *Novaya Gazeta* have the smallest proportion of articles on the North Caucasus that do not have a source (24 per cent). By contrast, the regional channels Alania and VGTRK-Chechnya did not broadcast any news stories without at least one source. Some 20 per cent of RGVK-Dagestan stories did not quote sources.

Experts diverged in their assessment of whether a relatively high percentage of news stories with multiple sources in the regional television news suggests greater professionalism or, on the contrary, was designed to disguise the uniform content of broadcasts. One of the experts expressed the view that regional journalists were eager to learn and had adopted the values of professional news reporting more fully than their colleagues from Moscow. Other experts did not share this view and suggested that Alania and VGTRK-Chechnya were perhaps the least independent media in the selection and that the number of sources should not be taken as a measure of professionalism. In some cases, the information provided by the sources was irrelevant and in others different sources were referred to solely to make the report look more credible or professional.

The high percentage of news reports in the State-owned media that do not quote sources may be due to the fact that ministries and federal agencies have effectively erected a barrier between themselves and the media. The system for requesting information is not working and information about military operations in the North Caucasus is kept secret. Officials justify failing to provide information on the grounds that it has already been given to the major news agencies such as Interfax. A new generation of public relations staff in the military and law enforcement agencies has focused on direct appeals to the public, often through highly charged emotional appeals, rather than dialogue with the media and press conferences.

Press conferences, round tables and individual interviews with officials, including the military authorities, continue to be held in the regions, which may help explain the higher percentage of stories citing sources in the regional media. This trend may also reflect the highly personalised politics in the



North Caucasus, where bonds of kinship may make sources more accessible.

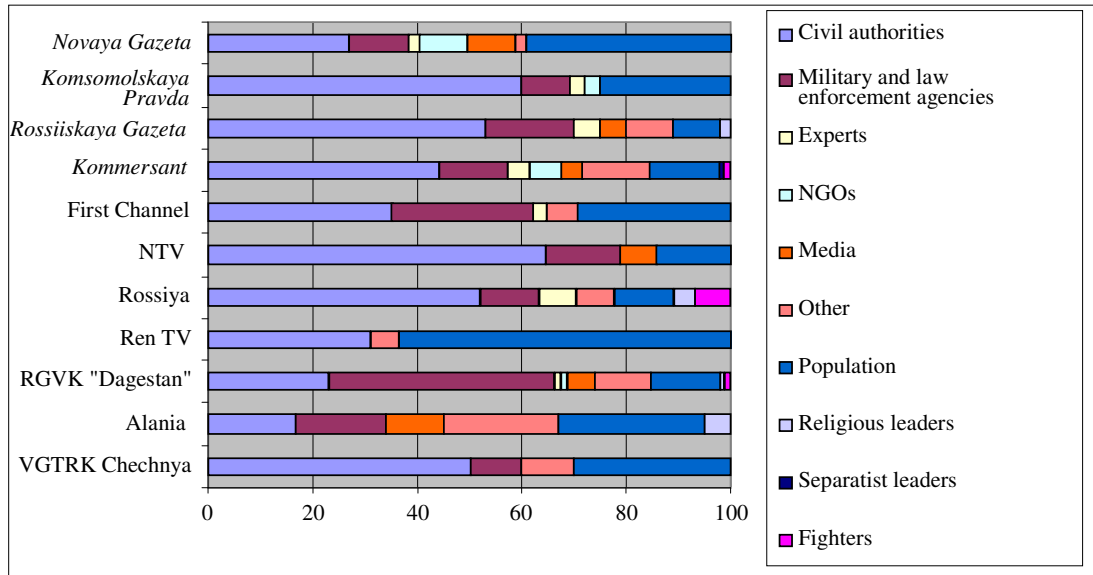


Figure 6: Categories of sources, count, percentage

Independent federal media have to quote sources in order to protect themselves from the accusations of unsubstantiated reporting, while the pro-government media do not feel under a similar obligation.

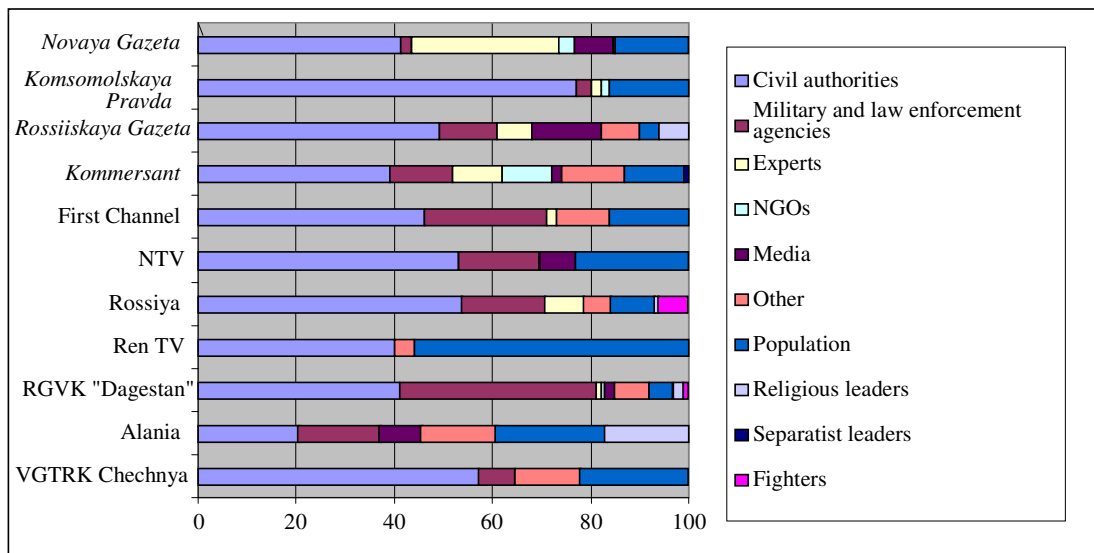


Figure 7: Categories of sources, percentage, square/time

The civil authorities together with military and law enforcement agencies constitute a major, and often the sole, source of information on instability, violence, conflicts and conflict resolution in the North Caucasus. *Novaya Gazeta* and *Kommersant* stand out as regards their selection of diverse sources and their relatively modest use of official and military sources. The substantial presence of experts as a source in *Novaya Gazeta* is in large part attributable to a major interview with an expert on counter-terrorism operations on the *Nord-Ost* theatre rescue operation. Interestingly, *Alania* presents a diversity of sources, and the authorities and the military together make up less than 40 per cent of

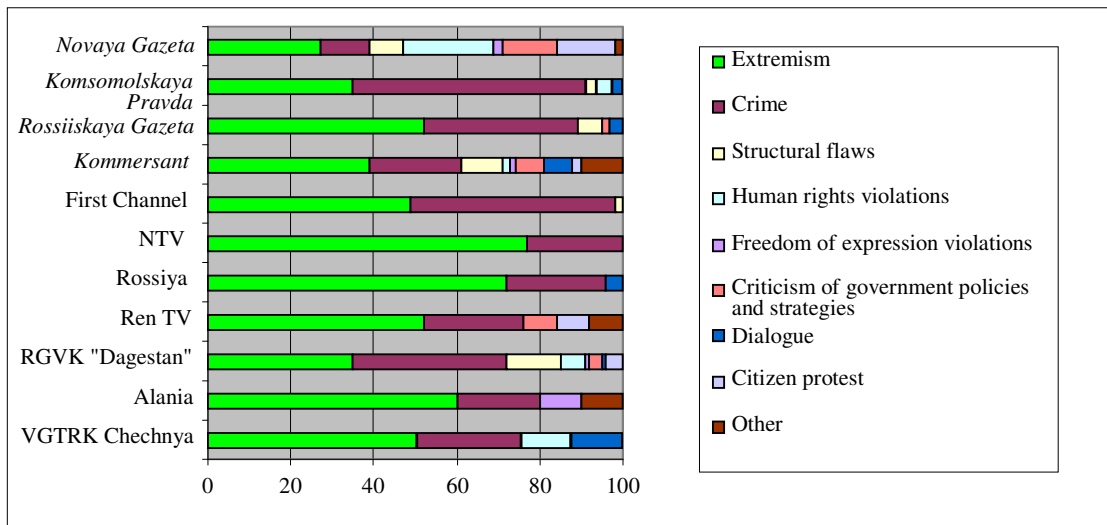
quoted sources.

The category ‘other’ as sources of court proceedings generally refers to lawyers. In one instance ‘others’ were film directors.

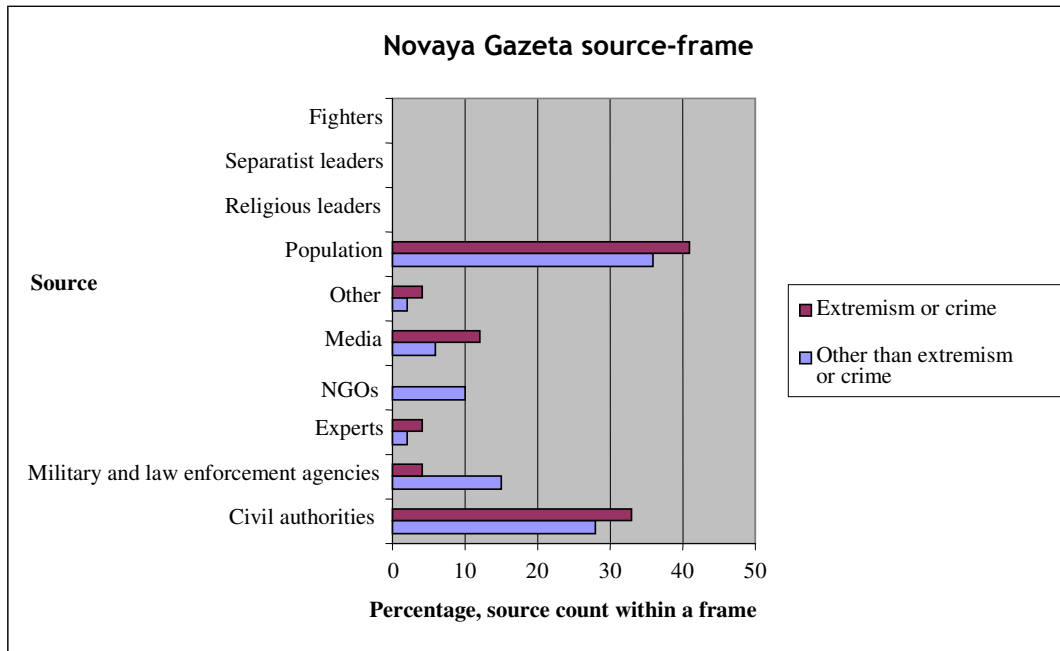
NGOs are absent from the source pool except in *Novaya Gazeta* and *Kommersant*.

Some experts attributed the reliance on officials as sources of information to the legacy of the Soviet tradition of newsmaking. Unwanted sources are simply banned from the news not because of censorship – there is no agency that censors media production – but as a result of self-censorship. This may be attributable, at least in part, to journalists’ fear of publishing a critical story, given the persecution of journalists who have produced articles critical of the authorities. However, all the experts agreed that the predominance of people in power as sources of information reflects low professional standards in the newsroom. The problem is not the presence of the authorities in the news – they are one of the key sources of information anywhere – but the lack of alternative sources. *Novaya Gazeta*, *Kommersant* and Ren TV search for alternative sources more actively than their colleagues in the pro-government media. *Novaya Gazeta* may not have access to many of the government and military sources. However, Ren TV and *Kommersant* do and their efforts to use sources beyond the official ones may, therefore, indicate a commitment to comprehensive reporting.

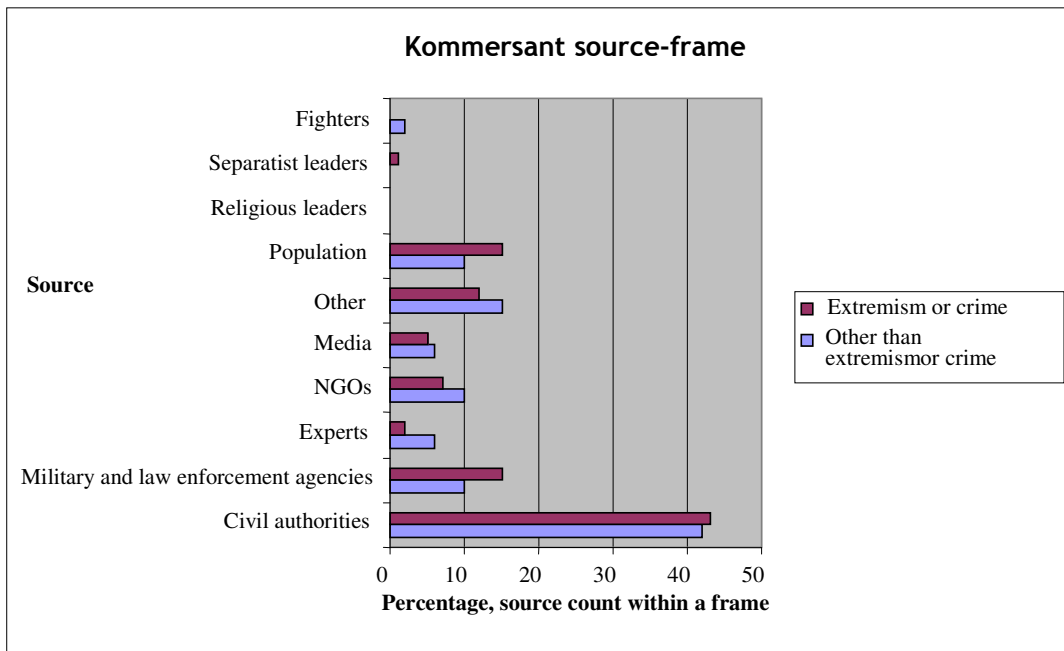
#### 5.2.4. Framing the debate



**Figure 8:** Frames, count, percentage



**Figure 9:** Sources within frames, count, percentage *Novaya Gazeta*



**Figure 10:** Sources within frames, count, percentage, *Kommersant*

Extremism and crime were dominant themes in the coverage. *Kommersant* and *Novaya Gazeta* were exceptions with about 40 and 60 per cent, respectively, of their coverage of conflict in the North Caucasus focusing on extremism and crime. *Novaya Gazeta* carried extensive information about human rights violations and criticism of state policies and strategies in the North Caucasus as well as protests against the authorities.

The sources used for articles focusing on extremism and crime in the *Kommersant* were fairly constant (Figure 10), while in *Novaya Gazeta* there was a notable difference in the selection of sources

depending on whether extremism or crime was the focus of the piece. NGOs and the military were significantly more prominent in articles with a focus other than extremism and crime.

VGTRK-Chechnya has the greatest share of reports highlighting dialogue. Dialogue and reconciliation were concepts virtually absent from all other media.

*Novaya Gazeta* and Ren TV cover protests, rallies and court cases against the authorities and law enforcement agencies.

Reports on the North Caucasus are almost never framed in terms of violations of freedom of expression. The North Caucasus has played a special role in President Putin’s myth of ‘Russia rising from her knees’. President Putin’s popularity has risen largely because of his image as the person who stopped Russia from breaking apart. In reality, the North Caucasus is the region with which Russia keeps struggling. Discontent and separatism in the North Caucasus are often presented as the work of a group of extremists linked to international terrorist groups, paid by foreign powers and having little to do with people’s needs.

There are professional flaws in Russian newsrooms that may contribute to the one-sided simplistic reporting on the North Caucasus. There is no in-depth analysis of structural, systemic flaws in the politics, economics and social aspects of life in the North Caucasus in the pro-government media. Journalists may fear losing their jobs if they undertake investigations in the North Caucasus. Audience demand for such news also seems weak. The news media in Russia and the North Caucasus, as elsewhere, has to work within the constraints of competition for high circulation or viewing figures. As a result, reports are by and large triggered by extraordinary and often violent events. Many of the journalists who specialised in reporting on the North Caucasus have moved on and reporting is now fragmented as there is no one to piece the fragments together.

### 5.2.5. Gender

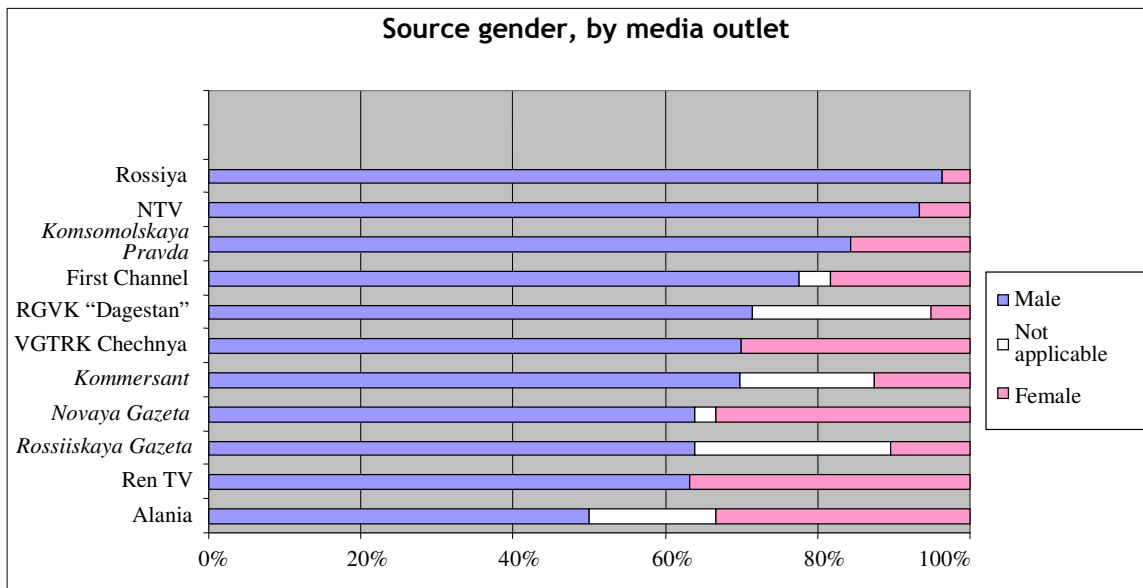


Figure 11: Source gender, by media outlet

The overwhelming majority of the sources in the monitored media were men. Women were almost equally present in the news on North Ossetia. All reports on North Ossetia focused on the

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commemoration of events in Beslan and activists with the Voice of Beslan and Mothers of Beslan were quoted as sources, as were the mothers of the victims.

## 6. INTERNATIONAL STANDARDS ON FREEDOM OF EXPRESSION AND REPORTING CONFLICT

### 6.1. International Guarantees of Freedom of Expression

#### 6.1.1. *The importance of freedom of expression*

The Universal Declaration of Human Rights (UDHR)<sup>287</sup> is generally considered to be the flagship statement of international human rights. Article 19 of the UDHR guarantees the right to freedom of expression in the following terms:

Everyone has the right to freedom of opinion and expression; this right includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The UDHR is not directly binding on States. However, parts of it, including Article 19, are widely regarded as having acquired legal force as customary international law.<sup>288</sup>

The International Covenant on Civil and Political Rights (ICCPR),<sup>289</sup> a treaty ratified by some 160 States,<sup>290</sup> including by Russia in 1976, imposes formal legal obligations on States Parties to respect its provisions and elaborates on many of the rights included in the UDHR. Article 19 of the ICCPR guarantees the right to freedom of expression in terms very similar to those found in Article 19 of the UDHR:

- (1) Everyone shall have the right to freedom of opinion.
- (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.

Freedom of expression is also protected in all three regional human rights instruments, in Article 10 of the European Convention on Human Rights,<sup>291</sup> Article 13 of the American Convention on Human Rights,<sup>292</sup> and Article 9 of the African Charter on Human and Peoples' Rights,<sup>293</sup> as well as in the UN Convention on the Rights of the Child.<sup>294</sup> At its very first session in 1946, the UN General Assembly adopted Resolution 59(I) which states:

Freedom of information is a fundamental human right and ... the touch-stone of all the freedoms to which the United Nations is consecrated.<sup>295</sup> As the UN Human Rights Committee has said:

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<sup>287</sup> UN General Assembly Resolution 217A(III), 10 December 1948.

<sup>288</sup> See, for example, *Filartiga v. Pena-Irala*, 630 F. 2d 876 (1980) (US Circuit Court of Appeals, 2<sup>nd</sup> Circuit).

<sup>289</sup> UN General Assembly Resolution 2200A(XXI), adopted 16 December 1966, entered into force 23 March 1976.

<sup>290</sup> As of 25 January 2008.

<sup>291</sup> Adopted 4 November 1950, E.T.S. No. 5, entered into force 3 September 1953.

<sup>292</sup> Adopted 22 November 1969, O.A.S. Treaty Series No. 36, entered into force 18 July 1978.

<sup>293</sup> Adopted 26 June 1981, 21 I.L.M. 58 (1982), entered into force 21 October 1986.

<sup>294</sup> UN General Assembly Resolution 44/25, adopted 20 November 1989, entered into force 2 September 1990.

<sup>295</sup> 14 December 1946.

The right to freedom of expression is of paramount importance in any democratic society.<sup>296</sup>

International bodies have made it very clear that freedom of expression and information is one of the most important human rights. It is essential if violations of human rights are to be exposed and challenged. The guarantee of freedom of expression applies with particular force to the media. As the UN Human Rights Committee has stressed, a free media is essential in the political process. It is only in societies where the free flow of information and ideas is permitted that democracy can flourish:

[T]he free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential. This implies a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion.<sup>297</sup>

The importance of freedom of expression in a democracy has been stressed by a number of international courts. For example, the African Commission on Human and Peoples' Rights has held:

Freedom of expression is a basic human right, vital to an individual's personal development, his political consciousness, and participation in the conduct of public affairs in his country.<sup>298</sup>

Similarly, the Inter-American Court of Human Rights has stated:

Freedom of expression is a cornerstone upon which the very existence of a democratic society rests. It is indispensable for the formation of public opinion. ... [I]t can be said that a society that is not well informed is not a society that is truly free.<sup>299</sup>

These ideas have repeatedly been affirmed by both the UN Human Rights Committee and the European Court of Human Rights.

The fact that the right to freedom of expression exists to protect controversial expression as well as conventional statements is well established. For example, the European Court of Human Rights has stated:

According to the Court's well-established case-law, freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual's self-fulfilment. Subject to paragraph 2 of Article 10, it is applicable not only to 'information' or 'ideas' that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of pluralism, tolerance and broadmindedness without which there is no democratic society.<sup>300</sup>

The guarantee of freedom of expression applies with particular force to the media, including the broadcast media and the Internet. As the Inter-American Court of Human Rights has stated: 'It is the

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<sup>296</sup> *Tae-Hoon Park v. Republic of Korea*, 20 October 1998, Communication No. 628/1995, para. 10.3.

<sup>297</sup> UN Human Rights Committee General Comment 25, issued 12 July 1996.

<sup>298</sup> *Constitutional Rights Project and Media Rights Agenda v. Nigeria*, 31 October 1998, Communications 105/93, 130/94, 128/94 and 152/96, para. 52.

<sup>299</sup> *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism*, Advisory Opinion OC-5/85, 13 November 1985, Series A, No. 5, para. 70.

<sup>300</sup> *Nilsen and Johnsen v. Norway*, 25 November 1999, Application No. 23118/93, para. 43.

mass media that make the exercise of freedom of expression a reality.<sup>301</sup> Because of their pivotal role in informing the public, the media as a whole merit special protection. As the European Court of Human Rights has held:

[I]t is ... incumbent on [the press] to impart information and ideas on matters of public interest. Not only does it have the task of imparting such information and ideas: the public also has a right to receive them. Were it otherwise, the press would be unable to play its vital role of 'public watchdog'.<sup>302</sup>

This applies particularly to information which, although critical, relates to matters of public interest:

The press plays an essential role in a democratic society. Although it must not overstep certain bounds, in particular in respect of the reputation and rights of others and the need to prevent the disclosure of confidential information, its duty is nevertheless to impart – in a manner consistent with its obligations and responsibilities – information and ideas on all matters of public interest [footnote omitted]. In addition, the court is mindful of the fact that journalistic freedom also covers possible recourse to a degree of exaggeration, or even provocation.<sup>303</sup>

This has been recognised by the constitutional courts of individual States around the world. For example, the Supreme Court of South Africa held:

The role of the press is in the front line of the battle to maintain democracy. It is the function of the press to ferret out corruption, dishonesty and graft wherever it may occur and to expose the perpetrators. The press must reveal dishonest mal- and inept administration. It must also contribute to the exchange of ideas already alluded to. It must advance communication between the governed and those who govern. The press must act as the watchdog of the governed.<sup>304</sup>

### *6.1.2. Restrictions on freedom of expression*

The right to freedom of expression is not absolute. Both international law and most national constitutions recognise that freedom of expression may be restricted. However, any limitations must remain within strictly defined parameters. Article 29 of the UDHR dealing with restrictions on rights generally, provides:

In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Article 19(3) of the ICCPR lays down the benchmark for restrictions on freedom of expression, stating:

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<sup>301</sup> *Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism*, see note 299, para. 34.

<sup>302</sup> *Thorgeirson v. Iceland*, 25 June 1992, Application No. 13778/88, para. 63.

<sup>303</sup> *Fressoz and Roire v. France*, 21 January 1999, Application No. 29183/95 (European Court of Human Rights).

<sup>304</sup> *Government of the Republic of South Africa v. the Sunday Times*, [1995] 1 LRC 168, pp. 175-6.



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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 (ordre public), or of public health or morals.

Article 10(2) of the European Convention on Human Rights, ratified by Russia in 1998, states:

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Human rights jurisprudence holds that restrictions on rights must always be construed narrowly. Accordingly, any restriction on the right to freedom of expression must meet a strict three-part test, approved by both the UN Human Rights Committee<sup>305</sup> and the European Court of Human Rights.<sup>306</sup> This test requires that any restriction must a) be provided by law; b) be for the purpose of safeguarding a legitimate public interest; and c) be necessary to secure that interest.

The third part of this test means that even measures that seek to protect a legitimate interest must meet the requisite standard established by the term ‘necessity’. Although absolute necessity is not required, a ‘pressing social need’ must be demonstrated, the restriction must be proportionate to the legitimate aim pursued, and the reasons given to justify the restriction must be relevant and sufficient.<sup>307</sup> In other words, the government, in protecting legitimate interests, must restrict freedom of expression as little as possible. Vague or broadly defined restrictions, even if they are provided by law, will generally be unacceptable because they go beyond what is strictly required to protect the legitimate interest.

National security is one area where vague and broadly defined restrictions are often placed on freedom of expression. Governments across the world are well known for invoking national security to cover a huge range of issues and information that they would rather not see in the public domain. Accordingly, restrictions on the grounds of national security in particular must be scrutinised under the test outlined above.

In 1985, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities elaborated a set of principles: The Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights (Siracusa Principles).<sup>308</sup> Part IV

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<sup>305</sup> See, for example, *Mukong v. Cameroon*, 21 July 1994, Communication No. 458/1991, para. 9.7.

<sup>306</sup> See, for example, *Goodwin v. United Kingdom*, 27 March 1996, Application No. 17488/90, paras. 28-37.

<sup>307</sup> *Sunday Times v. United Kingdom*, 26 April 1979, Application No. 6538/74, para. 62 (European Court of Human Rights). These standards have been reiterated in a large number of cases.

<sup>308</sup> United Nations, Economic and Social Council, U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities, Annex, UN Doc E/CN.4/1985/4 (1985). Available at:

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of the Siracusa Principles relates to restrictions introduced in the name of national security and provides that:

29. National security may be invoked to justify measures limiting certain rights only when they are taken to protect the existence of the nation or its territorial integrity or political independence against force or threat of force.
30. National security cannot be invoked as a reason for imposing limitations to prevent merely local or relatively isolated threats to law and order.
31. National security cannot be used as a pretext for imposing vague or arbitrary limitations and may only be invoked when there are adequate safeguards and effective remedies against abuse.
32. The systematic violation of human rights undermines true national security and may jeopardise international peace and security. A state responsible for such violation shall not invoke national security as a justification for measures aimed at suppressing opposition to such violation or at perpetrating repressive practices against its population.

The most extensive statement of principles relating to national security restrictions is provided by the Johannesburg Principles on National Security, Freedom of Expression and Access to Information (Johannesburg Principles).<sup>309</sup> These Principles were elaborated by a group of recognised experts in this field. They outline, among other things, the prevailing standards for withholding information in the name of national security.

The Johannesburg Principles lay down the following provisions on restrictions on freedom of expression on grounds of national security:

6. Subject to Principles 15 and 16, expression may be punished as a threat to national security only if a government can demonstrate that:
  - (a) the expression is intended to incite imminent violence;
  - (b) it is likely to incite such violence; and
  - (c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.
7.
  - (a) Subject to Principles 15 and 16, (disclosure of secret information and information obtained through public service mentioned below under freedom of information) the peaceful exercise of the right to freedom of expression shall not be considered a threat to national security or subjected to any restrictions or penalties. Expression which shall not constitute a threat to national security includes, but is not limited to, expression that:
    - (i) advocates non-violent change of government policy or the government itself;

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<http://www1.umn.edu/humanrts/instree/siracusaprinciples.html>.

<sup>309</sup> Adopted October 1995. Available at:

<http://www1.umn.edu/humanrts/instree/siracusaprinciples.html>.

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(ii) constitutes criticism of, or insult to, the nation, the state or its symbols, the government, its agencies, or public officials, or a foreign nation, state or its symbols, government, agencies or public officials;

(iii) constitutes objection, or advocacy of objection, on grounds of religion, conscience or belief, to military conscription or service, a particular conflict, or the threat or use of force to settle international disputes;

(iv) is directed at communicating information about alleged violations of international human rights standards or international humanitarian law.

(b) No one may be punished for criticising or insulting the nation, the state or its symbols, the government, its agencies, or public officials, or a foreign nation, state or its symbols, government, agency or public official unless the criticism or insult was intended and likely to incite imminent violence.

8. Expression may not be prevented or punished merely because it transmits information issued by or about an organisation that a government has declared threatens national security or a related interest.

9. Expression, whether written or oral, can never be prohibited on the ground that it is in a particular language, especially the language of a national minority.

10. Governments are obliged to take reasonable measures to prevent private groups or individuals from interfering unlawfully with the peaceful exercise of freedom of expression, even where the expression is critical of the government or its policies. In particular, governments are obliged to condemn unlawful actions aimed at silencing freedom of expression, and to investigate and bring to justice those responsible.

11. Everyone has the right to obtain information from public authorities, including information relating to national security. No restriction on this right may be imposed on the ground of national security unless the government can demonstrate that the restriction is prescribed by law and is necessary in a democratic society to protect a legitimate national security interest.

12. A state may not categorically deny access to all information related to national security, but must designate in law only those specific and narrow categories of information that it is necessary to withhold in order to protect a legitimate national security interest.

13. In all laws and decisions concerning the right to obtain information, the public interest in knowing the information shall be a primary consideration.

14. The state is obliged to adopt appropriate measures to give effect to the right to obtain information. These measures shall require the authorities, if they deny a request for information, to specify their reasons for doing so in writing and as soon as reasonably possible; and shall provide for a right of review of the merits and the validity of the denial by an independent authority, including some form of judicial review of the legality of the denial. The reviewing authority must have the right to examine the information withheld.

15. No person may be punished on national security grounds for disclosure of information if (1) the disclosure does not actually harm and is not likely to harm a legitimate national

security interest, or (2) the public interest in knowing the information outweighs the harm from disclosure.

16. No person may be subjected to any detriment on national security grounds for disclosing information that he or she learned by virtue of government service if the public interest in knowing the information outweighs the harm from disclosure.

17. Once information has been made generally available, by whatever means, whether or not lawful, any justification for trying to stop further publication will be overridden by the public's right to know.

18. Protection of national security may not be used as a reason to compel a journalist to reveal a confidential source.

19. Any restriction on the free flow of information may not be of such a nature as to thwart the purposes of human rights and humanitarian law. In particular, governments may not prevent journalists or representatives of intergovernmental or non-governmental organisations with a mandate to monitor adherence to human rights or humanitarian standards from entering areas where there are reasonable grounds to believe that violations of human rights or humanitarian law are being, or have been, committed. Governments may not exclude journalists or representatives of such organisations from areas that are experiencing violence or armed conflict except where their presence would pose a clear risk to the safety of others.

### *6.1.3. Derogation during a state of emergency*

International human rights law recognises that, during emergencies, States may need to derogate from rights for the greater common good. In recognition of this, Article 4 of the ICCPR provides for emergency derogations in the following terms:

1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 4 thus places a number of conditions, both substantive and procedural, on the imposition of emergency derogations:

- derogations may only be entertained in times of emergency which threaten the life of the nation;
- derogations must be officially proclaimed;

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- derogations may only limit rights to the extent strictly required and may never be applied on a discriminatory basis;
- no derogation is possible from certain key rights, including the rights to life, to be free of torture and slavery, not to be imprisoned for a contractual obligation, not to be tried or sentenced for something which was not a crime at the time of commission, to recognition as a person before the law, and to freedom of thought, conscience and religion;
- States imposing derogations must inform other States Parties of the rights to be limited and the reasons for such limitation; and
- derogating States must inform other States Parties of the termination of any derogation.

Among other things, it is clear that any application of emergency laws derogating from rights must be limited in time. The UN Human Rights Committee specifically emphasised this in its General Comment on Article 4 stating:

[M]easures taken under article 4 are of an exceptional and temporary nature and may only last as long as the life of the nation concerned is threatened.<sup>310</sup>

Principle 48 of the Siracusa Principles provides that States shall ‘terminate such derogation in the shortest time required to bring to an end the public emergency’. Principles 55 and 56 provide that derogations shall be subject to independent legislative review and that individuals who question the need for derogation measures shall have an effective remedy. These points are also restated and reinforced by the Johannesburg Principles.

Accordingly, a right to freedom of expression continues to exist until such time as a state of emergency is declared, and formal derogation from freedom of expression is only for such time and to such extent as is required by the exigencies of the situation.

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<sup>310</sup> Available at: <http://www.unhchr.ch/tbs/doc.nsf/0/ecb5519dedd9b550c12563ed0046d1a1?Opendocument>.

## 7. CONCLUSIONS

Information on the North Caucasus conflicts, both in the region and in Russia as a whole, is limited, skewed, and often one-sided. News from the North Caucasus is mainly couched in terms of ‘terrorist attacks’ or ‘counter-terrorist operations’. In particular, the Russian authorities have virtually banned all alternative voices on Chechnya, thereby ensuring that the official version is the only one to which the Russian public has access. The restrictive environment within Chechnya and personal security concerns prevent alternative sources from developing.

Over the years, there have been some variations to general reporting trends. While there was some independent reporting during the first Chechen war, the second saw parallels being continuously drawn between Chechen separatism and terrorism. In the context of an already complex socio-political environment, complicated by violence, ethnic conflict and abuse of rights and freedoms, this contributed to widespread anti-Chechen attitudes (and by extension anti-Caucasian and generally xenophobic feelings). It also helped to legitimise Russia’s military efforts in the region and suppress criticism by virtually eliminating coverage of controversial topics, such as human rights violations committed by the Russian army in the North Caucasus. The result is that the Russian public has been largely unable to participate in debates or hold the authorities to account for their policies in the Caucasus.

Since the early 2000s, the media’s portrayal of Chechnya has shifted to reconstruction and the return of peace. At the same time, coverage of neighbouring republics has increased where violence has increased. Reporting in North Caucasus republics other than Chechnya is helped by the absence of travel restrictions for journalists, in contrast to Chechnya.

The above has to be seen in the context of widespread media repression in Russia. The media are often employed by the authorities to manufacture consent for Russian policies. In Russia, journalism remains a dangerous profession, with media workers facing criticism, harassment, lawsuits, arrest and detention and, in the most extreme cases, murder. At the same time conformism has taken root in the Russian journalistic community. Over the past several years current affairs programmes have faded away both in terms of their share of television programming as well as in a steady degeneration of those that remain into propaganda. Entertainment and reality shows have replaced formerly diverse and attention catching programming. The print media have demonstrated greater resilience, and serious multi-sided analysis of the current political situation in Russia can be found in some publications.

The obstacles to media freedom that affect Russia as a whole are particularly acute in the North Caucasus because of conflict and instability. One characteristic common throughout the region is the tight control of information, including through financial and political pressure. Political pressure on media outlets stifles independent and unbiased reporting. Repression can take the form of overzealous auditing of media outlets, defamation lawsuits, withdrawal of licences or direct threats and intimidation. Most seriously, there are grave security concerns for journalists working in the region, particularly those engaging in investigative journalism and criticism of the authorities, and for their families. This inevitably leads to self-censorship.

Moreover, the dire economic conditions in the North Caucasus make sources of finance for independent media extremely rare. Advertising revenues would present a viable potential source of

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income, yet this is hindered by slow economic development and limited infrastructure due to conflict and instability.

Another obstacle to a healthy media environment is the low level of professionalism of most local journalists. There remains a need to train local journalists and those working in the media industry in order to develop journalistic skills, as well as knowledge of media law and the right to freedom of expression.

The media monitoring carried out for this report demonstrated a lack of diversity in the coverage of instability, violence, conflicts and conflict resolution in the North Caucasus in the Russian mainstream and in the North Caucasus media. Extremism and crime are dominant themes in the government and pro-government media, both in Moscow and in the region. Among the monitored media, *Novaya Gazeta* and *Kommersant* were the only ones to employ alternative perspectives, such as criticism of State policies and strategies in the North Caucasus, and coverage of human rights violations by the military and law enforcement agencies, and popular protests. The uniformity of messages in the other media outlets could be attributed to the administrative, economic and political barriers to in-depth investigative reporting on the North Caucasus, lack of demand for such reporting by the audience, self-censorship, persecution of journalists who have not conformed to the system, and lack of professionalism.

Another major finding is that, among the media monitored, news reports about instability and violence in a large number of cases cite no sources. This is particularly evident in the mainstream nation-wide media. Of the sources that are cited, the main ones are civil authorities, the military and law enforcement agencies. *Novaya Gazeta*, *Kommersant* and Ren TV were the only ones that cited non-governmental sources. Greater adherence to the principle of multiple sources by North Caucasus journalists should not automatically be attributed to greater professionalism, but may simply reflect better access to sources in civil authorities, the military and law enforcement agencies. Civil and military officials in Moscow have effectively walled themselves off from the media, with insiders rarely providing information and only after being assured that they would remain anonymous.

Legislation can also lead to restrictions on media freedom that do not comply with Russia's responsibilities under international law. In particular, provisions on incitement and extremism are broadly and vaguely defined, leaving open the possibility of arbitrary interpretation. With a set of provisions specifically on the media, the law seems to place a double burden upon it. Punishments are also particularly severe, as these may lead to the closure of media outlets for involvement in 'extremist' activities or distribution of 'extremist' materials.

The relevant legal provisions are also selectively implemented. They have been used against media outlets and NGOs disseminating information on human rights abuses during conflict. Such cases have been more common than those with the aim of genuinely protecting people from crimes resulting from incitement.

A plethora of unofficial regulations, mostly in the form of instructions to State television, is also used by the authorities to influence the reporting of conflict.

Despite this, there exists a number of media outlets, NGOs and Internet sites that disseminate independent information on conflict. However, such sources are limited and only reach a small section of the population.

Because of the restrictions on reporting, very few Russians have access to comprehensive

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information on events in the North Caucasus. Overall, Russians have been largely deprived of their right to informed political debate on conflict. This is despite the fact that information and full public debate on conflict are essential building blocks in conflict resolution.

To rectify this situation, Russia must commit to full compliance with its responsibilities under international law. In particular, restrictions to the right of freedom of expression on the grounds of national security – including during states of emergency – should be applied in only narrowly defined circumstances: when there is a clear and direct link between the impugned expression and violence, and the likelihood of violence. The cases described in this report show that the Russian authorities have at times applied extremism legislation in cases in which this link was only conjectural or not present at all. In some cases, the purpose appeared to be to discontinue the activities of media outlets and NGOs disseminating alternative views. In this context, recent amendments to extremism legislation to include defamation of public officials in the definition of extremism are particularly alarming.

As noted, the training of journalists in the North Caucasus is of fundamental importance to raise the standards of local journalism. However, it is, on its own, insufficient to bring about significant and sustainable change. The Russian authorities must also allow (and facilitate) the development of a pluralistic and independent media. The authorities should also remove bureaucratic restrictions on travel to the region, and stop handing down instructions on the State media – both within and outside the region. Only in this manner will the Russian public be sufficiently informed to challenge decision-making and actions by the authorities in the North Caucasus. Such steps would lay the foundation for government accountability, conflict resolution, tolerance and confidence building.



## 8. RECOMMENDATIONS

### 8.1. Recommendations to the Russian Authorities

- The Russian authorities should take measures to create the necessary conditions for media pluralism in Russia, including the free expression of opinions and information on the Chechen conflict and criticism of the authorities.
- The local North Caucasus authorities should take special care to remove obstacles to the creation of a local free and independent media, and encourage the balanced reporting of local events.
- The public should be able to take part in peaceful demonstrations without fear of harassment.
- The authorities should immediately discontinue the practice of handing down instructions to State television stations on the coverage of events. The authorities should, in particular, not dictate how certain groups should be depicted in the mainstream media.
- Bureaucratic obstacles to journalists travelling to Chechnya should be removed. Restrictions on travel should be applied exclusively in light of clearly defined security considerations.
- The authorities should not interfere with the free reporting of matters of public interest, including terrorist acts.

#### *8.1.1. Recommendations on Legislation*

##### **Constitution**

- Article 29(4) of the Constitution should only permit restrictions on freedom of expression which meet the three-part test for such restrictions under international law and which, in particular, only allow restrictions that are strictly necessary to protect key legitimate aims.

##### **Hate Speech**

- The law should only prohibit incitement to hatred, discrimination or violence on the basis of clearly recognised grounds – such as race, religion or nationality – and where motivated by a desire to foment such hatred.

##### **Extremism**

- Consideration should be given to removing all of the restrictions on free speech in the Extremism Law, on the basis that any legitimate interests are already protected by the Criminal Code.
- Any restrictions on freedom of expression should apply only where there is a *direct and immediate link* between the expression and the likelihood or occurrence of violence. As a result, the provisions on ‘justification of terrorism’ in Article 1(1)(a) and ‘justification of extremist activities’ in Article 1(3) should be repealed, as should the provision outlawing the simple display of Nazi symbols in Article 1(1)(a).

- The provision providing special protection to the reputations of public officials in Article 1(1)(a) should be repealed.
- Involvement in extremist activity should never lead to the closure of a print media outlet and should only be a measure of last resort in the case of the broadcast media, which should always be able to appeal the decision.
- The media should be able to exercise its editorial discretion when disseminating information about a banned organisation, subject to restrictions that conform to the standards set out above.

#### **Application of extremism legislation**

- Anti-extremism and incitement legislation should be used only in the context of statements and actions that are intended to incite violence and where there is a *direct and immediate link* between the action and the likelihood or occurrence of violence, or statements that incite to discrimination, hostility or violence. In all other cases, media and civil society organisations, including those that disseminate alternative information on conflict in the North Caucasus, should be allowed to operate free from government interference.
- Restrictions on the reporting of interviews with separatist leaders should be removed.
- Extremism legislation should never be used with the purpose of shielding the authorities from criticism.
- Provisions on extremism and incitement should be applied in a fair manner, through processes independent of political considerations.

#### **Attacks on journalists and NGOs**

- The authorities should actively seek to prevent cases of harassment and murder of journalists. Journalists should be able to operate without fear of possible retaliation.
- A thorough and impartial investigation into the murder of Anna Politkovskaya should be carried out with a view to bringing those responsible to justice.
- Thorough investigations should also be carried out in the cases of Elina Ersenoyeva (who disappeared in August 2006) and the abduction of journalists in Ingushetia (November 2007).
- Journalists should not be detained for covering demonstrations, whether or not these are authorised.
- The decision to close the Russian-Chechen Friendship Society should be annulled.
- All forms of harassment against Stanislav Dmitrievskiy of the Foundation to Support Tolerance should be brought to an end.

## **8.2. Recommendations to Russian and International Civil Society**

- Training programmes for journalists should be set up:
  - In the North Caucasus, to raise the professional standards of local journalists,

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particularly in the reporting of conflict.

- In Russia generally, to raise know-how in the reporting of conflict and ethnic diversity in a balanced manner, so as to avoid stereotyping.
- Projects should be developed to provide qualified legal representation to journalists and NGO representatives who are penalised through legal action for disseminating alternative information on the conflict.
- Projects envisaging the dissemination of alternative information on the North Caucasus within and outside the region should continue to be developed, along with strategies to enable such information to reach a wider public.

## APPENDIX 1: POPULATION, LAND AREA AND ETHNIC COMPOSITION OF NORTH CAUCASUS REPUBLICS AND TERRITORIES

### Population and land area of North Caucasus Republics and Territories

Administrative Unit	Population 1989	Population 2002	Land Area (km <sup>2</sup> )
Republic of Adygeya	432,046	447,109	7,600
Republic of Dagestan	1,802,188	2,576,531	50,300
Republic of Ingushetia	1,270,429	467,294	19,300*
Kabardino-Balkarian Republic	753,531	901,494	12,500
Karachaevo-Cherkessian Republic	414,970	439,470	14,100
Republic of North Ossetia - Alania	632,428	710,275	8,000
Chechen Republic	1,270,429	1,103,686	19,300*
Krasnodar territory (krai)	4,620,876	5,125,221	76,000
Stavropol territory (krai)	2,410,379	2,735,139	66,500
<b>TOTAL</b>	<b>13,607,276</b>	<b>14,506,219</b>	<b>254,300**</b>

\* 19,300 km<sup>2</sup> is the combined area of neighbouring Chechnya and Ingushetia. The border between the two has never been demarcated. Chechnya is approximately three times the size of Ingushetia.

\*\* Comparative areas: The total land area of all the territories listed here is slightly larger than the United Kingdom, or the U.S. State of Wyoming.

### Ethnic Composition of North Caucasus Republics and Territories (2002)

Adygeya	%
Russians	64.48
Adygeys	24.18
Armenians	3.41
Ukrainians	2.03
Others	5.89

Dagestan	%
Avars	29.44
Dargins	16.52
Kumyks	14.20
Lezgins	13.07
Laks	5.42
Russians	4.69
Azerbaijanis	4.33
Tabasarans	4.28
Chechens	3.41
Nogais	1.48
Others	3.17

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<b>Chechnya</b>	<b>%</b>
Chechens	93.47
Russians	3.68
Others	2.84

<b>Ingushetia</b>	<b>%</b>
Ingushs	77.27
Chechens	20.42
Russians	1.19
Others	1.13

<b>Kabardino Balkaria</b>	<b>%</b>
Kabardins	55.32
Russians	25.14
Balkars	11.64
Ossetians	1.09
Others	6.81

<b>Karachaevo Cherkessia</b>	<b>%</b>
Karachais	38.50
Russians	33.65
Cherkess	11.28
Abazas	7.36
Nogais	3.38
Others	5.82

<b>North Ossetia</b>	<b>%</b>
Ossetians	62.70
Russians	23.19
Ingushs	3.02
Armenians	2.41
Kumyks	1.78
Georgians	1.52
Others	5.38

<b>Krasnodar Krai</b>	<b>%</b>
Russians	86.56
Armenians	5.36
Ukrainians	2.57
Others	5.51

<b>Stavropol Krai</b>	<b>%</b>
Russians	81.60
Armenians	5.46
Ukrainians	1.68
Dargins	1.47
Greeks	1.25
Others	8.55

Source: Website of the Russian Census, 2002. <http://www.perepis2002.ru>

## **APPENDIX 2: MEDIA MONITORING CODING SYSTEM**

### **1. Location of a news event (-s) in the news item.**

Categories:

- Chechnya
- Dagestan
- Ingushetia
- North Ossetia
- The rest of the North Caucasus
- Russia outside the North Caucasus
- Outside Russia

Each regional category in a news story was defined as either a primary locus of events or a locus of related events. A primary regional locus of a news story was identified as a location where an event was taking place or had taken place in the past. Locations where related events were happening concurrently with the primary event or had preceded it as well as locations where reactions at the primary event were expressed were counted as related news loci.

### **2. Space and time calculations**

Space (cm<sup>2</sup>) or time (sec) allotted to a news item / total space or time

### **3. Prominence of a news item**

Page number where the item appears/total number of pages for newspapers. Number of an item in a sequence of news items/total number of news stories for television newscasts.

### **4. Frames**

Categories:

- Extremism / terrorism frame
- Crime frame
- Structural problems (corruption, poverty, lack of democracy, neglect of minority rights) frame
- Human rights violations by State actors frame (statement of fact)
- Obstacle to dissemination of information about instability and violence in the North Caucasus frame
- Criticism of State actors' actions or policies (statement of opinion / judgement) frame
- Tolerance, dialogue and reconciliation frame
- Citizen protest against the government frame

### **5. Sources of news**

Categories:

- Civil authorities
- Military and law enforcement agencies
- Experts
- NGOs
- Media
- Other
- Population
- Religious leaders
- Separatist leaders
- Fighters

Primary/secondary sources: primary source appears in its own capacity; secondary source is quoted by a primary source.











‘Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of all frontiers.’

Article 19 of the Universal Declaration of Human Rights



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