



Testimony before the Tom Lantos Human Rights Commission

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At a commission hearing on human rights issues in Russia

Chairmen McGovern and Wolf, and Members of the Commission:

Thank you for the opportunity to participate in this important hearing on human rights issues in Russia. My name is Nina Ognianova. I coordinate the Europe and Central Asia program at the Committee to Protect Journalists, an international, independently funded organization that defends press freedom worldwide. It is an honor to speak to you today.

I will focus my testimony on the continued problem of impunity in journalist murders in Russia. I will also bring to your attention the introduction of a bill, currently before the State Duma, that would return Soviet-era censorship authority to Russia's main security agency, the Federal Security Service.

After a deadly decade for the press, the tone set by the Kremlin appears to have changed. President Dmitry Medvedev has made public statements on the importance of solving journalist murders as part of ensuring the rule of law in Russia. International attention on the matter has intensified, too, with top U.S. officials, the European Parliament, and the U.N. Human Rights Committee condemning ongoing and unpunished attacks on journalists.

But from the streets of Moscow to the restive region of the North Caucasus, the brutal reality has not changed. At least three journalists were killed for their work last year alone, bringing to 19 the number of work-related slayings in Russia this decade. Murder convictions have been won in only one case and, even there, the masterminds have evaded punishment. There have been a few tentative advances—arrests in one murder, pledges to re-examine other unsolved slayings—but those steps have done little to alter the dangerous conditions confronting the nation's independent press.

Ahead of World Press Freedom Day, May 3, CPJ released its annual Impunity Index (<http://cpj.org/reports/2010/04/cpj-2010-impunity-index-getting-away-with-murder.php>), which calculates the number of unsolved journalist murders as a percentage of each country's

population. Only those nations with five or more unsolved cases are included in the Index, which examined the years 2000 through 2009. Russia ranked 9th in last year's Index, but climbed to the Index's 8th spot this year, reflecting a rise of violence against the press, particularly in the North Caucasus region.

Out of the three latest victims, two worked for a single newspaper—the independent, Moscow-based *Novaya Gazeta*. They included prominent journalist and human rights defender Natalya Estemirova, who was kidnapped in Chechnya and found murdered in Ingushetia a year ago in July. Despite ostensibly tight security along the Chechnya-Ingushetia border, her kidnappers passed through guarded checkpoints undetected.

Concern has been mounting over a seeming lack of political will to solve Estemirova's murder. Regional leader Ramzan Kadyrov has given contradictory messages about his government's readiness to assist the investigation. Immediately after the murder, Kadyrov condemned the killing and said the perpetrators would be brought to justice, but he later smeared Estemirova in a radio interview as “a woman who no one needs.”

Instead of focusing his high office's efforts on helping to track down the murderers, Kadyrov filed a defamation lawsuit against Estemirova's supervisor at the Russian human rights organization Memorial, who had accused the Chechen president of involvement in the killing.

In her 10 years of reporting on the Second Chechen War, Estemirova had documented and publicized human rights abuses by all parties in the conflict, including the separatists. Her work could have provided a number of parties with motive to kill. But can an independent investigation be conducted by Chechen authorities when its president says “no one needs” the victim? Can anyone believe that local investigators really have the freedom to examine work-related motives, including Estemirova's reporting on official human rights abuses? Can anyone blame witnesses to Estemirova's kidnapping for being too afraid to speak to investigators?

CPJ and others have called on Russia's federal-level Prosecutor-General's Office headed by Yuri Chaika and the Investigative Committee headed by Aleksandr Bastrykin to assign the case to independent detectives from outside the North Caucasus region, and to require regular progress reports from them. Such progress reports are yet to come.

Although extreme in its animosity, Kadyrov's reaction to the Estemirova murder was similar to the views expressed by other Russian officials in response to earlier media killings: Broadly promise to investigate, but marginalize the victim, play down work-related motives, and dismiss the possibility of official involvement. Recall that even as he pledged an investigation into the 2006 killing of *Novaya Gazeta* reporter Anna Politkovskaya, then-President Putin called her work “insignificant” and said he could not “imagine that anybody currently in office could come to the idea of organizing such a brutal crime.”

In September 2009, CPJ presented a detailed report on unsolved journalist murders to the Prosecutor General's Investigative Committee, the agency directly responsible for solving the crimes. Our report, *Anatomy of Injustice*, concluded that a lack of political will is at the core of impunity and that fundamental steps must be taken to reverse the record of injustice.

Closed investigations must be reopened; investigations that are open in name but stalled in practical terms must be restarted. In the cases where conflicts of interest have hampered probes, new and independent investigators should be assigned and, where appropriate, cases should be transferred out of current jurisdictions entirely. Where cases are brought to trial, proceedings must be made open to the public and the media to ensure their transparency and independence. Under Russia's centralized law enforcement system, federal officials in Moscow have the ultimate responsibility for solving journalist murders; they must demand specific progress reports from their subordinates at the district and regional levels. Russia's top leaders, President Medvedev and Prime Minister Vladimir Putin, share the moral responsibility for Russia's impunity record; they must hold their appointees accountable for progress in journalist killings. (For those interested in reading the report, it is available online and downloadable as a PDF at <http://cpj.org/reports/2009/09/anatomy-injustice-russian-journalist-killings.php>).

Some Russian officials have suggested the country's record of impunity is an internal matter and that the world should not meddle. But Russia's partners in the United States, in Europe, and throughout the world have a deep and intrinsic interest in having this record corrected. Deadly violence leads to pervasive self-censorship among journalists, leaving issues of international importance underreported or entirely uncovered. The world must not leave it up to the killers to decide what stories out of Russia can be read, seen, or heard. A nation that closes its society raises questions about its reliability as an international partner.

CPJ commends the Tom Lantos Human Rights Commission for holding this important hearing and encourages the commission to continue its hearings on press freedom, attacks on journalists, and impunity in Russia in the future. We recommend the commission share today's testimony with President Barack Obama and members of the executive branch, and urge them to actively engage with their Russian counterparts on this pressing issue. Wherever relevant, U.S. leaders should offer assistance and cooperation to their Russian counterparts in combating impunity.

In closing, I would like to alert the members of this commission to a worrisome legal development for press freedom in Russia—the introduction in the State Duma of a bill broadening the rights of the Federal Security Service, or FSB. On April 24, the Russian government submitted to parliament amendments to the country's administrative code and the law on FSB activities, which would give the security agency the right to summon journalists for questioning and demand that editors remove articles that “aid extremists” or “appear undesirable” from their publications. The proposed amendments introduce penalties that range from a fine of up to 50,000 rubles (US\$1,710) to a 15-day detention for noncompliance.

Particularly disturbing is the proposal's “explanatory note,” which blames “certain media outlets” for the rise of extremist activities in Russia. The note reads:

“An analysis of the information available to the organs of federal security attests to the intensification of the activities of radical organizations, which leads to the rise of social tension and the strengthening of negative processes in society, in the first place among the youth.

Certain mass media outlets, including print and electronic, openly aid the formation of negative processes in the spiritual sphere; the affirmation of the cult of individualism and violence; [and] the mistrust in the ability of the state to defend its citizens, thus practically involving the youth in extremist activities.”

If passed, the broadly worded amendments would give the FSB the same broad censorship powers that its predecessor, the KGB, had in Soviet times. The bill would give the FSB the right to act against individual journalists and media outlets without having to go through a prosecutor.

The bill follows the adoption in 2006 (<http://cpj.org/2006/07/president-signs-law-labeling-criticism-of-state-of.php>) and 2007 (<http://cpj.org/2007/07/in-russia-putin-signs-restrictive-amendments-on-ex.php>) of two repressive amendments to the law on extremism. Enacted despite domestic and international criticism, the measures broadened the definition of extremism to include media criticism of state officials and public discussion of extremist activities. A number of individual journalists and media outlets have been prosecuted under those laws (<http://cpj.org/2008/02/attacks-on-the-press-2007-analysis-rewriting-the-l.php>) since.

If passed, this new law would contribute further to the spread of self-censorship in Russia's press corps.

Rather than fighting violence against journalists, Russian authorities are gearing up again to fight journalists themselves. CPJ recommends the Tom Lantos Human Rights Commission express concern about this bill and its potential repercussions for Russia's press freedom.

Thank you for this opportunity to address these important issues.