



## **RUSSIA: CONTINUED VIOLATIONS OF THE RIGHT TO FREE EXPRESSION**

**July 2007**

Freedom of expression is steadily deteriorating in the Russian Federation (Russia). Particularly alarming trends include the killing of journalists, and the absence of subsequent thorough and impartial investigations. Public officials, including at the highest level of the government, refuse to view the media as an independent critic and often regard it as a subordinate body aimed at furthering particular political goals. Media outlets who dare to voice independent opinions are silenced. The last year has also witnessed the suppression of opposition groups and peaceful demonstrations; the imposition of criminal sentences in freedom of expression cases; and attacks on minorities, whether religious, sexual or ethnic, thus further weakening Russia's democratic credibility on the world stage.

The instances described below constitute clear violations of the International Covenant on Civil and Political Rights and the European Convention of Human Rights, to which Russia is a party and which - in Article 19 and Article 10 respectively - guarantee the right to freedom of expression. The State parties to these conventions have an obligation to create an environment that encourages pluralism and political debate and to refrain from interfering in the work of the media. It is clear that such a pluralistic, open and diverse environment does not currently exist in Russia: while the media, journalists, opposition groups are silenced, the Russian public is deprived of its right to information and debate on matters of public importance.

The following are just examples of the most serious instances.

### ***Death of journalists***

- Ivan Safronov, an investigative journalist for the *Kommersant* newspaper, died in mysterious circumstances on 2 March 2007, after falling from the window by the stairwell in his apartment block (one floor above his apartment). Friends and colleagues expressed surprise as well as shock at his death, commenting that he had shown no signs of being close to suicide. He was known to be preparing an article on Russian arms sales to

Syria and Iran. Russian prosecutors are investigating the possibility that he might have been 'driven to suicide'.

- Vyacheslav Ifanov, a cameraman for the independent television station *Novoye Televideniye Aleiska* in Aleisk (Siberia), was found dead in his garage on 5 April 2007. Russian prosecutors are reportedly viewing his death as suicide by gas poisoning. However, both, family members and colleagues have noted wounds on his body, and have drawn links with an attack that he was a victim of in January 2007. On this occasion, Ifanov was physically attacked (and his camera was broken) by a group of unidentified men after they noticed him filming them in the centre of Aleisk. He filed a complaint to the police, but received threats calling on him to withdraw his complaint. On the day before his death, he had appeared on television to report on his attack and the lack of an investigation.
- In the criminal investigation into a very prominent recent case, the murder of journalist and activist Anna Politkovskaya, no substantial progress has been made since her death nine months ago. Anna Politkovskaya was shot dead on 7 October 2006, in what appeared to be a contract killing. Ms. Politkovskaya was an internationally respected journalist who provided critical, analytical coverage of the Chechnya conflict. She had received repeated threats over the past few years and was ultimately shot inside the entrance to her apartment building in Moscow. Politkovskaya's editor at the independent newspaper *Novaya Gazeta* revealed that she was about to publish a story on the use of torture by security services in Chechnya. The investigation into her murder is ongoing.<sup>1</sup>
- Similarly, no progress has been made in the investigation into the death of American journalist Paul Khlebnikov, editor of the Russian edition of *Forbes* magazine. In March 2007 a Moscow court was forced to postpone the re-trial when one of the defendants, Kazbek Dukuzov, could not be located. He and the second defendant, Musa Vakhayev, had also failed to appear at a previous hearing. Khlebnikov was shot dead in Moscow in 2004, and attempts to bring his killers to justice have been dogged by difficulties from the start.<sup>2</sup>
- On 26 July 2006, journalist Yevgeny Gerasimenko was killed in his apartment in Saratov (southern Russia). He worked for the weekly publication *Saratovskiy Rasklad* and had been investigating the takeover of a local commercial enterprise. He was found strangled, with a plastic bag over his head, and covered in bruises. His computer was also missing. Local authorities arrested an unnamed homeless man who was declared to be responsible for the murder. The Russian Internal Affairs Department stated that the case was now 'closed.'
- NTV journalist Ilya Zimin was murdered in his Moscow flat on 26 February 2006. There appeared to have been a violent struggle. Zimin had worked as an investigative journalist for NTV, where he worked as a

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<sup>1</sup> See the letter to President Putin on this case by ARTICLE 19, International Pen and Index on Censorship, 11 October 2006, <http://www.article19.org/pdfs/letters/russia-journalist-politkovskaya-murdered.pdf>.

<sup>2</sup> Dukuzov and Vakhayev were acquitted in May 2006 following a trial that was held behind closed doors. Then, in November 2006, Russia's Supreme Court over-turned this decision and ordered a re-trial.

correspondent for the investigative programme 'Profession: Reporter'. Moldovan national Igor Velchev was arrested as a suspect to be tried in Moldova.<sup>3</sup>

- The murder case of newspaper journalist Vaghif Kochetkov was returned to the prosecutor's office in Tula in January 2007 for additional investigation. Kochetkov, who worked for the newspaper *Trud*, had died in hospital in Tula on 8 January 2006 after being assaulted. Ian Stakhanov, a thief with a criminal record, was arrested and charged, though he later said in court that he had been forced by investigators to confess to the crime and denied any involvement in the murder. The investigators have argued that the assault was part of a robbery. However, the evidence contained in the indictment contains several conflicting statements.

### ***Disappearance of journalists***

- On 17 August 2006, Elina Ersenoyeva, Grozny correspondent for the independent *Chechenskoye Obshchestvo* newspaper, was seized by masked men in Chechnya. The newspaper's editor noted that Ersenoyeva had written on the plight of Chechen refugees, and on conditions in Grozny prisons.<sup>4</sup> Only two days before her seizure, Ersenoyeva had communicated with the Russian human rights centre Demos complaining of harassment by Chechen security forces. She has not been seen since her seizure.

### ***Repression of peaceful demonstrations***

- A journalist from newspaper *Kommersant* and two journalists from REN-TV were detained whilst trying to interview an organiser of a march that was set to take place during the EU-Russia summit in June 2007. The Samara offices of the newspaper *Novaya Gazeta* were also raided and computers seized before the summit, on the pretext of verifying whether their software was licensed. Several foreign journalists were also reportedly prevented from travelling to Samara.
- On 14-15 April 2007, a series of anti-government 'Dissenters' Marches' were held in Moscow and St. Petersburg. A number of human rights violations were noted, including the arbitrary detention of hundreds of the marchers, the denial of legal representation to those detained, and the excessive use of force by the police. A number of journalists that covered the 'Dissenters' Marches' were also detained, and approximately 30 journalists were beaten by the police forces. Former chess champion and Kremlin critic Garry Kasparov, one of the event's organisers, was among those detained. On 14 May, a Moscow court fined Mr. Kasparov for "marching in a large group of people and shouting anti-government slogans".
- A demonstration by human rights activists and other civil society groups was held in Nizhniy Novgorod on 24 March 2007. The authorities made several attempts to obstruct it, including by trying to ban it altogether. The *Kommersant* newspaper, which had been covering plans for the demonstration, received threatening telephone calls demanding that the

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<sup>3</sup> As of Spring 2007 a date for the trial was still to be set.

<sup>4</sup> It has also been reported that she may have been secretly married to the deceased Chechen separatist, Shamil Basayev.

coverage be discontinued. Those found distributing leaflets for the demonstration were detained, in some cases for several days. Potential participants, such as students, were strongly urged not to attend. Employees reported being threatened with dismissal if they attended.

- On 18 May 2007, the day of the EU-Russia summit in Samara, some senior members of the opposition movement Other Russia, including Garry Kasparov, as well as a number of journalists, were detained by security services at Moscow Sheremetyevo Airport. They were about to board a flight to Samara, but they were prevented from doing so and their passports were confiscated. It was claimed that this was done for further examination of their passports. As a result of this they missed their flight and lost their tickets. The day before, the executive director of the opposition group The United Civil Front, Denis Bilunov, was also detained while on his way to Samara. It was claimed that he was in possession of counterfeit money. He also missed his flight to Samara.

### ***Closure and harassment of NGOs/institutions***

- In July 2007, the Russian authorities forced the British Council to leave its offices in Yekaterinburg, on the ground that it is not ‘a cultural department of the British Embassy’, in the Russian Foreign Ministry own words. The British Council in Russia has also been accused of not paying taxes and faces an investigation into its tax records; in December 2006 its office in St. Petersburg was closed for two weeks by officials because of allegedly breaking safety regulations. Staff claims this is a campaign of harassment and that they have been long being trying to resolve their tax status.
- On 18 April 2007, the Educated Media Foundation (EMF) - formerly known as Internews - was forced to cease its activities after the seizure of its computers and computer records by the police. The police action was part of an ongoing criminal prosecution of Manana Aslamazyan, EMF director, and Gillian McCormack, head of Internews Europe's Moscow office. The charges were brought after the two women failed to fill in the declaration forms for bringing cash into the country in January 2007, an offence that is usually dealt with through a simple fine.
- On 23 January 2007, the Russian Supreme Court upheld the October 2006 decision of a regional court to close the Russian-Chechen Friendship Society (RCFS).<sup>5</sup> The RCFS was a well-respected NGO which monitored human rights violations in Chechnya and disseminated news from the region. The court acted under a newly-adopted NGO Law, which has made it illegal for an NGO to be led by a person with a criminal conviction. Stanislav Dmitrievsky, the organisation's director, had been convicted of ‘inciting hatred and enmity on the basis of ethnicity and religion’<sup>6</sup> and received a two-year suspended prison sentence. This was for the publication of articles written by Chechen separatist leaders in 2004, despite the fact that they were non-violent and called for the peaceful resolution of the conflict. Following the Supreme Court's verdict, the

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<sup>5</sup> See also ARTICLE 19: “Russian-Chechen Friendship Society Under Threat”, 19 January 2007: <http://www.article19.org/pdfs/press/russia-chechen-friendship-soc.pdf>.

<sup>6</sup> Article 282 of the Criminal Code.

RCFS announced its plans to take the case to the European Court of Human Rights.

- On 17 May 2007, police visited the residence of Oksana Chelysheva, a journalist working for the RCFS. They asked her mother where Ms. Chelysheva was, and in particular whether she was in Samara, where the EU-Russia summit was to be held the following day. They also informed her that Ms. Chelysheva was on the official list of extremists.

### *Criminal sentences in freedom of expression cases*

- The Russian Federal Security Service on 2 July 2007 filed charges against exiled businessman Boris Berezovsky with conspiring to seize power in a coup, after comments he gave during an interview with British newspaper *The Guardian*. In the interview on 13 April 2007, Berezovsky said “it isn’t possible to change this regime through democratic means,” adding that “we need to use force to change this regime.” He denies advocating a violent coup. Berezovsky fled his country for Britain in 2000, where he has been given asylum and is protected against extradition back to Russia<sup>7</sup>.
- In Abakan (south-central Russia), on 11 November 2006, journalist Mikhail Afanasyev was charged under the Russian Criminal Code for the slander of a civil servant from the public prosecutor’s office. This related to an allegation made by Afanasyev in his online publication *Noviy Focus* that the officer had been responsible for injuring a child in a car accident. It later emerged that Afanasyev had been mistaken, and an apology followed, both in person and in *Noviy Focus*. However, criminal charges were still brought against him and the case is ongoing. This is the tenth time criminal charges have been brought against Afanasyev in the three years since the establishment of the website.<sup>8</sup>
- In September 2006, criminal charges were issued against journalists from the *Kaliningradskie Noviye Kolesa* newspaper in Kaliningrad, in particular Oleg Berezovsky. *Noviye Kolesa* is known for its vigorous criticism of local government officials. Berezovsky was charged with criminal defamation after a complaint by judges from the Kaliningrad Regional Court relating to an article written in 2004. The judges maintained that Berezovsky had accused them of accepting bribes, even though the article simply questioned the Regional Court’s acquittal of a defendant who had been found guilty of selling drugs by a lower court. Criminal prosecutions have also been instituted against the founder of *Noviye Kolesa*, Igor Rudnikov, and its journalists Aleksandr Berezovsky and Dina Yakshina. The journalists may face imprisonment. The case is ongoing.
- Arms control researcher Igor Sutyagin remains in prison with seven years to serve. His case is part of a pattern of accusations of espionage directed

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<sup>7</sup> International standards limit restrictions to freedom of expression on the grounds of national security to cases in which an act is intended to incite violence and where there is a direct and immediate connection between the act and the likelihood or occurrence of violence. The Berezovsky’s statement, although certainly provocative, cannot be said to constitute a serious and imminent risk for violence in Russia. The 2006 amendments to the Law on Counteracting Extremist Activity, outlawing activities that *might* lead to extremism activity, are another indicator of Russia’s clear failure to comply with its obligations under international law. The amendments adopted by the Russian Duma in July 2007 compound this problem.

<sup>8</sup> Criminal charges have been dismissed by courts in the past.

against scientists who have disseminated environmental information. In October 1999, Sutyagin was arrested for treason on the basis of a secret decree, for allegedly selling information on nuclear submarine and missile warning systems to a British company, which the Russian FSB claimed to be a cover for the CIA. Trial proceedings only began in February 2001 and a closed trial was initiated in November 2003. In April 2004 Sutyagin was found guilty of treason and sentenced to 15 years' hard labour. He has never denied providing information to a British organisation (which he had no reason to believe was an intelligence cover), but denied that the information constituted State secrets. His research was based on open sources.

### ***Seizure of publications and equipment***

- In the week commencing 7 May 2007, local police in Samara clamped down on the activities of a number of independent news outlets, such as the newspapers *Novaya Gazeta* and *Kommersant*, and the *Regnum* news agency. This included detaining and interrogating some of their journalists, and seizing computers and financial records. The police claimed that they were investigating criminal violations, but failed to specify any particular offences. It has been suggested that the police's actions may have been designed to obstruct the coverage of a planned 'Dissenters' March' on 18 May 2007, the day of the EU-Russia summit.
- On 29 April 2007, the newspaper of the United Civil Front came under attack. 52,000 copies, intended to be circulated in Moscow ahead of demonstrations scheduled for 1 May, were seized by government officials in St. Petersburg, from where they were going to be transported to Moscow. It was to be a special issue reporting on the 14-15 April anti-government demonstrations held in Moscow and St. Petersburg – the so-called 'Dissenters' Marches'.

### ***Attacks on ethnic, religious and sexual minorities***

The Russian authorities have failed to protect Russia's minorities from harassment and violence. Between November 2006 and April 2007, hate crime was up 30% from its levels during the same period in the previous year.<sup>9</sup> In some cases, the authorities were themselves responsible for such human rights abuses.

In July 2007, the Russian Parliament adopted amendments to extremism legislation.<sup>10</sup> If signed into law by President Vladimir Putin, the amendments will further restrict freedom of expression in the Russia. The amendments provide:

- An expansion of the definition of extremism, to include 'hatred or hostility towards any social group' – with no definition of 'social group' and punishable with imprisonment for up to five years;

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<sup>9</sup> SOVA, *Hate Crime in Russia (November 2006 – April 2007): Brief Analysis, Statistics,*

*Recommendations*, 7 May 2007, <http://xeno.sova-center.ru/6BA2468/6BB4254/926D942?print=on>.

<sup>10</sup> The law 'On changes to several legal acts of the Russian Federation to enhance the counteracting of extremist activities'. The law was voted in its third (and final) reading by the lower house on 6 July and by the upper house on 11 July. President Vladimir Putin will either sign or veto the law by 25 July; he had not done either by 19 July. If signed, the law will amend the Law on Counteracting Extremist Activity, the Administrative Code, the Criminal Code and the Law on Surveillance. The Law on Counteracting Extremist Activity was also amended in mid-2006. See also note 7 and 11.

- New regulations on the distribution of the ‘extremist materials’ included in a ‘federal list’, to be compiled by the authorities - punishable with administrative arrest and confiscation of said materials.

#### *Religious minorities*

- On 11 May 2007 the publication “Risale-i Nur”, Said Nursi’s commentary on the Koran and Islam, was banned as extremist. If the August appeal fails, people who disseminate the publication will be prosecuted for extremism. In the republic of Tatarstan, several Nursi followers have allegedly been harassed (including through searches, raids and book confiscations), although the authorities have denied it.
- The widening in 2006 of the legal definition of terrorist activity through amendments to the 2002 Law on Counteracting Extremist Activity has particularly affected Muslims.<sup>11</sup> An ‘extremist activity’ is defined as one that “... advocates terrorist activity, and which justifies or excuses the necessity of such activity.”<sup>12</sup> This has made it possible to brand organisations such as Hizb-ut-Tahrir as terrorist. This organisation was banned for expressing its desire to establish an international caliphate, even though there has been no evidence of violent intent on the part of Hizb-ut-Tahrir. Furthermore, involvement in a banned organisation is itself a criminal offence,<sup>13</sup> so that there have been cases brought against Hizb-ut-Tahrir members simply for being involved in the organisation rather than in terrorist activities themselves. More generally, Muslims have claimed that they have been targeted simply for being openly Muslim – such as by wearing the veil and refraining from drinking alcohol.
- In April 2006, Memorial, a Moscow-based human rights organisation, was issued an official warning for publishing a Muslim leader’s statement questioning the banning of Hizb-ut-Tahrir. Memorial was required to immediately remove the statement from its website.
- Since the start of the second Chechen war, repression of Muslims in the North Caucasus has increased, with officials visiting mosques regularly to interrogate (and at times arrest) worshippers.
- In some cases worshippers were denied access to their mosques for Friday prayers. This happened, for example, to the residents of Novaya Adygeya village in 2006. Some were detained and told to stop going to the mosque.
- Acquiring or retaining places of worship is a major problem, and affects Catholics, Protestants, Muslims, Hare Krishna devotees, Jehovah’s Witnesses and Molokans.
- Muslims have seen an increased scrutiny of their literature. Some books have been banned, such as the eighteenth-century book by the Arabian founder of Wahhabism.

#### *Ethnic minorities*

- There have also been examples of attacks on other forms of expression of ethnic minorities. For example, in the Mari El Republic, television

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<sup>11</sup> See ARTICLE 19, “Proposed amendments to the Russian extremism law”, July 2006, <http://www.article19.org/pdfs/press/russia-extremism-law.pdf>

<sup>12</sup> Article 3(2).

<sup>13</sup> Article 205 (1) of the law.



programmes in the Mari language (belonging to the Finno-Ugric group) have been cut and only few books are published in the Mari language every year.<sup>14</sup> In February 2005, Vladimir Kozlov, editor-in-chief of the international Finno-Ugric newspaper *Kudo+Kudo* and leader in Russia of the movement of Mari people Mer Kanash, was attacked and severely beaten.

- On 27 May 2005, ethnic Mari artists and musicians were attacked by a group of Russian skinheads after a concert in Yoshkar-Ola. Nobody was prosecuted for the incident. Reportedly the action was arranged by a fascist group, instructed by the Head of the (Russian-dominated) Presidential Administration of the Mari El Republic.
- In 2005, an ethnographic film on the tradition of Mari song festivals was banned. The film does not address any political issues and deals exclusively with cultural matters.

#### *Sexual minorities*

- In May 2007, gay rights protesters (including the British human rights activist Peter Thatchell) were arrested at a banned protest in Moscow. They were protesting against the refusal of the Mayor of Moscow to allow a Gay Pride March. The riot police did not intervene when far-right skinheads chanted 'death to homosexuals' and beat up several activists. Instead, some demonstrators were arrested and charged with disobeying the police.

### **Recommendations**

The Russian authorities should:

- Take effective measures to prevent attacks against, killing and disappearances of media workers and, when they do occur, carry out thorough and impartial investigations with a view to bringing the perpetrators to justice;
- Ensure that everyone in Russia can exercise his/her right to free expression without intimidation or harassment, including the expression of religious, ethnic, and sexual identity;
- Investigate cases of assault and arbitrary detention of demonstrators, and ensure that people in Russia can enjoy the right to express themselves through peaceful demonstrations;
- Ensure that journalists are able to cover demonstrations without harassment;
- End the harassment of non-governmental organisations and other foundations with charitable aims, such as organisations promoting and defending human rights and freedom of expression;
- Return the confiscated computers and records of the Educated Media Foundation without delay so that it can resume its operations;
- Reverse the decision to close the Russian-Chechen Friendship Society;
- Allow the British Council to operate without interference;

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<sup>14</sup> The president of the republic, Leonid Markelov, is a native Muscovite and ideologically on the extreme right. He has openly refused to cooperate with the Mari national movement. See Helsinki Federation, Russian Federation: The Mari minority of the Republic of Mari El is politically disempowered and culturally vulnerable, 1 February 2006, <http://www.suri.ee/doc/FinalPDFversionofMarireportpressrelease.English,February2006.pdf>



- Consider decriminalising defamation, or at a minimum abolishing imprisonment as a penalty for defamation, and ensuring that any financial penalty imposed on the defendant is proportionate;
- Ensure that defamation provisions are not abused to shield the authorities, including courts, from criticism;
- Free Igor Sutyagin and cease harassment of those who disseminate environmental information in the public interest;
- Refrain from prior censorship, such as the seizure of publications, unless there is a threat of extremely grave, irreversible harm, which cannot be addressed adequately by sanctions imposed after publication;
- Veto the amendments to the extremism provisions adopted by the Russian Duma in July 2007;
- Amend the Law on Counteracting Extremist Activity, to ensure that individuals are not found guilty of extremism unless they intend to incite terrorism and there is a likelihood that violence will occur imminently as a result of the statement; similarly, if these conditions are not met, literature should not be subjected to bans.