

# FREEDOM OF THE MEDIA IN THE OSCE REGION (PART I)

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## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

AUGUST 2, 2007

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**FREEDOM OF THE MEDIA IN THE OSCE REGION  
(PART I)**

**AUGUST 2, 2007**

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## **FREEDOM OF THE MEDIA IN THE OSCE REGION (PART I)**

**August 2, 2007**

COMMISSION ON SECURITY AND COOPERATION IN EUROPE  
WASHINGTON, DC

The hearing was held at 2:05 p.m. in room 340 Cannon House Office Building, Washington, DC, Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe; Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe; Hon. Hilda L. Solis, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Joseph R. Pitts, Commissioner, Commission on Security and Cooperation in Europe.

*Witnesses present:* Fatima Tlisova, Russian Independent Journalist; Nina Ognianova, Europe and Central Asia Program Coordinator, Committee to Protect Journalists; and Paula Schriefer, Director of Advocacy, Freedom House, Washington, DC.

### **HON. ALCEE L. HASTINGS, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. HASTINGS. Good afternoon, ladies and gentlemen. Our hearing will come to order.

I apologize, Ms. Solis and I, for having to vote.

I welcome you here to this Helsinki Commission hearing on “Freedom of the Media in the OSCE Region.”

Freedom of the media is freedom of expression at work. When the OSCE Permanent Council created the position of Representative on Freedom of the Media in 1997, it declared that—and I quote—“Freedom of expression is a fundamental and internationally recognized human right and a basic component of a democratic society,” and that “free, independent and pluralistic media are essential to a free and open society and accountable systems of government.”

In practical terms, a free media in a democratic society keeps citizens abreast of the decisions of their government and gives the citizenry the opportunity to make informed choices about the men and women who seek their permission to govern them.

It provides a forum for both experts and average citizens to express their opinions and exchange alternative visions of the future. By exposing malfeasance and corruption in the corridors of government or in corporate boardrooms, newspapers and the electronic

media help remove the cancer of corruption from honest and productive enterprise.

In June 2007, the OSCE Representative on Freedom of the Media, Miklos Haraszti, presents a mixed picture: progress in some countries, regression in others. It is clear that, although the window dressing of democratic elections may be preserved in certain OSCE participating States, free media constitute a threat to leaders who would rule their nations for their own benefit or hold on to power long after their political shelf life has passed.

Particularly disturbing is the ongoing media crackdown in many of the countries that will be addressed here today.

Electronic media are increasingly under tightened control and we find journalists in jail, and in many of these places there are journalists who have openly sought political asylum abroad to protest the worsening conditions in their country.

In some countries, journalism is not only a difficult profession, but sometimes a life-threatening one.

It may be, as Alexander Solzhenitsyn said recently, “all too easy to take Russia to task with a long list of omissions, violations and mistakes.” But the unfortunate fact is, according to the Committee to Protect Journalists, the Russian Federation has become the third most dangerous country in the world for journalists—after Iraq and Algeria.

CPJ reports that since the year 2000, 14 journalists have been murdered in the Russian Federation in retaliation for their professional activities.

Only last month, both the board of the World Association of Newspapers and the U.S. House of Representatives passed resolutions calling on Russian authorities to investigate these unsolved murders more vigorously.

I would note that, in a few cases investigated, progress has been claimed by law enforcement officials. And I look forward, as do my colleagues, to any additional information our witnesses may provide.

Today’s subject is a complex and voluminous one—and I won’t claim that we’ll do it justice in just this limited hearing, nor would I assert that the media always acts responsibly or that journalists should be above the law when the law is properly formulated. But I can’t help but recall that Thomas Jefferson, whose relationship with the press was, shall we say, uneven, wrote in 1787 that, if given a choice between having a government without newspapers or newspapers without a government, he would not hesitate a moment to take the latter.

I have asked two of our witnesses today to present a survey of developments related to freedom of the media in the OSCE participating States, with a view toward negative trends or especially egregious cases or situations—although we are always happy to hear good news, too.

We’ll also be pleased to hear the testimony of a journalist from Russia, whom I’ve had the pleasure of meeting before, whose harrowing personal experiences demonstrate the extremes to which certain forces will go in order to suppress the distribution of information.

Finally, I'd like to note that we invited the OSCE Representative on Freedom of the Media to share his perspective with us today. But unfortunately, his schedule did not permit his attendance.

He has, however, indicated his willingness to participate in a future Commission hearing, so I'm hopeful that we will be able to have him join us on another occasion.

If time permits, I'll entertain written questions from the audience that are submitted to staff during the course of the hearing.

Ms. Solis?

**HON. HILDA L. SOLIS, COMMISSIONER, COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Ms. SOLIS. Thank you, Mr. Chairman. It's a real pleasure to be here. I want to thank the witnesses for coming here today.

This is the second time or opportunity I've had to attend one of the CSCE hearings here in the House, and it's a real pleasure to be able to welcome individuals who, like yourself, are so courageous here.

Freedom of the press, as you know, is a basic value in America, and it's outlined in our Constitution's Bill of Rights. Media freedom is the foundation of any successful, responsive democracy and keeps governments accountable in challenging times, especially now.

I look forward to hearing from our witnesses about the challenges to media freedom in the OSCE region. And particularly, I'm interested in developments in Russia, where threats to journalists are real and dangerous.

The high murder rate of journalists in Russia is simply unacceptable. We must continue to strongly urge Russia to respect basic freedoms, such as freedom of the press, and end any intimidation of journalists, especially threats of violence.

Freedom of the press is especially important in countries such as Uzbekistan, as Uzbekistan faces upcoming elections. The press plays an integral role in educating voters about the positions candidates and parties take on various issues.

Without media freedom during the campaigns and elections of public officials in these countries, the United States and the Helsinki Commission are left to question the outcome of these elections, because voters are at best uninformed or, worse, misled.

We must also encourage states in the OSCE region to repeal any laws that make criticism of a country's government a crime. Azerbaijan has charged at least 60 journalists for speech-related offenses for simply doing their job. And as we work with countries to establish or improve freedom of the press in countries where it is very limited, we must also foster progress with states that have made some improvements, but need to maintain and expand upon freedom of the press.

With the U.S. Department of State's recent Country Report on Turkey, I am also concerned that that country could be regressing to limit media freedom.

Again, I want to thank our witnesses and am looking forward to hearing your testimony.

Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much, Ms. Solis.

I'd like to begin and urge the audience to realize that we have circulated the curriculum vitae or biographies of our witnesses already. And if they won't take it as an offense, then I would appreciate very much that we not go into great detail with reference to their biographies.

Our first witness will be Ms. Fatima Tlisova. She is an independent Russian journalist and has worked with the Associated Press, Radio Free Europe/Radio Liberty, and the London-based Institute for War and Peace. And I won't go further. She tells her story much better than her biography does.

Ms. Tlisova, you have the floor.

#### **FATIMA TLISOVA, RUSSIAN INDEPENDENT JOURNALIST**

Ms. TLISOVA. Chairman Hastings and members of the Commission, thank you for this opportunity to talk to you about the working conditions for journalists in Russia's North Caucasus.

For more than 10 years I worked as a correspondent for different newspapers and agencies in the North Caucasus—the land between the Black and Caspian Seas in southern Russia. This region was the arena of war a hundred years ago. It still remains an area of war.

Russia's statements about the fight against global terrorism in the North Caucasus have nothing to do with the truth. It is a war against nations that tried to become independent. Russia has been using in this region military policies that are very close to genocide. I can describe those policies as massive and regular violations of human rights, even the basic right to life.

This is the truth that the Russian Government tries to hide. And the best way to hide information is by destroying the freedom of speech and the independent press. Most famous Russian journalist, Anna Politkovskaya, was murdered only for one reason—for her job in the North Caucasus, for telling the truth.

I don't need to tell you the statistics of freedom of speech in Russia. These numbers are very familiar to all who are interested in the situation. My personal story is also well known.

But there are dozens of stories beyond the statistics—stories that remain unknown. I want to tell you only one of these stories, about a friend of mine who still lives and works in Russia. For this reason, I can't call him by name.

When he started to work as a correspondent for one of Russia's central newspapers, he never used his legal name; he used only pseudonyms. He started to write articles that were very different from the others appearing in the official press. His stories were full of details. They were mirrors of what was really happening in his region. He wrote about kidnapped young people, about murdered or tortured civilians, who were called terrorists after their deaths.

Then, only after a few weeks, he suddenly disappeared. I tried to call him. His cell phone was switched off. No one in his family had any idea where he could be.

On the second day, the news of his abduction came. Someone saw the man being kidnapped near an Internet cafe by masked militants. For Caucasians, it means only one thing—his relatives should start to collect cash to pay for the return of the dead body.

I was on my way to his town when he called me. His voice was changed. At first I couldn't understand who was calling from his cell phone. He said, "Do not come, please. I will be soon in your city."

A few hours later, in the evening, we met in a cafe in Nalchik. He was very angry and sad. He used the paper napkins on the table to write down for me what had happened. He could not speak about it, because he was very afraid.

Five or six masked men kidnapped him. He had with him a cell phone, flash card and tape recorder when they took him. They took all this stuff from him and then pushed him inside a car.

He was brought to a neighboring town. After arriving, they left him in a small room, and all his guards disappeared. The door was locked. There was only one table and two chairs in this room.

He heard men's voices screaming like wild animals. He realized they were being tortured.

Then, two men came in wearing civilian clothes. They did not hide their faces, and they showed him IDs. Both of them were FSB officers. They asked him how he became a journalist. Their tone was smug and superior.

"There are dozens of journalists in your region, but only a few of them were here like you." We understand why they asked him.

They put all his articles, signed by different pseudonyms, in front of him on the table. Then the questions changed.

They asked him, is he a spy? What Western secret services was he connected to? "You can't write articles like you wrote if you are only a journalist. You must have someone strong behind you," they told him.

He tried to explain, he wrote only the truth. They were laughing. "Who needs your truth? You must write what you must, nothing more."

These questions lasted until midnight. Then they left him alone for the night. The next morning, he received instructions. Every time he wrote something for the central newspaper, he must first send it to them for checking. Once a week he must come to meet with the officer who will work with him.

"We know where are you all the time. We are watching you. We are hearing you," they told him when they gave him back his cell phone.

They made him sign an agreement to keep silent.

And last they told him, "If you break our agreement, you will be disappeared forever."

Two weeks after our meeting, he received access to a closed security zone on the border of Russia and Azerbaijan. He started writing articles about the very good relationship between the Russian security services and local civilians.

I'm not afraid to make things worse for this journalist because of this testimony, because I know dozens of stories like his. They will not realize which one of dozens is my hero.

These official methods I described are not unusual, but the most useful methods are much more simple. A year ago, I had an interview with an officer from this FSB. He spoke incognito. I asked him about methods they used to keep under control the local press. I was interested, have they really met with every journalist?

“We are not interested in every journalist,” he told me. “We have our people in everyplace they are. We know what they write about before it becomes public. If something is wrong, we need to just call the editor. That’s all. You must truly believe. If you disagree with us, you must change your profession, or we are strong enough to make you much more flexible.”

I can name those methods used against the journalists to make them flexible. In my own opinion, you can do it: beatings, kidnapping, torture, arrests. Things can be done not only to you, but to your family, too. Even your 70-year-old father can be beaten so terribly that he will lose an eye. This is what happened to the father of one journalist who freelances for Radio Free Europe/Radio Liberty.

Or your 16-year-old innocent son can be arrested. Your house and your parents’ house can be searched any time they want to. Your name can appear on the pages of very flexible newspapers with unseemingly commentaries.

You can be arrested from the list of journalists who have access to official information, or who are allowed to attend official press conferences. You can be barred from working for foreign news agencies, because the Russian Ministry of Foreign Affairs will never give you the accreditation. And without accreditation, your work is illegal.

If you didn’t become flexible after all, you can suddenly die or be publicly executed, as happened to Anna Politkovskaya.

These are my observations after 10 years’ work as a journalist in the North Caucasus region of Russia.

Thank you.

Mr. HASTINGS. Thank you very much.

I would now like for our next witness from the Committee to Protect Journalists, Ms. Nina Ognianova, to take the floor. And thank you so much for being here.

**NINA OGNIANOVA, EUROPE AND CENTRAL ASIA PROGRAM  
COORDINATOR, COMMITTEE TO PROTECT JOURNALISTS**

Ms. OGNIANOVA. Chairman Hastings and members of the Commission, thank you for this opportunity to appear before you and participate in this hearing.

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 be here.

In my testimony, I will first address the issue of impunity in journalist murders—the gravest danger to press freedom in the countries of the former Soviet Union. I will then focus on the press freedom records of Russia and Azerbaijan, where media conditions have severely deteriorated, according to CPJ research.

Governments in several former Soviet states have strengthened their grip on power by restricting independent activities—from journalism and human rights defense, to religious activity and political dissent. In particular, the central administrations in Russia and Azerbaijan have stepped up their efforts to silence critical voices in the run-up to national votes, which are scheduled in these countries over the next 14 months.

Politicians, state officials, government regulators, security agencies and pro-government businesses have relied on a variety of methods to consolidate control of influential broadcasters to sideline critical journalists and to intimidate them into self-censorship.

Such methods include the selective use of bureaucratic regulations to inhibit media outlets; the passage of vaguely worded laws to silence independent voices; the use of politically motivated criminal investigations against critics; the imprisonment of independent journalists on trumped-up charges (oftentimes accompanied by the closure of their media outlets); the purchase of controlling interest in independent news outlets; the aggressive harassment of journalists by security services; and the failure to bring justice in the murders of journalists and in other physical attacks against the press.

Impunity in journalist murders remains the gravest danger to press freedom and threatens democracy in the transitional countries of the former Soviet Bloc. Critical, investigative reporters, who work to uncover social ailments such as corruption, corporate crime, human rights violations and abuse of power, are the usual targets of this lethal censorship.

As violence against these messengers goes unpunished, fewer journalists are willing to risk their lives in pursuit of difficult stories, the press is forced to compromise its role as the watchdog of power, and the public is kept in the dark about important issues.

When it comes to impunity, Russia sets a sad regional standard. As Chairman Hastings mentioned in his introduction, it is the third deadliest country in the world for journalists over the past 15 years, behind only conflict-ridden Iraq, and Algeria—when it was in civil war.

A total of 47 journalists have been killed in Russia since 1992. The vast majority of the killings remain unsolved. Since the year 2000, 17 journalists have been killed in Russia in the line of duty. And out of these 17, 14 were murdered in direct response for their professional work. None of the murders have been solved.

Five suspects are currently on trial in the 2000 murder of Novaya Gazeta journalist Igor Domnikov, but the masterminds of this crime are still at large.

The trial of two suspects in the 2004 murder of Forbes Russia editor, Paul Klebnikov, is now in limbo, because one suspect in the killing went missing in March.

Progress is being made in last year's high-profile assassination of Anna Politkovskaya, Moscow prosecutors say. But after 10 months, they have yet to report any results.

On February 1, as a response to an international outcry over the murder of Politkovskaya, President Vladimir Putin publicly pledged to protect the press corps during his annual news conference at the Kremlin. But only a month later, another death shook the Russian press corps, that of Kommersant military correspondent, Ivan Safronov. The circumstances surrounding his death, coupled with the sensitivity of Safronov's beat, prompted many to suspect that he had been murdered.

Moscow prosecutors initially said that the death was a suicide. Later, they opened a criminal investigation into what they called "incitement to suicide"—an article in the Russian penal code that's

defined as provoking a suicide through threats or abusive treatment.

Most recently, in late June, authorities ruled out foul play in the case, and said they had not found any link between Safronov's reporting on alleged Russian arms sales to Syria and Iran and his death, the news agency Interfax reported.

The investigators' behavior in this case is not unusual for Russia. Local authorities regularly reject the professional motive in journalists' killings, and instead classify them as street crimes, domestic disputes or robberies.

Russia remains the political and moral force in much of the region, so its behavior in journalist murder investigations—is widely emulated in the region.

In Azerbaijan, for example, President Ilham Aliyev called the March 2005 assassination of a prominent editor, Elmar Huseynov, a provocation against the state and an act of terrorism. But despite these strong words, authorities have shown little resolve to identify and prosecute the killers.

In Belarus, 2 years after the 2004 murder of Veronika Cherkasova, a reporter with the opposition newspaper *Solidarnost*, who was stabbed to death in her Minsk apartment, prosecutors have suspended the investigation for what they have called "lack of suspects."

Authorities ignored Cherkasova's articles on surveillance by the Belarusian state security service and her reporting on alleged arms sales by Belarus to former Iraqi President Saddam Hussein. They said that the killing was the result of a domestic dispute and, effectively shelved the case.

In Turkmenistan, even after a journalist died in official custody, authorities refused to investigate the case. Ogulsapar Muradova, a correspondent for RFE/RL, was arrested last June [2006] and held incommunicado for more than two months in an Ashgabat jail.

A day after her arrest, then-President Saparmurat Niyazov called her a traitor to the motherland on national television. Last August, she was convicted on a bogus charge of possessing ammunition and sentenced to six years in prison after a closed-door blitz trial without defense counsel.

Three weeks later, in mid-September, authorities released Muradova's body to her family, refused to tell them the time and cause of her death, and denied requests for autopsy. Muradova's relatives said that the body bore a large head wound and multiple neck bruises. But to this day Turkmenistan has ignored international calls for an independent inquiry into the journalist's death.

According to CPJ research, out of the countries in Europe and Central Asia, Russia and Azerbaijan have backtracked the most on press freedom in recent years. On World Press Freedom Day this year, they each earned a spot on CPJ's list of the world's worst press freedom backsliders in the past five years.

As Russia nears parliamentary and presidential elections, the Kremlin has pushed critical journalism out of the public space. Independent reporting is now limited to a small number of print publications and news Web sites, which, compared to the Kremlin-controlled national television, have only marginal influence on pub-

lic opinion. Authorities have recently shifted attention to buying controlling interest in print publications.

Most recently, on July 26, President Putin signed into law a package of amendments that expand the definition of extremism to include public discussion of such activity and give law enforcement officials broad authority to suspend media outlets which do not comply with these new regulations.

The bill's vague language turns "extremism" into an umbrella catch-all term that could be used to silence critics.

Russia's NGOs have also experienced legal pressure. In January 2006, President Putin signed into law a restrictive bill regulating the work of NGOs, including those dedicated to promoting press freedom and supporting independent media.

The measure gives the Justice Ministry broad authority to shutter NGOs for engaging in activities that are counter to the political independence of the Russian Federation, or which are prohibited. But the law does not define those "prohibited" activities. Under this new law, at least one NGO has already been shut down—the Nizhny Novgorod-based Russian-Chechen Friendship Society, which published one of the very few sources of independent news on the conflict in Chechnya.

In April, Moscow law enforcement also closed down the successor of Internews Russia, the Educated Media Foundation, allegedly in order to check the organization for financial improprieties. The director of the foundation, Manana Aslamazian, was forced to flee abroad, because she feared possible jailing.

Aslamazian is right to fear. This year alone, Russia has jailed two journalists because of their work.

One of them is Vladimir Chugunov—founder and editor of the independent weekly Chugunka in the small town of Solnechnogorsk. He was arrested in January on a charge of threatening to murder or cause serious damage. Authorities did not disclose any details of this charge. After spending more than four months in state custody, during which he was shuttled between prison cell, hospital wards and psychiatric wards, authorities conditionally released Chugunov in May from the Butyrskaya prison in Moscow. The journalist had been held at Butyrskaya prison on an undisclosed diagnosis prior to his release.

Chugunov said that he was given medications that were not disclosed to him, and that he had become infected with lice and scabies during his hospital stay. He went on a 10-day hunger strike to protest the treatment. To this day authorities have not even given any explanation for the release.

My colleague Fatima Tlisova has already given you an account of the brutality of the methods used by Russian authorities in suppressing news from or about Chechnya and other parts of the North Caucasus. So, I'll go on to say a few words about Azerbaijan.

Azerbaijan's press freedom record in recent years also causes serious concern. With seven behind bars, the country now sets the Europe and Central Asia regional record for jailing journalists for their work.

Despite CPJ's and other organizations' calls to release the journalists on National Press Day, July 22, authorities continue to hold them. Most disturbingly, in these cases journalists are held on

criminal charges filed by public officials. Defamation remains a criminal offense in Azerbaijan, so removing it from the country's penal code will be an important first step in reversing this record.

And while journalists are punished as criminals, crimes against journalists remain unpunished. Apart from the unsolved 2005 murder of Elmar Huseynov, the brutal 2006 attacks against two opposition journalists, Fikret Huseinli and Bakhaddin Khaziyev also remain unpunished.

Huseinli was kidnapped in March in a Baku suburb by unidentified assailants who slashed his throat; he survived the attack. The journalist had received several prior death threats by phone, warning him to discontinue his reporting.

Khaziyev was abducted in May on the outskirts of Baku. His attackers beat him for several hours and drove over his legs with a car. Khaziyev survived, but suffered serious leg injuries. Shortly before the attack, he had written articles critical of officials in the security services.

The international community, including the United States, cannot afford to be indifferent to the deteriorating press freedom records of Russia and Azerbaijan. Journalists increasingly resort to self-censorship to avoid dangerous, even deadly repercussions. As a result, the Russian and Azerbaijani public suffers—uninformed about sensitive issues such as human rights abuses, corruption, high-level crimes and, in the case of Chechnya, an ongoing conflict.

CPJ urges the Helsinki Commission to take the lead in making press freedom a priority of U.S. foreign policy. Eclipsed by strategic defense and energy concerns, human rights and press freedom have suffered in recent years.

This sends a dangerous message to the world—that the United States is willing to tolerate impunity in journalist murders, the imprisonment of critical reporters and the closures of independent news outlets in Russia and Azerbaijan. Now more than ever, the United States should take a firm stand against therepressive actions in these nations.

Thank you.

Mr. HASTINGS. Thank you very much.

Our next witness—and as I indicated to the audience, time permitting, if you have questions that you would write and pass to our staff, we'll try to entertain some of those, as well.

But before we get to any questions, I'd like to hear from Freedom House's Director of Advocacy, Paula Schriefer, who has a considerable amount of experience in democracy and human rights promotion and currently oversees Freedom House's advocacy outreach and communications activities, including foreign policy advocacy, press relations and coordination with international organizations.

I don't know how you keep all those balls in the air, but Paula, you have the floor.

**PAULA SCHRIEFER, DIRECTOR OF ADVOCACY, FREEDOM HOUSE, WASHINGTON, DC**

Ms. SCHRIEFER. Thank you, Chairman Hastings, as well as the members and staff of the Helsinki Commission. I really appreciate you offering Freedom House the opportunity to participate in this important hearing.

I'm honored to be here with my colleagues, Nina Ognianova from CPJ, which does important work for the protection of journalists, and particularly to be here with Fatima Tlisova, who is really an inspirational and courageous journalist and human being.

Fatima, I think, is here to remind those of us who, from the comfort of our Washington office, throw out statistics about human rights and freedom. But what we're really talking about, of course, is human beings.

It's a terrible tragedy for the Russian people that Fatima is no longer able to do her work from within the borders of her own country.

Freedom House has been monitoring press freedom around the world for more than two decades now. Our annual press freedom survey evaluates press freedom by looking at a series of questions under three different categories that have historically been used to limit press freedom. So we look at the legal environment, the political environment and the economic environment.

We're talking today about the state of media freedom in the OSCE countries, and I have been asked to specifically focus on four countries: Azerbaijan, Kazakhstan, Russia and Turkey. I'll focus a little bit less on Russia and Azerbaijan, since we've heard a great deal about them already.

I will start out, however, by pointing out that, among the 56 countries that now comprise the OSCE, there is a very stark and troubling dividing line in the state of press freedom between those countries of the former Soviet Union—not including the Baltic states—and those that have either joined or are trying to join the European Union.

All of the countries of Central Europe—including the Baltic states, which themselves needed to overcome a decades-long legacy of Soviet media culture and control—are assessed as “free” in Freedom House's annual Freedom of the Press Survey.

Likewise, the vast majority of countries in Western Europe are ranked as “free.” In fact, with the upgrading of Italy this year, the one remaining exception is now Turkey, which still falls into the “partly free” category.

By stark contrast, of the 12 post-Soviet states, 10 are ranked as “not free” by Freedom House. This indicates that those countries do not provide even the most basic guarantees and protections in the legal, political and economic spheres to enable an open and independent press.

The only two countries in the post-Soviet sphere that enjoy “partly free” status are Georgia and Ukraine, which have experienced recent political upheaval and democratic openings.

With this brief overview, I'm going to turn to some of the specific countries. I'll start, again, very briefly, with Russia.

My colleague already mentioned in the legal sphere the new registration regulations regarding NGOs. She also mentioned the new amendments to the law on fighting extremist activities. Both of these are, of course, incredibly damaging.

At the same time, the government already owns outright or controls significant stakes in the country's three main national TV networks—this includes Channel One, Rossiya and NTV—and it exerts substantial influence on the content of news reporting.

As importantly, the government has used these powerful outlets to really generate an atmosphere of fear regarding threats from both terrorism and religious extremism. And this has contributed, certainly, to Russia's emergence, as has already been stated, as one of the world's most physically dangerous environments for journalists.

I want to also note something that hasn't been talked about, which is the fact that, unlike in the Soviet days, the Russian TV, as you've seen, is incredibly professional and glossy. And so, Russians who view it find it entertaining and think that they're seeing something that is incredibly professional.

I would also note that that affects many of those individuals who live in other countries of the former Soviet Union, who look to the Russian press as what they think as a real source of independent information.

Nonetheless, Russians, who otherwise are enjoying a period of incredible economic prosperity, due to the high prices of oil, should be outraged that their country now finds itself on par in terms of press freedom with countries like Ethiopia, Burundi, Chad, the Gambia, Iraq, Azerbaijan, and Kazakhstan, in terms of press freedom.

I'll now turn to the situation, actually, in Azerbaijan and Kazakhstan. Unlike Russia, actually, neither country has broken out of the "not free" status since Freedom House began evaluating them as independent countries in 1991.

Again, I'll be brief on Azerbaijan. My colleague has already talked a great deal about it. The media there operate, as she said, under significant governmental and legal pressure. Despite the draft law on defamation that would decriminalize libel, journalists continue to be prosecuted for criminal libel and insult charges.

Last year, the Interior Minister alone filed five lawsuits. And just a few months ago, the editor of Azerbaijan's largest independent newspaper was sentenced to 30 months in prison.

As was said, harassment and violence against journalists also remains a serious concern, particularly as Azerbaijan is slated to hold parliamentary and presidential elections in the coming year.

Kazakhstan, which has—with no apparent appreciation for the irony of it—put itself forward as a candidate to chair the OSCE in 2009, has seen a steady monopolization of media since Freedom House began ranking it as an independent country.

As in a number of the former Soviet states, the broadcast media was taken directly into the hands of members of the presidential family or those with close ties to it. In fact, President Nazarbayev's daughter ran several television stations, controlled two of the nation's leading newspapers and at one time headed the state news agency.

Journalists there face criminal charges, particularly under article 318 of the criminal code, which imposes penalties for "undermining the reputation and dignity of the country's president and hindering his activities."

The level of repression against such a critical pillar of democracy, as well as Kazakhstan's dismal performance in other key areas, such as permitting genuine elections, are clear proof that

Kazakhstan has no business taking over the chairmanship of the OSCE in 2009.

And now for something more bright. In Turkey—which boasts a vibrant media, including notably a vast array of private television and radio stations—unfortunately, a major impediment remains to press freedom through the prosecution of journalists under provisions of the new Turkish penal code, which came into force in June of 2005.

Article 301 of the penal code allows for imprisoning journalists anywhere from 6 months to 3 years for the crime of denigrating Turkishness, and has been used to charge journalists for crimes such as stating that genocide was committed against Armenians in 1915, discussing issues like the division of Cyprus, or writing critically, for instance, on anything to deal with the security forces.

Last year, almost 300 journalists and writers were prosecuted for insulting Turkishness under this provision. Seven of them were convicted.

Although Prime Minister Erdogan declared his commitment to revising article 301 in September, he nonetheless continued to launch defamation suits against the media, filing a total of 59 cases in 2006 alone.

Moreover, other legal impediments present great obstacles for Turkish journalists. Article 216, for instance, penalizes individuals for “inflaming hatred and hostility among peoples,” and has been used against journalists who write about the Kurdish population.

Despite these concerns, however, Turkey has by and large seen an impressive improvement in press freedom over the past decade. In 1996, Turkey received a very low score of 74 out of a worst possible 100 on our Press Freedom Survey and was ranked as “not free.” By the year 2000, Turkey had jumped to a rating of 58 and jumped into the “partly free” category, where it has stayed. It now has a score of 48.

We hope that, despite these developments in the past year, and with scrutiny by the OSCE and other international organizations, Turkey will continue, will right its path once again and continue to improve that score and not backslide.

In summary, while there has been tremendous progress in the level of press freedom in OSCE countries over the past decade, particularly in Central and Eastern Europe, this stands in stark contrast to the developments in the countries of the former Soviet Union.

The OSCE has played a vital role in supporting democratic development of its members, not only in terms of enhancing media freedom, but also in other key areas such as free and fair elections.

We hope that the OSCE will continue to play an influential role towards those countries whose journalists and whose citizens are still denied basic rights. And the imminent decision on OSCE leadership is an important test of whether or not its member countries will maintain the will to do so.

For its part, the United States should be playing a leadership role in ensuring the OSCE's effectiveness. And I want to note that the upcoming OSCE Human Dimension Meeting in Warsaw in September, the OSCE ministerial meeting that will take place in Vienna in November, provide two very important fora during which

the OSCE can determine a plan of action to address the repression of free media, including directing the OSCE representative on freedom of the media to undertake an investigation into these countries.

I thank you again for allowing me to testify and look forward to any questions.

Mr. HASTINGS. Thank you very much, Ms. Schriefer.

In your remarks just then you said that the ministerial was in Vienna. I'd just like to correct you. It's actually in Madrid.

Ms. SCHRIEFER. I'm glad you know where it is. Thank you.

Mr. HASTINGS. That said, the responsibilities that you put forward are certainly critical and hopefully will be undertaken at the ministerial, as well as the Human Dimension Meeting in Warsaw.

We've been joined by our colleague, Joe Pitts, from Pennsylvania. And Mr. Pitts, I don't know whether you have any statements at this time? OK.

We will now go to questions, and I'd like to call upon my colleague from California, Ms. Solis, to begin our questioning.

Once again, I say to the audience, if there are questions, if you would pass them to the staff—written questions—then we'll go to you.

Ms. Solis?

Ms. SOLIS. Thank you, Mr. Chairman.

And really, I want to commend Fatima Tlisova. I hope I pronounced that correctly. I am very encouraged by your brave statement and the fact that you feel very strongly that there's a need to become more transparent, and that we see that journalists there, in Russia in particular, have a cloud around them, whatever they report.

And it's very interesting for me to hear this from you first hand. Sometimes we don't always get that—

Mr. HASTINGS. Give the—

Ms. SOLIS. I'm sorry. I'm assuming she—

Mr. HASTINGS. He wasn't doing simultaneous.

Ms. SOLIS. I am curious also, because in this country sometimes we don't always get the right information through our media. But I know that in Russia it's somewhat of a very different situation there, where lives are at stake, and reporting for journalists is almost a life-threatening job. And that's very hard for some of us here in this country to imagine.

But I take your testimony at its word, that there is much that we can do as the Commission and through the OSCE.

And I would just like to ask you a few questions, what you think that the impact that the recent closure of the Educated Media Foundation, what will that have—what impact will that have on journalists like yourself and others?

Ms. TLISOVA [through interpreter]. This is not an isolated event. This will lead to a series of other consequences. This needs to be viewed in a certain context.

And I think what it leads to is more censorship, more self-censorship, less educated journalists and less educated people who are able to operate in a democracy.

Ms. SOLIS. I have another question, if I can, Mr. Chair.

Russian authorities have claimed that they have made progress in the investigation of the murder of Anna Politkovskaya. I'm sorry, I'm not pronouncing that right.

Do you think her killers will ever be apprehended or charged?

Ms. TLISOVA [through interpreter]. Not under this regime. Maybe under some other regime in Russia, but not under this regime.

I think these people have enough grounds to hide who the real killers are.

Ms. SOLIS. It's clear that Moscow has tried to put an information blockade around Chechnya. Do you think that this has been successful? And do you think Russian policy in Chechnya would have changed if there had been more reliable reporting from Chechnya?

Ms. TLISOVA [through interpreter]. The war in Chechnya is not an isolated war. I believe there is a war in the entire North Caucasus, in Circassia. I am from Circassia. I was born there and I know what is going on.

Regular Russian troops conduct so-called special operations against civilians in that region. Oftentimes, innocent victims die, because of this special operations. And their relatives have to collect money to buy back the bodies of their relatives.

I believe this needs to be exposed, and I wanted to say something else.

So, I believe there was no peace in Chechnya, despite all proclamations that there is peace in Chechnya. I believe there is a war going on in the entire North Caucasus, and I believe we need to address that.

The declaration that there is peace in Chechnya is just not true. I know what I am talking about, because I was there.

Ms. SOLIS. So, the lack of your ability or journalists to report, then gives a misimpression, a misleading impression to the rest of the world and, obviously, to other folks that live in that region.

Is that something that you would agree with?

Ms. TLISOVA [through interpreter]. Yes, indeed. The answer is yes.

And once again I would like to stress that many of the things that I am describing are now happening in Chechnya. In my laptop I have pictures taken not during the Chechen war, that are taken two or three years ago. There are innocent victims. And some pictures are taken as we speak. And some of these you wouldn't be able to look at.

I have pictures of murdered people who are under 18. I am also aware of a murder of an 8-month-old girl during one of the special operations. And when I interviewed General Yedelev and asked him what happened to the girl, he denied everything, and her body disappeared and I was not able to establish the truth.

But once again, this is happening now.

Ms. SOLIS. Mr. Chairman, I just have one last question, and then I have to leave.

But I wanted to ask Paula Schriefer if you could just elaborate for me the definition of Turkishness. You mentioned that, and I am not clear about that. So, if you could please elaborate on that.

Ms. SCHRIEFER. That's actually part of the problem. When you use language like that in law, that is extremely vague, then it

leaves it up to prosecutors and judges to determine whether or not somebody is in violation.

So, I'm not better able to define what Turkishness is than you are. And that's part of the reason why you had 300 different prosecutions taking place.

Now, the comforting news is that there were only seven convictions out of those cases in the past year. But as you can imagine, not only the stress that that imposes in terms of self-censorship among Turkish journalists, who don't want to fall in contradiction of this very vague wording, but it also puts a huge stress on the legal system in terms of clogging up the courts in these types of cases. They just have no place in a society like Turkey today.

So, it is intentionally vague.

Ms. SOLIS. So, if there is any statement that's made negatively about Turks period, like the Armenian genocide, then that is viewed as a part of—perhaps could be viewed as a part of that definition?

Ms. SCHRIEFER. That's exactly right. And that is, then, a very frequent situation in which people have been held according to that particular legal provision.

Other incidences have been, for instance, people who report on the state of the Kurdish situation. So, they're seen as insulting Turkishness under that part of it.

There's also another separate piece of legislation under the anti-terror law, that precludes the dissemination of statements and propaganda by terrorist organizations. Well, since many of the pro-Kurdish groups are classified as terrorist organizations by the Turkish Government, journalists who even cover what these organizations might be doing are sometimes being prosecuted under this, as well.

Ms. SOLIS. Thank you very much. Thank you, Mr. Chairman.

Mr. HASTINGS. Thank you very much, Ms. Solis.

We've been joined also by our colleague, Mike McIntyre, from North Carolina.

Mike, do you have any statement you wanted to make? [Shakes head,]

OK. I'd like to take notice of the fact that Ms. Solis and Mr. McIntyre and I were in Ukraine, and we had opportunities there to talk with the press.

And I'll go now to—and there were some interesting observations.

I would like to take just a moment of personal privilege.

The last award of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe came under the aegis of Freedom of the Media. Largely, that was instituted—that award was instituted in large measure by a German colleague, Freimut Duve. And the person that received our last award was Ms. Politkovskaya.

And it hurts me a great deal—there is a reference that says that he and, I gather, she who increaseth knowledge increaseth sorrow. And to have stood on that stage and see her receive that award, and then to later learn of her death was shattering to me personally. I've had this happen with others who were not journalists and

a few other journalists that I've gotten to know through the years, and it's particularly troubling.

That said, I'd like to yield the floor to my colleague from Pennsylvania, Mr. Pitts, for any questioning. And Mike, I'll come to you after Joe.

Mr. PITTS. Thank you, Mr. Chairman. I share your thoughts on the award and what happened to her.

I want to thank you, Mr. Chairman, for holding this hearing on freedom of the media in the OSCE region. The freedom of the media, a free and independent news media, is a cornerstone of democracy. And all those of us who hold office have sort of a love-hate relationship with the Fourth Estate, because they hold us accountable.

But they are absolutely important in upholding human rights and the principles of freedom and rooting out corruption and dealing with many of the issues that we deal with in the OSCE.

My question, first, I think would be for the representative of Freedom House, Paula.

The OSCE Representative on Freedom of the Media has expressed concern about increased attempts to label offending or critical views as punishable extremism or hate speech.

Do you share this concern? Do you see signs that anti-terror laws are being used to curb controversial or critical speech?

Ms. SCHRIEFER. We absolutely do, even in the countries that were highlighted in today's testimony as we talked about in Russia. Certainly, even in a country like Turkey, but as well as in most of the former Soviet states, but also in other non-OSCE repressive countries around the world, this is increasingly being used as a mechanism to suppress not just the media, but all free forms of expression, actually.

We're a little bit lucky—should I say lucky—now that, so far, there is still access to the Internet, for instance, in a country like Russia. Although, given some of the statements that have been made by President Putin recently, clearly the Kremlin is looking very closely at how it might restrict that, as well.

But this has been a major tool to impede freedom of expression.

And I just wanted, if I may, to follow on something that Chairman Hastings said about the death of Anna Politkovskaya, which not only was disheartening to all of us who knew her and worked with her, but keep in mind, the publication for which she worked, *Novaya Gazeta*, is probably, I would argue, the only major—if you call it that; I think it's produced twice a week—independent, somewhat independent, remaining publication, print publication in Russia today.

You know *Kommersant* was bought out fairly recently. There's practically nothing left, other than the Internet. So, we have to really keep our eyes on that and make sure that that last remaining vestige is there.

Now, of course, keep in mind, not everybody has access to the Internet, and not everybody who goes on the Internet is interested in looking at news.

Again, a lot of Russians look at Russian TV, and see it as very impressive. It's entertaining. It's glossy. It's well done. And they

think that they're getting good information about what's going on in the world—very dangerous.

Mr. HASTINGS. I feel like that about American television. [Laughter.]

Ms. SCHRIEFER. Did you watch "Good Morning America" this morning?

Mr. PITTS. I'd like the other panelists, if they wish to comment on these attempts. Do you see attempts to label offending comments, critical views as extremism or hate speech?

Ms. OGNIANOVA. Sure. I mean, just most recently on July 26, President Putin signed a second set of amendments that expand the definition of extremism in Russia. These amendments are sent to several different legislations in Russia, but they're all connected with the term "extremism."

And even though the definition is expanded, the term itself remains very vague. It could be selectively interpreted to target critical voices.

I'll just mention several of the amendments that were just signed into law.

A law on fighting extremist activity requires that all news outlets can label as extremist in their reports any organization that has been banned as extremist.

Another amendment expands the definition of extremist activity to include public justification of extremism or another terrorist activity. The bill does not define what exactly is meant by "justification of extremism." So, pretty much any public debate or mention of terrorist activity or of extremism could now be construed to mean extremism.

An amendment to Russia's administrative code would regulate the production and distribution of extremist material. But the amendment does not specify what is meant by "extremist material."

Another amendment to the criminal code expands the definition of extremism as a crime motivated by hatred or hostility toward a certain social group. "Social group" is never defined. It could mean business people. It could mean oligarchs. It could mean politicians. It could really mean anything.

And another amendment, for example, to the law on surveillance is now giving broader grounds to tap telephones. Under the amendment, a court can approve for phone tapping any suspect of a minor crime, such as hooliganism.

Critics say that this new bill will give legal carte blanche to eavesdrop on critics, including critical journalists which are inconvenient to the administration. And just in recent history, the record shows how Russian officials can and do use such measures.

A media law on institutes—a Moscow-based law institute—said that a government regulator has issued 32 warnings to Russian media outlets only in 2006, that concern coverage of reported extremist activity.

The independent radio station, Ekho Moskvyy—which is really the only independent broadcaster on the Russian media market—received 15 warning letters by the FSB officials and prosecutors that questioned the station for interviews that they have had with Gary

Kasparov and Eduard Limonov, the two opposition leaders of the Other Russia coalition.

So, yes. To cut a long story short, this could be very widely or selectively arbitrated and used to target critics of this government.

Mr. PITTS. Thank you.

Ms. TLISOVA [through interpreter]. I can explain how this works in practice against journalists in Russia.

I used to carry in all my things, in all my possessions and all the things that I used in my work, notebooks and laptops, article 29 from the constitution that was written under Boris Yeltsin. The article guarantees the freedom of speech.

This would help me in the situations when police would try to stop some of my reporting. They would try to raise barriers in what I did professionally.

Today, the Russian Constitution has five new amendments that effectively make article 29 null and void.

Mr. PITTS. Thank you.

I have a question, also, those of us on the Helsinki Commission know we're, I guess, sometimes lobbied. Kazakhstan is currently seeking to serve as Chair-in-Office of the OSCE in the year 2009. And I would be interested, because this would affect the OSCE, the chair position.

How do you view the free media trends in that country? I'll start with Freedom House.

Ms. SCHRIEFER. Freedom House has very clearly come out against the chairmanship of Kazakhstan for the OSCE. Looking at, for instance, the Charter of Paris and other documents that all OSCE members have agreed to. Even though it was the Soviet Union at that point when Kazakhstan came in, it obviously agrees to that, as well.

Human rights, respect for democracy, respect for freedom of speech are clearly prioritized in all of these documents.

It would be absurd to have a country, which not only has problems in these areas, but, in fact, is getting increasingly worse from what was already bad.

You know, looking back to the other chair positions of the OSCE, you've had some countries, like Romania, for instance, when Minister Geoana held the chair position, that certainly had some issues with press freedom and ownership issues, et cetera, at the time. But nonetheless, it was a country that was committed, I think, to trying to move forward and improve in those areas.

The same cannot be said, clearly, of Kazakhstan. Kazakhstan is really near the bottom. I don't know if you have a copy of it, but we produced a chart of all of the 56 OSCE participating countries. And I think the only country that actually ranks worse is Turkmenistan in terms of press freedom of those particular countries. And Uzbekistan is worse, as well.

Anyway, it's bad. So we don't support it, and we think that it simply makes a mockery of the principles upon which the OSCE was founded.

Mr. PITTS. And does your overview take into consideration efforts to intimidate or violence against journalists?

Ms. SCHRIEFER. Absolutely. It looks at three different areas.

We're looking at the political environment, and often that is an enabling environment for violence against journalists, which certainly is the case in a country like Kazakhstan. We're looking at the legal environment and we're looking at the economic environment.

In all three of those areas Kazakhstan fares very, very poorly.

Mr. PITTS. I don't know if anyone else wants to comment. You don't have to. OK.

Let me—just one more question, Mr. Chairman.

The U.S. Government has supported financially an independent printing press in Kyrgyzstan, which has helped independent and opposition newspapers to continue functioning.

Do you think our government should try to establish such printing presses in other former Soviet republics? If it could be arranged in other countries, would it likely be effective? Nina?

Ms. OGNIANOVA. Yes. In fact, I just had the pleasure to meet with several Azerbaijani journalists who came to CPJ last week. And we talked about exactly that.

And I'm basically passing their work view. They think that this is the only way that independent media could be preserved in countries, especially the transitional democracies.

Because oftentimes, print houses—there's a pressure on print houses to not print opposition newspapers, to refuse ink, to refuse distribution of opposition and independent outlets. And this is the only way that they can survive, through having their own presses. So, yes, very much so.

Mr. PITTS. Thank you.

Ms. TLISOVA [through interpreter]. I believe that in the North Caucasus, such a program would be essential and absolutely necessary.

I believe that one way to make things better is to establish a U.S. program where young journalists could come train in the United States. They could bring back Western standards, Western understanding about what quality media is. And I think this program would help a great deal.

Mr. PITTS. Thank you very much, Mr. Chairman.

Mr. HASTINGS. Thank you very much—

Ms. SCHRIEFER. If I could just comment on the printing press.

Mr. HASTINGS. Sure.

Ms. SCHRIEFER. Freedom House actually worked with the State Department to help set up the printing press to which you're referring, in Kyrgyzstan. And I agree with my colleagues that that kind of thing can be useful in other countries. But I also just want to lay out a caution.

When we were debating on whether or not we would undertake this tremendous task—and it was a tremendous task to get this up and running in that country—we were well aware that printing and the ability to print is just one of the many constraints that a country can put in terms of restricting the press. So, there are certainly other means.

And so, people need to be realistic that an independent printing press is not going to be the solution to all of the problems.

I also want to note that it required tremendous political will on the part of the U.S. Government to support us in getting that press

up and going. As an NGO, we would never have been able to do it without tremendous diplomatic work behind the scenes and backing.

We would never endeavor to do so in another country without that kind of backing.

And so, I think Azerbaijan would be a very excellent candidate to do something like that. But we have to make sure that our embassy there on the ground is 100 percent behind such an effort, because it will take that level of backing to make it work.

Mr. PITTS. Thank you very much.

Mr. HASTINGS. Mr. McIntyre? And then we'll go call for a vote.

Mr. MCINTYRE. Thank you, Mr. Chairman.

Ms. Ognianova, if I can ask you—I know we're getting ready to go to a vote, so I'll ask you if you can answer this.

You mentioned in your testimony that, regarding Russia, as the country nears parliamentary elections slated for December and the Presidential vote is expected in March 2008, the Kremlin has pushed critical journalism out of the public space.

As Mr. Hastings alluded to, he and Ms. Solis and I were at the OSCE Parliamentary Assembly meeting in Ukraine recently. And we met with the Russian delegation at the OSCE meeting and talked with them about the elections coming up.

And there was a sense, not only in the formal meeting, but afterward when we got to talk with some of the delegates there, that the candidates were pretty much hand-picked by Mr. Putin, and that only those who were favored toward his position would be the ones that would have an opportunity really to be known by the average voter.

So, I want to ask you. Assuming that the press and electronic media will be disinclined to criticize Mr. Putin's political allies, do you think the average voter will be able to at least acquaint themselves with the candidates in their positions and understand who the opposition candidates are?

Ms. OGNIANOVA. Let me just say that above 80 percent of voters at large get their news from national television. We're not talking about Moscow or St. Petersburg or the big urban centers. We're talking about the country at large.

In some regions, in some local villages and settlements, television is the only, the only medium left. So, when President Putin, who is a television president, is the only candidate whose speeches, whose platforms are heard, that's the only thing that the public at large is acquainted with. That's the only thing that the public at large knows.

So, in urban centers, it is possible for those who have access to the Internet, for those who have access to more print editions with a variety of coverage—or at least more varied coverage—to get access to the opposition candidates.

But in the smaller areas in the provinces, it's virtually impossible. There's a blockade of coverage on the opposition.

Mr. MCINTYRE. Do you think the press would at least make a pretense of covering contested elections? Or do you think there would be a hesitation on the press' part to cover those contested races?

Ms. OGNIANOVA. I think there will be some very scripted and very limited coverage of the faces. But they will not be given a real chance to present their platforms and to get a chance to lay them out for voters, no.

Mr. MCINTYRE. All right. Thank you, ma'am.

And if I can, since our time is squeezed because of having to go to votes, let me switch gears and ask any witness that feels they can answer.

We also had concerns at the OSCE meeting in July, when we were in the Ukraine, about some issues involving Belarus, and there were many different concerns that were raised at that.

One of the concerns that I had raised was a concern about religious freedom. And just the prior week, several Protestants and Catholics had been arrested, and we know that many other minority religious groups have been oppressed there, as well.

I want to ask you, with regard to the energy situation and energy prices, we also had a discussion about energy independence and freedom at OSCE.

And I wonder if there are any signs of change in the media situation in Belarus since the beginning of this year, in light of the fact that Russia has put a squeeze on Belarus by sharply increasing energy prices, if there's a freedom to discuss that, if you see any openness in that in the Belarus press—Belarusian press.

Ms. SCHRIEFER. I don't know how that particular issue has been covered in the press in Belarus.

I can tell you that Belarus is, remains ranked extremely low on our press freedom survey. It's an 89 out of a worst possible 100.

I don't see that improving any time soon.

I would certainly say in regard to the oil issue more broadly, certainly, looking at the former Soviet Union and the lack of democratic development there, the fact that many of these countries are extremely oil-wealthy has exacerbated the lack of democracy, because it creates, obviously, tremendous resources through which a government that in most cases has not been competitively elected can maintain a certain economic level in society, and ultimately have its citizens feel like things are getting better, even though they're controlling a number of those resources.

Mr. MCINTYRE. All right. And let me—because time's running out—let me just ask you along that line, I mentioned the concern about religious freedom and oppression in Belarus. Do you feel like the press gives that adequate coverage when those types of incidents occur?

Ms. OGNIANOVA. Well, I mean, again, I can answer this more broadly. I haven't really looked into the energy issue and how it's covered.

But very broadly speaking, the press in Belarus is functioning as an extension to the government—at least the state-licensed press.

And the independent press, the handful of beleaguered newspapers and magazines which are left over, are functioning basically on the basis of samizdat. They have to distribute—their editors and publishers have to distribute them in a set-up way.

And the issues that are discussed in these papers, again, only get to a limited number of people who manage to get these distributed copies.

Mr. MCINTYRE. All right, thank you. Thank you, Mr. Chairman.  
Mr. HASTINGS. Thank you, Mike. If you would go and vote, and if you would let them know in the cloakroom I'm hurrying right behind you.

I would say, though, just shortly before you leave, Russia cut off, or threatened to cut off, Belarusian oil the day before yesterday, because, allegedly, Belarus owes \$458 million to them.

My experience, reading at least three newspapers on that subject, is one carried nothing here in the United States, and two others carried limited information—regrettably.

Although we have a free media, many is the time that we learn a great deal more about Lindsay Lohan and Michael Vick than we do about matters of critical import to this nation.

Thank you very much.

I'd like to do something a little bit different, and I'm going to try to take 3 minutes to do it.

First, I'd like to thank all of our witnesses. I would hope that it hasn't gone unnoticed that all of our witnesses are women. I make some of those decisions, and too often we have too many gray suits here, from my judgment.

Ms. Ismayilova from Voice of America Azerbaijan—as well as all of the questions, every one that was put was different. So, I'm going to challenge my staff to take these questions, put all of them on the Internet from our Web site, and then answer them to the best extent we can and follow-up with our witnesses. I would like to publish them as best I can.

Her question was, "Were there any attempts to create international investigation of groups of journalists to investigate such cases as"—and she identified several of them. "The FBI participated in an earlier investigation of this case. Did CPJ or any other group ask for their findings?"

And another of our audience participants asked, "Can you describe the level of public concern regarding declining press freedoms? Is it just the media versus the government? Or do average citizens somehow resist the worsening media situation?"

And for Ms. Ognianova, you said, according to this person, "the United States cannot be indifferent and should do something about the situation with the press in Russia. What should the United States do? And what of these can be done in Russia and in the North Caucasus, particularly?"

And for Ms. Tlisova, "Are human rights abuses in northwestern Caucasus related to native people of the Caucasus, or a desire to regain Circassian national identity?" I would need to refine that.

And "should the OSCE put efforts to send investigation commissions to investigate human rights abuses in Circassia?"

And because of time, I will only do the one other that I would have asked, and appreciate the person putting it.

What role can the OSCE Representative on Freedom of the Media play, given the apparent desire of some former Soviet states to restrict the free flow of information? And there's another more lengthy one.

I'd ask our witnesses to allow staff, please, to follow up with asking those questions and ask one additional one.

What specific steps—and I heard a few here—can the United States take—under the aegis of the OSCE or otherwise—to encourage countries to move further along?

If you all would be so kind as to just take a few minutes to make sure you have the questions. And then I'd like to see them up on the Web site and answers, in [inaudible] to those in the audience that they will available to you.

One of my favorite expressions here is, it's hard to apologize for working, but I do have to go and vote.

I thank you all so very much.

[Whereupon, at 3:32 p.m., the hearing was adjourned.]

## APPENDICES

### PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. Chairman, I commend you for holding this hearing on one of the most fundamental human rights recognized by the international community in the post-World War II era.

Sadly, the deaths last fall of Radio Free Europe/Radio Liberty reporter Ogulsapar Muradova, who died under suspicious circumstances while in a Turkmenistan prison, and the apparent contract killing of Russian investigative journalist Anna Politkovskaya illustrate just how dangerous the profession of journalism can be. This year, we have witnessed the tragic murder of Turkish journalist Hrant Dink, not to mention violent attacks on journalists in Bulgaria, Croatia, and Serbia. In Kazakhstan, reporter Oralgaisha Omarshanova has been missing since late March.

There are, of course, many ways in which freedom of the media can be restricted, curtailed or impeded. One time-tested favorite of authoritarian governments is the imposition of criminal sanctions for journalistic work. The 7-year prison sentence handed down to Umida Niyazova, an Uzbekistan journalist investigating the 2005 massacre in Andijan, was particularly harsh and clearly intended to send an intimidating message to other journalists.

Occasionally, we see genuinely positive developments. In this regard, I commend efforts underway in Albania to repeal criminal defamation and insult laws, and I hope the Czech parliament will take similar steps as part of its ongoing overhaul of its penal code. But in a number of OSCE countries, improvements for media freedom remain stalled or in reverse. I am particularly concerned regarding the situation in Azerbaijan, where currently seven journalists remain imprisoned for legitimate professional activities.

Moreover, there are new challenges that must be addressed. The Internet, for example, presents extraordinary challenges. Access to YouTube was temporarily blocked in Turkey for several days this March until YouTube agreed to remove four videos that were considered to be “insulting” to Turkey’s founding leader, Mustafa Kemal Ataturk. The OSCE Representative on Freedom of the Media has stated he will be monitoring implementation of a new law on the Internet, adopted after the YouTube incident, according to which it will be a punishable criminal offense to “insult the memory of Ataturk.”

As a Member of the Helsinki Commission, I have long advocated that governments vigorously prosecute violent hate crimes committed against persons, communities, and their property. Not enough is being done, and I will continue to encourage OSCE governments to tackle this scourge.

At the same time, I am alarmed by instances in which so-called “hate speech” laws have been blatantly abused. In one recent case, two Georgians were charged under the Czech Republic’s hate speech law for protesting, in front of the Russian Embassy in Prague, Russia’s policies toward Georgia. (Thankfully, non-govern-

mental organizations were able to successfully get these charges dropped.) In Azerbaijan, journalist Rafiq Tagi and editor Samir Sadatoglu were sentenced in May for “incitement to religious hatred” for publishing an essay discussing Islam and Christianity. Also in May, the Union of Councils for Jews in the Former Soviet Union (UCSJ) wrote to Russian authorities to protest the conviction of journalist Boris Stomakhin under Russia’s hate speech law: “While UCSJ,” they wrote, “does not agree with all of Mr. Stomakhin’s views, we believe that his prosecution under rarely applied hate speech statutes is a case of politically motivated selective justice motivated by the fact that he violated the chief taboo in Russian politics—criticizing the Kremlin’s policies in Chechnya.”

Along these same lines, I am concerned by the potential misuse or abuse of laws that are nominally anti-terror laws but which, in practice, can be or are being used in ways that restrict freedom of speech or other fundamental rights. In this regard, I would add my voice to the concerns raised by a number of NGOs regarding recently adopted amendments to Russian laws which purport to combat “extremism.”

Finally, I would add that although the OSCE Representative on Freedom of the Media could not be with us here today, I commend him for his detailed, thoughtful and constructive work in this field, and I hope will be able to have him join us on another occasion.

**PREPARED STATEMENT OF HON. CHRISTOPHER H. SMITH,  
RANKING MEMBER, COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE**

We can all be very happy that since 1990 the OSCE region has made remarkable progress in freedom of the media. All of the Eastern European countries which have now joined the EU enjoy remarkable media freedom. Great progress continues to be made in the Balkans.

But this does not mean we can rest satisfied. It is shocking how many OSCE countries do not enjoy media freedom—all of them countries of the former Soviet Union. The only former Soviet Republics where media freedom has been largely achieved are the Baltic states of Lithuania, Latvia, and Estonia.

In all of the other former Soviet republics, the restrictions on media freedom are severe. In some of them, such as Turkmenistan and Uzbekistan, the state's grip on the media is as choking as in Soviet times. Other former Soviet republics, such as Russia itself, claim to have media freedom, but what freedom exists is restricted by cleverly-crafted legislation and government pressures—which are sometimes brutal.

Congress must continue to raise its voice on the lack of media freedom in Russia, where one of the chief tactics used to control the media in Russia has been the murder of journalists. These murders continue to go on, because they are almost never solved.

I emphasize Russia because the failure to punish those responsible for these murders in Russia weighs heavily on the entire OSCE region. Sadly, the techniques of official control exercised in Russia are often taken as a model by officials in other former Soviet countries.

And, in respect of media freedom, what a terrible model Russia is. Russia holds the second worst position in the world in the number of journalists killed in the last ten years, according to the International News Safety Institute. Reporters Without Borders counts 21 murdered journalists since March of 2000. This is a conservative number; it does include the murders of Paul Klebnikov, Anna Politkovskaya, but not the death under extremely suspicious circumstances of Ivan Safronov. Many observers think government officials have ordered most of these murders, or at least connived at them, because these journalists investigated government corruption or human rights abuses in Russia. There is good reason to think that people in very high places are protecting the murderers. We know this: very few of these murder cases have been resolved.

Bearing in mind the effect of these unsolved murders on officials in the other former Soviet republics, I recently authored a Congressional resolution, H. Con. Res. 151, calling upon President Putin to seek competent, outside law enforcement assistance in the investigation of these unsolved murders. In May this resolution was approved by the House.

Mr. Chairman, In early July I visited Russia, in order to meet with Russian legislators who want to adopt anti-trafficking laws similar to our own. I saw for myself how the Russian economy is booming, and I am happy for the Russian people that they can finally enjoy economic growth and prosperity.

While I was in Moscow, I met Father Gleb Yakunin, a member of the Moscow Helsinki Group who in 1976 created the Christian Committee for the Defense of the Rights of Believers, and served 7 years in prison and labor camps for it. In Russia great figures like Father Gleb and Aleksandr Solzhenitsyn have kept the national conscience alive under the Communist dictatorship.

Now the Russian nation is being robbed by a corrupt officialdom, and the journalists who are working to inform and awaken the public to the crimes are being killed. Let our country stand with them as in the past it stood with Father Gleb and Solzhenitsyn.

That would be one of the greatest services we could do for the Russian people, and the people of the other former Soviet republics.

**PREPARED STATEMENT OF FATIMA TLISOVA, RUSSIAN  
INDEPENDENT JOURNALIST**

Chairman Hastings and Members of the Commission:

Thank you for this opportunity to talk to you about the work conditions for journalists in Russia's North Caucasus.

More than ten years I worked as a correspondent for different newspapers and agencies in the North Caucasus—the land between the Black and Caspian Seas in southern Russia. This region was the arena of war a hundred years ago. It still remains an arena of war.

Russia's statements about the fight against global terrorism in the North Caucasus have nothing to do with the truth. It is a war against nations that tried to become independent. Russia has been using in this region military policies that are very close to genocide. I can describe those policies as massive and regular violations of human rights, even the basic right to life.

This is the truth that the Russian government tries to hide. And the best way to hide information is by destroying the freedom of speech and the independent press. Most famous Russian journalist Anna Politkovskaya was murdered only for one reason—for her job in the North Caucasus, for telling the truth.

I don't need to tell you the statistics on freedom of speech in Russia—these numbers are very familiar to all who interested in the situation. My personal story is also well-known.

But there are dozens of stories beyond the statistics—stories that remain unknown. I want to tell you only one of those stories, about a friend of mine who still lives and works in Russia. For this reason I can't call him by name.

When he started to work as a correspondent for one of Russia's central newspapers he never used his legal name—he uses only pseudonyms. He started to write articles that were very different from the ones appearing in the official press. His stories were full of details. They were mirrors of what was really happening in his region. He wrote about kidnapped young people, about murdered or tortured civilians who were called terrorists after their death.

Then, only after a few weeks, he suddenly disappeared. I tried to call him—his cell phone was switched off. No one in his family had any idea where he could be. On the second day, the news of his abduction came. Someone saw the man being kidnapped near an Internet café by masked militants. For Caucasians this means only one thing—his relatives should start to collect cash to pay for the return of the dead body.

I was on my way to his town when he called me. His voice was changed; at first I couldn't understand who was calling from his cell phone. He said: "Do not come please, I will be soon in your city."

A few hours later, in the evening, we met in a café in Nalchik. He was very angry and sad. He used the paper napkins on the table to write down for me what had happened. (He could not speak about it.)

Five or six masked men kidnapped him. He had with him a cell phone, flash card and tape-recorder, when they took him. They took all this stuff from him, and then pushed him inside a car. He was brought to a neighboring town. After arriving there, they left him

in a small room and all his guards disappeared. The door was locked. There was only one table and two chairs in this room. He heard men's voices screaming like wild animals. He realized they were being tortured.

Then two men came in, wearing civilian clothes. They did not hide their faces. And they showed him IDs—both of them were FSB officers. They asked him how he became a journalist. Their tone was smug, superior.

"There are dozens of journalists in your region, but only a few of them were here like you. Do you understand why?—They asked him. They put all his articles, signed by different pseudonyms, in front of him on the table. Then the questions changed. They asked him: Is he a spy? What Western secret services was he connected to? "You can't write articles like you wrote if you are only a journalist, you must have someone strong behind you," they told him.

He tried to explain: he wrote only the truth. They were laughing: who needs your truth, you must write what you must, nothing more!

This lesson lasted until midnight. Then they left him alone for the night. The next morning he received instructions. Every time he wrote something for the central newspaper he must first send it to them for checking; once a week he must come to meet the officer who will work with him. "We know where you all the time; we are watching you, we are hearing you,"—they told him when they gave him back his cell phone. They made him sign an agreement to keep silent. At last they told him: "If you break our agreement—you will be disappeared forever."

Two weeks after our meeting he received access to a closed security zone on the border of Russia and Azerbaijan. He started writing articles about the "very good" relationship between the Russian security services and local civilians.

I am not afraid to make things worse for this journalist because of this testimony because I know dozens of stories like his. They will not realize which one of the dozens is my hero. They are not unusual—these official methods I described. But the most useful methods are much more simple.

A year ago I had an interview with an officer from the FSB. He spoke incognito. I asked him about methods they use to keep under control the local press. I was interested—have they really met with every journalist? "We are not interested in every journalist": he told me.—"We have our people in every press bureau. We know what they write about before it becomes public. If something is wrong we need to just call the editor, that's all. You must truly believe—if you disagree with us you must change your profession or we are strong enough to make you much more flexible."

I can name those methods used against the journalists to make them "flexible." You can be beaten, kidnapped, tortured, arrested. Things can be done not only to you but to your family, too. Even your seventy-year-old father can be beaten, so terribly that he loses an eye—this is what happened to the father of one journalist who freelances for Radio Free Europe/Radio Liberty. Or your sixteen-year-old, innocent son can be arrested. Your house and your parents' house can be searched any time they want to. Your name can appear on the pages of very "flexible" newspapers with unseemly

commentaries. You can be erased from the list of journalists who have access to official information or who are allowed to attend official press conferences. You can be banned from working for foreign news agencies, because the Ministry of Foreign Affairs will never give you the accreditation; and without accreditation your work is illegal. If you didn't become "flexible" after all, you can suddenly die, or be publicly executed—as it happened to Anna Politkovskaya. These are my observations after ten years of work as a journalist in the North Caucasus region of Russia.

**PREPARED STATEMENT OF NINA OGNIANOVA, EUROPE AND  
CENTRAL ASIA PROGRAM COORDINATOR, COMMITTEE TO  
PROTECT JOURNALISTS**

Chairman Hastings and members of the commission:

Thank you for the opportunity to participate in this hearing on media freedom in member states of the Organization for Security and Cooperation in Europe. 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.

In my testimony, I will first address the issue of impunity in journalist murders—the gravest danger to press freedom in the countries of the former Soviet Union. I will then focus on the press freedom records of Russia and Azerbaijan, where media conditions have severely deteriorated, according to CPJ research.

**INTRODUCTION**

Governments in several former Soviet states have strengthened their grip on power by restricting independent activities—from journalism and human rights defense, to religious activity and political dissent. In particular, the central administrations in Russia and Azerbaijan have stepped up efforts to silence critical voices in the run-up to national votes scheduled in their countries over the next 14 months.

Politicians, state officials, government regulators, security agencies, and pro-government businesses have relied on a variety of methods to consolidate control of influential broadcasters, to sideline critical journalists, and to intimidate them into self-censorship.

Such methods include the selective use of bureaucratic regulations to inhibit media outlets; the passage of vague laws to silence independent voices; the use of politically motivated criminal investigations against critics; the imprisonment of independent journalists on trumped-up charges (often accompanied by the closure of their media outlets); the purchase of controlling interest in independent news outlets; the aggressive harassment of journalists by security services; and the failure to bring justice in the murders of journalists and in other violent attacks against the press.

**IMPUNITY**

Impunity in journalist murders remains the gravest danger to press freedom, and threatens democracy in the transitional countries of the former Soviet bloc. Critical, investigative reporters—who work to uncover social ailments such as corruption, corporate crime, human rights violations, and abuse of power—are the usual targets of this lethal censorship. As violence against these messengers goes unpunished, fewer journalists are willing to risk their lives in pursuit of difficult stories, the press is forced to compromise its role as a watchdog; and the public is kept in the dark about important issues.

When it comes to impunity in journalist murders, Russia sets a sad regional standard. It is the third deadliest country in the world for journalists over the past 15 years, according to CPJ research,

behind only the two war-riven nations of Iraq and Algeria. A total of 47 journalists have been killed in Russia since 1992, the vast majority of the killings unsolved. Since year 2000, under President Vladimir Putin's tenure, 17 journalists have been killed in Russia in the line of duty—14 out of them murdered in direct retaliation for their professional work. None of the murders have been solved. Five suspects are currently on trial in the 2000 murder of Novaya Gazeta journalist Igor Domnikov, but the masterminds of the crime, though known to law enforcement, are still at large. The trial of two suspects in the 2004 murder of Forbes Russia Editor Paul Klebnikov is now in limbo because one suspect in the killing went missing in March. Progress is being made in last year's high-profile assassination of Anna Politkovskaya, Moscow prosecutors say, but after 10 months they have yet to report any results.

On February 1, responding to an international outcry over the murder of Politkovskaya, President Vladimir Putin publicly pledged to protect the press during his annual news conference at the Kremlin's Round Hall. But only a month later, another death of a prominent journalist shook the Russian press corps.

On March 2, Kommersant military correspondent Ivan Safronov fell to his death from an upper-floor staircase window in his apartment building. The circumstances surrounding his death, coupled with the sensitivity of Safronov's reporting beat, prompted many to suspect he had been murdered. Just days earlier, while on a business trip to Abu Dhabi, the United Arab Emirates, Safronov had uncovered sensitive information about alleged Russian arms sales to Syria and Iran, his colleagues said. Moscow prosecutors initially said the death was a suicide. Later, they opened a criminal investigation into what they called "incitement to suicide," an article of the Russian penal code that is defined as provoking a suicide through threats or abusive treatment. In late June, however, authorities ruled out foul play in the case, and said they had not found any link between Safronov's work and his untimely death. Investigators said they continue working on other possible motives, including Safronov's private life. They did not explain their rationale behind ruling out foul play.

The investigators' behavior in Safronov's case is hardly unusual. Local authorities regularly reject professional motives in journalist killings, instead classifying them as street crimes or domestic disputes. Karen Nersisian, a lawyer representing the families of three killed journalists whose cases CPJ has documented said it is easier for investigators to deal with murders where hooliganism or robbery is the motive. If they admit the murders had been ordered, Nersisian says, prosecutors oblige themselves to look for the masterminds. And in Russia, where politics, business, and crime sometimes converge, going after a mastermind can be a dangerous business.

Russia remains the political and moral force in much of the region, so its official hostility to independent media, sloppy police work in the investigation of journalists' deaths, official stonewalling, and judicial inertia are widely emulated.

In Azerbaijan, President Ilham Aliyev called the March 2005 assassination of prominent opposition editor Elmar Huseynov a "provocation against the Azerbaijani state" and an "act of ter-

rorism.” Despite these strong words, authorities have shown little intention of identifying the killers. More than two years after Huseynov, founder and editor of the opposition newsweekly *Monitor*, was gunned down in a professional-style hit in his apartment building in the capital, Baku, Azerbaijani authorities have reported no progress in the investigation. A harsh critic of the president and his administration, Huseynov had endured scores of politicized lawsuits, tax inspections, and suspensions during the *Monitor*’s six-year existence.

A month after the killing, investigators identified two Georgian citizens as suspects but never provided evidence to persuade officials in Georgia to extradite them. The trail soon grew cold. Then, in July 2006, a former Azerbaijani Interior Ministry officer, on trial on unrelated charges, suddenly professed that he helped plot Huseynov’s assassination. His abrupt confession was met with deep skepticism by Huseynov’s colleagues and others, who suspected it had been coerced.

In Belarus, Aleksandr Starikevich, editor of the opposition newspaper *Solidarnost* in the capital, Minsk, is also skeptical of the official probe into the October 2004 murder of co-worker Veronika Cherkasova. Colleagues of Cherkasova launched their own investigation into her death, saying officials treated the killing as a common crime and ignored forensic evidence pointing to a professional slaying.

Two years after Cherkasova was found in her Minsk apartment with multiple stab wounds, prosecutors suspended the investigation for what they called a “lack of suspects.” A Minsk investigator said the killing did not appear premeditated and continued to refer to it as a common crime, allegedly the result of a domestic quarrel. Authorities ignored Cherkasova’s articles on surveillance by the Belarusian state security service (KGB) and her investigation of alleged arms sales by Belarus to former Iraqi President Saddam Hussein.

Close to the second anniversary of Cherkasova’s death, the Agency for Journalistic Investigations, an association of Belarusian reporters, released the findings of its own probe. Contrary to the official report, the association said, the murder appeared to have been carried out by a professional who made it look like a crime of passion. The assassin, the report said, covered his tracks skillfully. Although stabbed repeatedly, Cherkasova had died from a single wound. Investigators have ignored the findings of the agency’s investigation.

In Turkmenistan, even after a journalist died in official custody, authorities refused to investigate. Ogulsapar Muradova, 58, a correspondent for the Turkmen service of the U.S.-funded Radio Free Europe/Radio Liberty (RFE/RL), was arrested on June 18, 2006, and held incommunicado for more than two months in an Ashgabat jail. A day after her arrest, then-President Saparmurat Niyazov called her a traitor to the motherland on national television. Last August, she was convicted on a bogus charge of possessing ammunition and sentenced to six years in jail after a closed-door trial that lasted only minutes. Three weeks later, authorities released Muradova’s body to her family, refusing to give the time and cause of death and denying requests for an autopsy.

Muradova's relatives said the body bore a large head wound and multiple neck bruises. To this day, Turkmenistan has ignored international calls for an independent inquiry into Muradova's death. Press freedom and human rights advocates believe she was murdered in prison because of her work for RFE/RL—a broadcaster that Niyazov, who died in December, considered an enemy. Niyazov's successor, Gurbanguly Berdymuhammedov—whose election to the presidency in February was neither free nor fair—has pledged to follow on Niyazov's footsteps. This does not bode well for the handful of remaining independent journalists in the country. Those affiliated with international media outlets, along with their families, are routinely harassed, persecuted, and placed under surveillance; some are imprisoned, tortured, or forced into exile. Local media provide no alternative information; they essentially function as state propaganda tools.

#### WORST BACKSLIDERS ON PRESS FREEDOM

Russia and Azerbaijan, in particular, have backtracked on press freedom. On May 3, World Press Freedom Day, each earned a spot on CPJ's list of top the world's worst press freedom backsliders over the past five years. It is important to note that both nations are to go to the polls in the next 14 months.

#### RUSSIA

##### Influential media under Kremlin control

As the country nears parliamentary elections slated for December and the presidential vote expected in March 2008, the Kremlin has pushed critical journalism out of the public space. Independent reporting is now limited to a small number of print publications and news Web sites, which, compared to national television, have only marginal influence on public opinion. All three national television channels, from which most Russians get their news, are under Kremlin control. Authorities have recently shifted attention to print publications. Last August, for instance, Kremlin-friendly businessman Alisher Usmanov, general director of Gazprom subsidiary Gazprominvestholding, bought the business daily *Kommersant*, one of the last independent newspapers with national reach. Two years before that, the popular independent daily *Izvestiya* was purchased by Gazprom; it no longer provides critical coverage of the Kremlin.

##### Restrictive new law to target critics

Most recently, on July 26, President Putin signed into law a package of amendments that expand the definition of extremism to include public discussion of such activity, and give law enforcement officials broad authority to suspend media outlets that do not comply with the new restrictions. The measures will take effect in December.

Ostensibly designed to fight extremism—including the growing nationalist and neo-Nazi movements—the new measures would have the effect of muzzling critical voices. The bill's vague language

turns “extremism” into a catchall term that could be used to silence any critic.

This is the second set of amendments focusing on “extremism” to be adopted in Russia in as many years. Amid domestic and international criticism, Putin signed similar amendments in July 2006 that broadened the definition of the term to include media criticism of state officials. As with the 2006 bill, the new set of amendments was approved quickly despite concerns from media, human rights, and political opposition groups.

Here are the points of particular concern for freedom of expression:

Amendments to the Law on Fighting Extremist Activity require news media to label as “extremist” in their reports any organization that the government has banned as such.

Another amendment expands the definition of extremist activity to include “public justification of terrorism or other terrorist activity.” The bill does not define the term “justification,” leaving critics to suggest that it will be interpreted very broadly.

An amendment to Russia’s Administrative Code would regulate the production and distribution of “extremist” material. The amendment does not specify what constitutes extremist material even as it introduces new penalties for journalists, media outlets, and printers found guilty of the offense. Penalties range from fines and confiscation of production equipment, to the outright suspension of media outlets for up to 90 days.

Amendments to Russia’s Criminal Code expand the definition of extremism as a crime motivated by “hatred or hostility toward a certain social group” without clarifying the term “social group.” Such broad language could prevent media from reporting on public officials or powerful businesspeople, analysts said.

An amendment to the Law on Surveillance gives officials broader grounds to tap telephones. Under the amendment, court approval for phone taps may be obtained for suspected crimes as minor as hooliganism. Critics say this new bill gives a legal carte blanche to authorities to eavesdrop on their opponents, including critical reporters.

Recent history offers a guide as to how the new measures might be used.

The Moscow-based Media Law and Policy Institute said Rosokhrankultura, the government’s media regulator, issued 32 warnings to Russian media outlets in 2006 concerning their coverage of purported extremist activity. The independent radio station Ekho Moskvyy—the most critical broadcaster remaining in Russia’s media market—recently reported receiving 15 warning letters from FSB officials and prosecutors in the past two months. Authorities demanded that the station explain why it interviewed opposition leaders Garry Kasparov and Eduard Limonov of the coalition Other Russia.

#### Nongovernmental groups under attack

Russia’s nongovernmental organizations (NGOs) have experienced legal pressure as well. In January 2006, President Putin signed into law a restrictive bill regulating the work of nongovernmental organizations, including those dedicated to promoting press

freedom and supporting independent media. The measure gives the Justice Ministry's Federal Registration Service broad authority to shutter NGOs for engaging in activities that are counter to the "political independence of the Russian Federation" or that violate the constitution. The measure also empowers the service to close NGOs that engage in prohibited—but unspecified—activities. Under this law, the government closed down the Russian-Chechen Friendship Society (RCFS), a human rights group based in the city of Nizhny Novgorod, whose online newspaper—Pravo-Zashchita (Rights Defense)—was regarded as one of the few reliable sources of news on Chechnya. On January 23, Russia's Supreme Court upheld a lower court's earlier decision to liquidate RCFS because its director, Stanislav Dmitriyevsky, had been convicted in February 2006 of inciting ethnic hatred. Dmitriyevsky had published comments from Chechen rebel leaders calling for peace talks in 2004 in Pravo-Zashchita. Under the January 2006 law, no one with a criminal record can head an NGO.

Other NGOs, such as the Institute for War and Peace Reporting (IWPR), the Russian Union of Journalists, and the successor of Internews Russia have also been harassed.

In April, Moscow law enforcement effectively closed the Educated Media Foundation, the successor to Internews Russia, after economic police searched its premises for 11 hours, seized all financial records, and shut down the organization's servers. Officers said they were checking the organization for financial improprieties. Since 1997, Internews Russia had played a key role in the development of the country's independent media. According to the group's statistics, about 15,000 people have taken part in its programs through the years, receiving training in areas such as reporting, media management, and broadcast production.

The foundation's director, Manana Aslamazian, said the raid was connected to a criminal case opened against her in February on charges of bringing foreign currency into Russia. Aslamazian acknowledged the error but said it was unintentional.

Despite appeals by key Russian journalism organizations, who asked authorities to consider Aslamazian's contribution to the development of independent media in Russia and to investigate her case as an administrative rather than criminal violation, prosecutors have not relented. The Educated Media Foundation remains shuttered, and Aslamazian has fled abroad, fearing possible jail time.

#### Journalists imprisoned

Aslamazian has reason to be fearful. Russian authorities imprisoned two journalists in recent months—Vladimir Chugunov and Anatoly Sardayev—in retaliation for criticizing local authorities in their newspapers. Chugunov's case is especially disturbing.

The founder and editor of the independent weekly Chugunka in the town of Solnechnogorsk, Chugunov was arrested on January 21, on a charge of "threatening to murder or cause serious health damage." Authorities did not disclose the details of the charge. After spending more than four months in state custody, during which he was shuttled between prison cells, hospital wards, and psychiatric wards, authorities conditionally released Chugunov on

May 27 from the Butyrskaya prison hospital in Moscow. The journalist had been held at Butyrskaya on an undisclosed diagnosis. Chugunov said he was given medications that were not disclosed to him and that he had become infected with lice and scabies during his stay. He went on a 10-day hunger strike to protest the treatment. Authorities did not give any explanation for the release.

Chugunov had long angered local authorities with his articles criticizing the Solnechnogorsk's government and judicial officials. A series of stories, for example, examined the consequences of the local government's takeover of a chicken farm. In July 2002, attackers beat Chugunov and broke his right hand, saying, "Here you go now, writer, write if you can!" The attackers were never found. The local municipality-owned printing house refused to print Chugunka in January 2005, compelling Chugunov to produce his paper at home. Chugunka went dormant with the editor's arrest in January. Upon releasing him in May, the Solnechnogorsk prosecutor's office instructed Chugunov to sign a statement promising not to leave the area while the case against him is pending.

#### News from and about the North Caucasus obstructed

I'll defer to my colleague, Fatima Tlisova, in discussing authorities' aggressive efforts to prevent independent reporting in and about Chechnya and other parts of the North Caucasus. Tlisova is a witness to the brutality and, unfortunately, to the effectiveness of these methods. I would note that since the beginning of the Second Chechen War in 1999, the Federal Security Service (FSB) has taken a lead in harassing and obstructing independent journalists who seek access to the volatile region. The government imposes restrictive accreditation requirements—journalists are allowed to travel with military escort only and are banned from interviewing rebels. The main purpose of these restrictive policies seems to be the prevention of news about the conflict's death toll and human rights abuses from reaching the Russian public and turning its opinion against the war.

#### AZERBAIJAN

##### Seven journalists in jail for their work

Azerbaijan is the other regional backslider on press freedom, CPJ research shows. With seven behind bars, the country now sets the regional record for jailing journalists. As the country prepares for presidential elections scheduled for next October, these work-related imprisonments severely damage Azerbaijan's reputation. Despite calls from CPJ and other local and international press freedom groups to release the journalists on July 22, National Press Day, authorities continue to hold them.

Here are the cases:

Sakit Zakhidov, a prominent reporter and satirist for the Baku-based opposition daily *Azadlyg*, was arrested on June 23, 2006, and charged with possession of heroin with the intent to sell. Zakhidov said a police officer planted about a third of an ounce of the drug in his pocket. His arrest came three days after Ali Akhmedov, executive secretary of the ruling Yeni Azerbaijan party, publicly urged

authorities to silence Zakhidov. At a June 20 panel on media freedom, Akhmedov said: "No government official or member of parliament has avoided his slanders. Someone should put an end to it." Zakhidov, who suffers from heart disease, was sentenced to three years in prison on October 4. He was taken to Bailovsk prison in Baku, where he has no access to adequate medical care.

Samir Sadagatoglu, editor-in-chief of the independent newspaper *Senet*, and reporter Rafiq Tagi were arrested on November 15, 2006, in connection with a November 1 article headlined "Europe and Us." Tagi, who wrote the article, suggested that Islamic values were blocking development in the oil-rich Caspian Sea nation. The article referred to Islam as a cause of infighting. On May 4, a Baku judge convicted Sadagatoglu and Tagi on charges of inciting religious hatred. Sadagatoglu was sentenced to four years, Tagi to three. On July 6, an Azerbaijani appellate court in Baku upheld the convictions.

Faramaz Novruzoglu of the weekly independent newspaper *Nota Bene* was sentenced to two years in prison by a Baku court on January 30. He was convicted of criminal defamation for a series of articles critical of Interior Minister Ramil Usubov and other senior government officials. The articles, published in December, focused on friction and corruption in the Interior Ministry.

Eynulla Fatullayev, editor of the independent Russian-language weekly *Realny Azerbaijan* and the Azeri-language daily *Gündalik Azarbaycan*, was sentenced on April 20 to 30 months in prison on charges of libeling and insulting Azerbaijanis. On May 20, local authorities evicted *Realny Azerbaijan* and *Gündalik Azarbaycan* from their Baku offices, saying that the building violated safety regulations. On July 3, the Ministry of National Security (MNB) brought additional charges of terrorism and incitement to ethnic and religious hatred against Fatullayev; the ministry interrogated several journalists from *Gündalik Azarbaycan* the next day. Together, the new charges could mean up to 17 years in prison for Fatullayev. They stem from a commentary headlined, "The Aliyevs Go to War," published earlier this year in *Realny Azerbaijan*. The commentary, which focused on President Ilham Aliyev's foreign policy regarding Iran, contained harshly critical language about the Azerbaijani government. MNB officials did not elaborate on the charges or explain how the piece amounted to terrorism and incitement of hatred.

Rovshan Kebirli, editor-in-chief of the opposition daily *Muhlifet*, and reporter Yashar Agazadeh were sentenced in May to 30 months in prison apiece on charges of defaming Jalal Aliyev, the president's uncle and a member of parliament. Jalal Aliyev filed a libel complaint against the journalists after a February article criticized his business activities and those of his family. The story, which relied partly on a Turkish news report, said the Aliyevs' import-export business profited from the family's political connections.

Most disturbing in all these cases is the fact that most journalists are held on criminal charges filed by public officials. Defamation remains a criminal offense in Azerbaijan; removing it from the country's penal code will be an important first step in reversing this record. According to CPJ research, led by Interior Minister Usubov, public officials filed at least a dozen politicized lawsuits against critical journalists in the summer of 2006 alone.

### Impunity in physical attacks against reporters

And while journalists are punished as criminals, crimes against journalists remain unaddressed. The 2005 murder of opposition editor Elmar Huseynov is still unsolved. So are the brutal 2006 attacks against two opposition journalists—Fikret Huseinli, investigative reporter with the opposition daily *Azadlyq*, and Bakhaddin Khaziyev, editor-in-chief of the opposition daily *Bizim Yol*.

Huseinli, who was investigating alleged government corruption, was kidnapped on March 5, 2006, and his throat slashed by unidentified assailants in the Patamdar area, a southwestern suburb of Baku. The journalist had received several prior death threats by phone, warning him to discontinue his reporting. Huseinli survived the attack and returned to work. On May 19, five men abducted Khaziyev on the outskirts of Baku, beat him over several hours, and drove over his legs with a car, according to news reports. Khaziyev survived but suffered serious leg injuries. Shortly before the attack, Khaziyev had written articles in *Bizim Yol*, criticizing high-ranking officials from the Ministry of National Security.

### Politicized bureaucratic harassment

In addition to imprisonment and physical violence, independent journalists were recently targeted by politicized evictions. In November 2006, a Baku court said the State Property Committee could evict the opposition newspaper *Azadlyq* from its premises, along with tenants that included the *Turan* news agency, *Bizim Yol* newspaper, and the Institute for Reporters Freedom and Safety. *Azadlyq* had occupied the municipally owned building in Baku since 1992.

The day of the eviction ruling, the Azerbaijani government closed the country's oldest independent radio and television broadcaster. Authorities sealed facilities and confiscated broadcast equipment on November 24, 2006, of the Azerbaijan News Service (ANS), effectively taking foreign radio programming off the air for most Azerbaijanis. ANS, a popular broadcaster set up in 1991, had rebroadcast programs of the British Broadcasting Corporation, Radio Free Europe/Radio Liberty, and Voice of America. The federal broadcasting licensing authority said ANS had violated media laws and failed to pay fines. Facing mounting international criticism, Azerbaijani authorities lifted the restrictions on ANS in December and allowed it to back on the air in April.

In May, local authorities evicted the independent Russian-language weekly *Realny Azerbaijan* and the Azeri-language daily *Gündalik Azarbaycan* from their Baku offices, saying that the publications' building violates safety regulations. The actions came on the heels of the politicized imprisonment of the papers' editor, Eynulla Fatullayev.

### CONCLUSION

The international community, including the United States, cannot afford to be indifferent to the deteriorating press freedom records of Russia and Azerbaijan. Journalists increasingly resort to self-censorship to avoid dangerous, even deadly repercussions. As a result, the Russian and Azerbaijani public suffers—uninformed

about sensitive issues such as human rights abuses, corruption, high-level crime, and, in the case of Chechnya, an ongoing war.

CPJ urges the Helsinki Commission to take the lead in making press freedom a priority of U.S. foreign policy. Eclipsed by strategic defense and energy concerns, human rights and press freedom issues have suffered in recent years. This sends a dangerous message to the world—that the United States is willing to tolerate impunity in journalist murders, the imprisonment of critical reporters, and the closing of independent news outlets in Russia and Azerbaijan. Now more than ever the United States should take a firm stand against the repressive actions in these nations.

**PREPARED STATEMENT OF PAULA SCHRIEFER, DIRECTOR OF  
ADVOCACY, FREEDOM HOUSE, WASHINGTON, DC**

Chairman Hastings, Co-Chairman Cardin, members of the Helsinki Commission and staff, thank you for calling this important hearing today and for inviting Freedom House to testify.

I am honored to be here with my colleague, Nina Ognianova, from CPJ, an excellent organization that does vital work for the protection of journalists, and I am particularly honored to once again be on a panel with Fatima Tlisova, a courageous and inspirational journalist. It is a terrible tragedy for the Russian people that Ms. Tlisova can no longer perform her important job within the borders of her own country.

Freedom House has been monitoring press freedom around the world for more than two decades now. Freedom House's annual press freedom survey evaluates press freedom by answering a series of questions under three areas that historically have been used to place restrictions on freedom of expression: 1) legal environment, 2) political environment, and 3) economic environment.

We are talking today about the state of media freedom in the OSCE countries and I have been asked to specifically focus on four countries: Azerbaijan, Kazakhstan, Russia, and Turkey.

I will start by pointing out that among the 55 countries that comprise the OSCE, there is a stark and troubling dividing line in the state of press freedom between members of the Commonwealth of Independent States (CIS) and those that have either joined the European Union or are on a path to do so.

All of the countries of Central Europe, including the Baltic States, which themselves needed to overcome a decades-long legacy of Soviet media culture and control, are assessed as Free in Freedom House's annual Freedom of the Press survey.

Likewise, the vast majority of countries in Western Europe are ranked as Free. With the upgrading of Italy to Free this year, the one remaining exception is Turkey, which is ranked as Partly Free.

In the Balkans, the majority of countries have risen from Not Free to Partly Free status over the course of the past decade, with Slovenia ranking as fully Free.

By stark contrast, ten of the twelve post-Soviet states are ranked as Not Free by Freedom House, indicating that these countries do not provide basic guarantees and protections in the legal, political, and economic spheres to enable open and independent journalism.

The only two that enjoy Partly Free status, Georgia and Ukraine, have experienced recent political upheaval and democratic openings.

With this brief overview, I'll turn to some of the specific countries of interest.

Russia	Press Freedom Ranking: 75	Status: Not Free
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Our survey has shown that Russian media have been under increasing pressure, limiting both their freedom and independence, since 1994, when Russia received its best ever score since gaining independence, with a 40 out of a worst possible 100. The score plunged to 55 the following year and has continued to decline. Russia would hang on by a thread to the Partly Free category until 2003, when we registered another sharp decrease from 60 to 66,

putting it in the ranks of the Not Free countries, and its score has declined every year since, with a current dismal score of 75.

Russians, who are otherwise enjoying a period of increased economic prosperity due to the sky high prices of oil, should be outraged that their country now finds itself on par with countries like Ethiopia (77), Burundi (77), Chad (74), The Gambia (77), Iraq (70), Azerbaijan (75), Kazakhstan (76), and Tajikistan (76) in terms of press freedom.

Two recent developments have been particularly damaging for the state of press freedom in Russia. First, the new regulations related to the registration and functioning of NGOs that went into effect in January of last year have deprived Russians of an important source of independent information about both the functioning of government and human rights abuses. Second, amendments to the Law on Fighting Extremist Activity, signed by President Putin in July, expanded the definition of extremism to include media criticism of public officials, and authorized up to three years' imprisonment for journalists as well as the suspension or closure of their publications if they are convicted.

At the same time, the government already either owns outright or controls significant stakes in the country's three main national TV networks (Channel 1, Rossiya, and NTV) and exerts substantial influence on the content of news reporting. As importantly, the government has used these powerful outlets to generate an atmosphere of fear regarding threats from both terrorism and religious extremism, which has contributed to Russia's emergence as one of the world's most physically dangerous environments for journalists.

The situation is equally troubling in both Azerbaijan and Kazakhstan. Unlike Russia, neither country has broken out of the Not Free status since Freedom House began rating their levels of press freedom in 1991.

Azerbaijan                      Press Freedom Ranking: 75                      Status: Not Free

In Azerbaijan, the media operate under significant governmental and legal pressures. Despite a draft law on defamation that would decriminalize libel, journalists continue to be prosecuted for criminal libel and insult charges. Last year, the interior minister alone filed five lawsuits and just a few months ago, the editor of Azerbaijan's largest independent newspaper was sentenced to 30 months in prison.

Harassment and violence against journalists also remains a serious concern. To cite just a few examples, in March 2006 Azadliq journalist Fikret Huseynli was kidnapped and stabbed before being released. In May, Bizim Yol editor Bakhaddin Khaziyev was kidnapped, beaten, and ordered to stop reporting on sensitive issues, including corruption. In October, Eynulla Fatullayev ceased the publication of Realny Azerbaijan to secure the release of his kidnapped father.

While the government passed a freedom of information law in December 2005, implementation of the law is not being fully implemented. For instance, journalists viewed as independent or as critical are banned from public hearings.

As Azerbaijan looks to hold presidential and parliamentary elections next year, these limitations on press freedom will very likely result in yet another noncompetitive election process.

Kazakhstan      Press Freedom Ranking: 76      Status: Not Free

Kazakhstan, which has put itself forward as a candidate to chair the OSCE in 2009, has seen a steady monopolization of media since Freedom House began ranking it as an independent country. As in a number of former Soviet states, Kazakhstan's broadcast media was taken into the hands of members of the presidential family or those with close ties to it. For example, President Nazerbayev's daughter ran several television channels, controlled two of the nation's leading newspapers, and at one time headed the state news agency.

Journalists frequently face criminal charges, particularly under Article 318 of the criminal code, which imposes penalties for "undermining the reputation and dignity of the country's president and hindering his activities."

In July 2006, amendments to media legislation were signed into law by President Nursultan Nazarbayev that imposed costly registration fees for journalists, broadened criteria for denying media outlets registration, required news outlets to submit the names of editors with their registration applications, and necessitated re-registration in the event of an address change.

This level of repression against such a critical pillar of democracy, as well as its dismal performance in other key areas such as permitting genuine elections, are clear proof that Kazakhstan has no business taking over the chairmanship of the OSCE in 2009.

Turkey      Press Freedom Ranking: 49      Status: Partly Free

In Turkey, which boasts a vibrant media, including notably a vast array of private television and radio stations, the primary impediment to press freedom has been the prosecution of journalists under provisions of the new Turkish Penal Code, which came into force in June 2005. Article 301 of the penal code allows for imprisoning journalists from six months to three years for the crime of "denigrating Turkishness" and has been used to charge journalists for crimes such as stating that genocide was committed against Armenians in 1915, discussing the division of Cyprus, or writing critically on the security forces.

Earlier this year, a number of media outlets, including Kanal Turk TV, which is perceived to be critical of the ruling AK party, complained of attempts by the government to curtail its critical reporting through financial and tax inspections of journalists and family members.

Despite these continuing concerns, Turkey has by and large seen an impressive improvement in press freedom over the past decade. In 1996, Turkey received a lowly 74 out of a worst possible 100 in press freedom and was ranked as Not Free. By the year 2000, Turkey had jumped to a rating of 58 and into the Partly Free category and it currently received a score of 48.

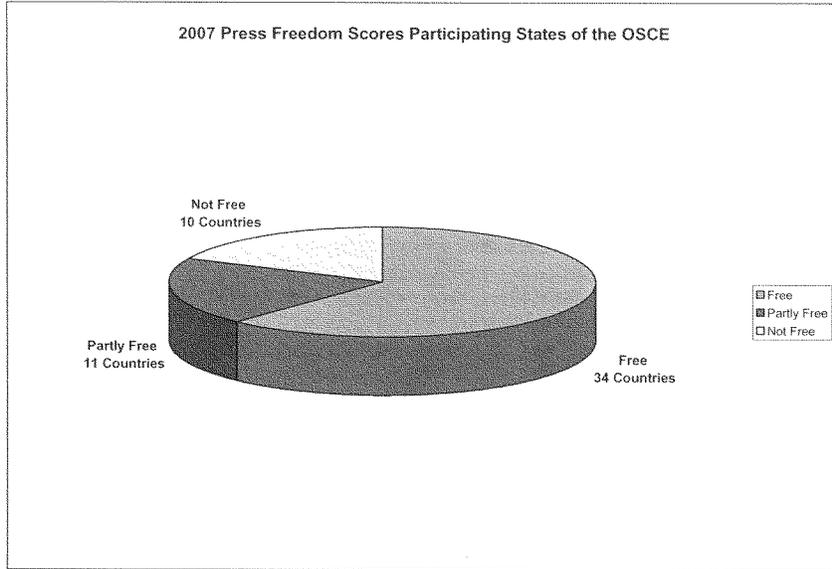
In summary, while there has been tremendous progress in the level of press freedom in OSCE countries over the past decade, particularly in Central and Eastern Europe and in Turkey, this stands in stark contrast to developments in the countries of the CIS. The

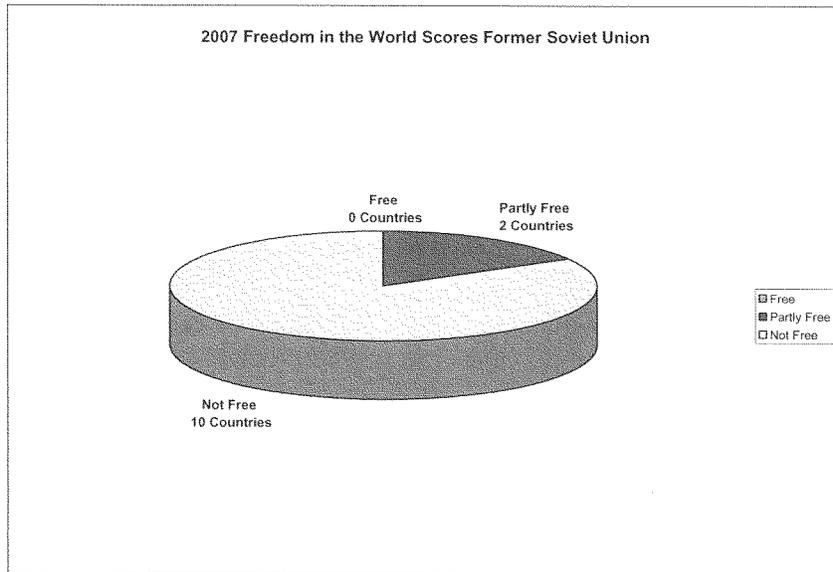
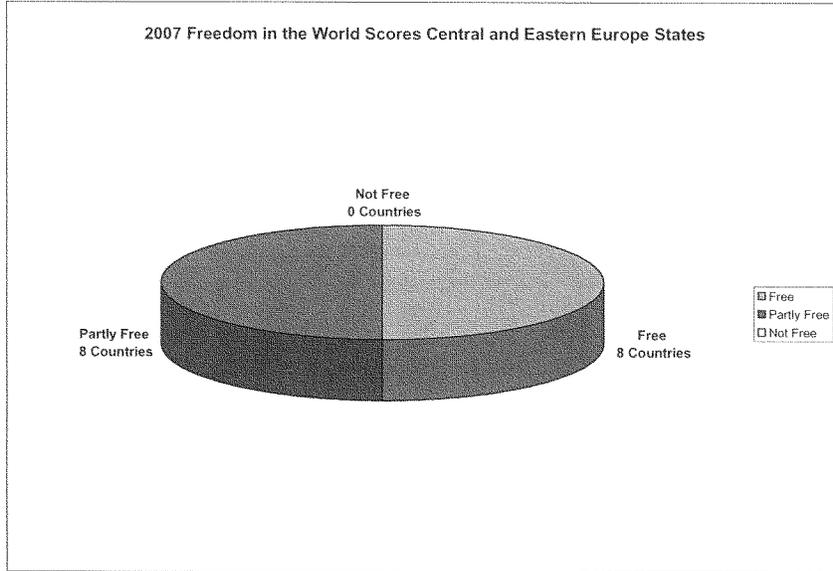
OSCE has played a vital role in supporting the democratic development of its members, not only in the enhancement of media freedom, but in other key areas such as free and fair elections. Freedom House hopes that the OSCE will continue to play an influential role towards those countries whose journalists and citizens are still denied basic rights. The imminent decision on OSCE leadership is an important test of whether its member countries maintain the will for it to do so.

The United States should be playing a leadership role in ensuring the OSCE's continued effectiveness. The upcoming OSCE Human Dimensions Implementation Meeting in Warsaw in September and the OSCE Ministerial in Vienna in December provide two key forums to determine OSCE's plan of action to address repression of free media, including directing the OSCE Representative on Freedom of the Media to undertake an investigation into these countries' practices.

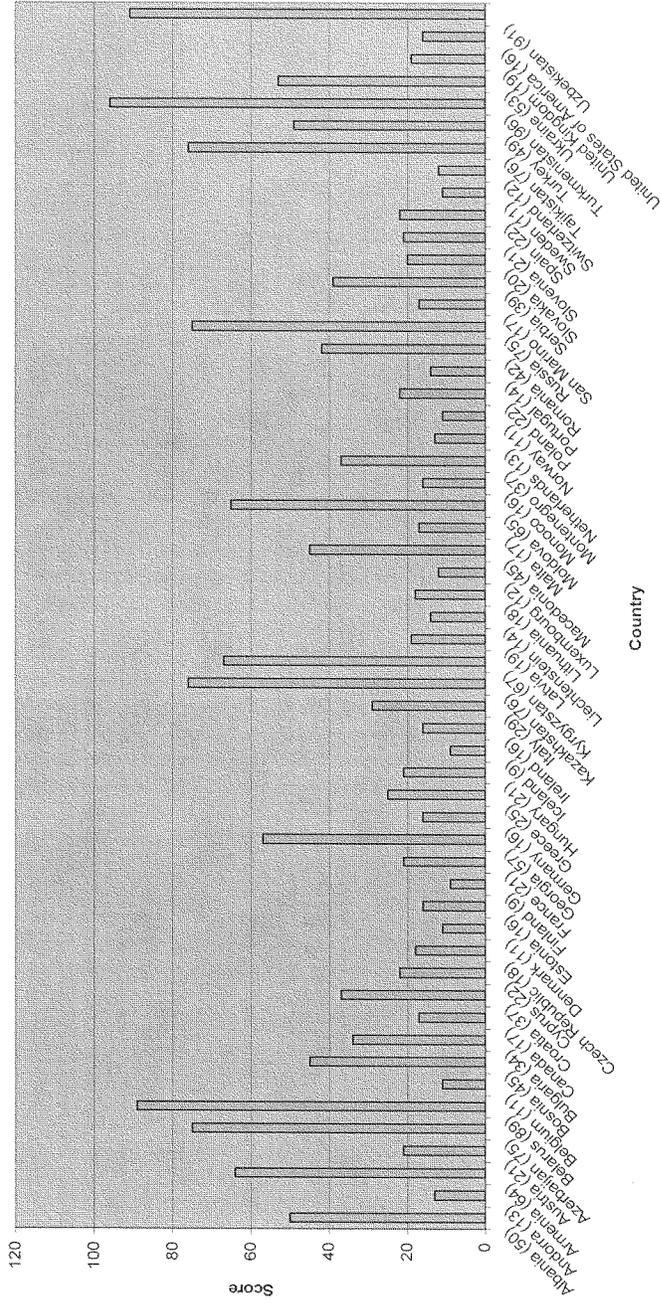
I again thank the commission for asking me to testify at this hearing and look forward to your questions.

Press freedom scores are based on Freedom House's Freedom of the Press 2007. Countries are given a total score from 0 (best) to 100 (worst) on the basis of a set of 23 methodology questions divided in three categories: legal environment, political environment, and economic environment. Countries with a score of 0 to 30 are designated as "Free," 31 to 60 as "Partly Free," and 61 to 100 as "Not Free."





Press Freedom Scores Participating States of the OSCE



Press freedom scores are based on Freedom House's *Freedom of the Press 2007*. Countries are given a total score from 0 (best) to 100 (worst) on the basis of a set of 23 methodology questions divided in three categories: legal environment, political environment, and economic environment. Countries with a score of 0 to 30 are designated as "Free," 31 to 60 as "Partly Free," and 61 to 100 as "Not Free."

**RESPONSE OF NINA OGNIANOVA TO WRITTEN QUESTIONS  
SUBMITTED BY THE COMMISSION ON SECURITY AND CO-  
OPERATION IN EUROPE**

*Question. Were there any attempts to create an investigative group of international journalists to investigate such cases as Elmar Huseynov's assassination? The FBI participated in early investigations of this case. Did CPJ or any other groups ask for their findings?*

Answer. In the case of Elmar Huseynov, an FBI agent—Brian Parman—participated in the forensic investigation early in the murder probe. However, there wasn't a follow-up and the Azerbaijani government has not sought help from U.S. authorities since.

As for creating an international investigative journalist group: on May 28, the International Federation of Journalists (IFJ) announced in Moscow the launch of an international commission of inquiry into the killings of Russian journalists. (It was during the IFJ Congress, which was hosted by the Russian Union of Journalists in Moscow this year.) The commission's research is to mainly be the work of two leading Russian press freedom group—the Center for Journalists in Extreme Situations (CJES) and the Glasnost Defence Foundation (GDF).

*Question. Seven journalists are currently detained in Azerbaijan. What are the recorded numbers of detained journalists in other countries in the region—Armenia, Russia, Turkmenistan, Uzbekistan?*

Answer. Azerbaijan is the leading jailer of journalists in the region. Uzbekistan is the runner-up in this dishonorable ranking—with five behind bars. Russia and Armenia come third and fourth—with two and one behind bars, respectively. CPJ publishes an updated list of journalists in prison in December every year. It can be accessed at: [www.cpj.org](http://www.cpj.org).

*Question. Nina Ognianova said the U.S. cannot be indifferent and should do something about press freedom in Russia. What are some of the things can and should the U.S. do, particularly in North Caucasus?*

Answer. 1. The U.S. government should take every opportunity to make press freedom a priority, which would include raising press freedom concerns consistently in any bilateral meetings or international summits involving states from the region.

2. Concerning press freedom in Russia:

- The U.S. government should publicly renew its offer to assist Russian authorities in the investigation of the 2004 murder of U.S. journalist Paul Klebnikov. The Moscow City Court jury trial of two suspects in the killing is currently in limbo because of Russian authorities' inability to locate and apprehend one of them—Kazbek Dukuzov—who went missing in March. CPJ encourages the U.S. government to press for the apprehension of Dukuzov, and to press Russian authorities to further identify and apprehend the alleged masterminds of Klebnikov's murder, who remain at large more than three years after the crime.

- The U.S. government should request regularly reports from Russian authorities updating the progress of the murder investigations of both Paul Klebnikov and Anna Politkovskaya. Both Klebnikov and Politkovskaya—who was slain in a contract-style hit

in 2006—were U.S. citizens; due to that fact, the U.S. government is uniquely placed to positively influence the progress in each of their murder investigations. The solving of both these high-profile, journalist assassinations would set a positive precedent. Fourteen journalists have been murdered for their work with impunity in Russia since 2000; justice in Politkovskaya's and Klebnikov's cases would finally help overturn this record.

- The U.S. government should continue keeping close tabs on the progress of the investigations of the twelve other work-related murders of journalists committed in Russia since 2000. One case where the Russian authorities are making marked progress is that of the 2000 murder of *Novaya Gazeta* journalist Igor Domnikov. Five suspects currently stand before a court in Kazan, in the republic of Tatarstan, for killing Domnikov. But the alleged masterminds of the murder are not prosecuted. The U.S. government should call on Russian authorities to ensure that the criminal investigation includes prosecution of the intellectual authors of the crime. If the masterminds in this case were to be prosecuted, Domnikov's case would become the first journalist murder case in contemporary Russia, where both the immediate killers along with those who hired them would finally be brought to justice. This would set a watershed precedent.

### 3. Concerning press freedom in Azerbaijan:

- The U.S. government should encourage Azerbaijani authorities to resolve the contract-style slaying of opposition editor Elmar Huseynov in Baku in March 2005. To date Azerbaijani authorities have made no known progress in finding and prosecuting his killers. One former colleague of Huseynov's—independent editor Eynulla Fatullayev—was jailed on trumped-up charges of allegedly defaming Azerbaijanis shortly after publishing his own investigation into Huseynov's murder in his now-shuttered weekly *Realny Azerbaijan*. Huseynov's murder and Fatullayev's imprisonment have had a chilling effect on the practice of critical journalism across the country. Violence against Azerbaijani reporters is not only frequent but it also nearly always goes unpunished. The U.S. government should press Azerbaijani authorities to resolve Huseynov's murder and the 2006 brutal attacks against opposition journalists Fikret Huseinli and Bakhaddin Khaziyev. After having received phone death threats that warned him to discontinue his reporting, Huseinli, who was investigating alleged government corruption at the time, was kidnapped on March 5, 2006, and his throat slashed by unidentified assailants in a Baku suburb. After having written articles critical of high-ranking security officials, Khaziyev was abducted by five men on the outskirts of Baku on May 19, 2006. The assailants beat him over several hours, and drove over his legs with a car. Both Khaziyev's and Huseinli's attackers are still at large.

- The U.S. government should press Azerbaijani authorities to release journalists held behind bars for their work. Azerbaijan currently imprisons seven journalists, making the nation the top jailer of journalists in Europe and Central Asia. Most disturbing in all these cases is the fact that most journalists are held on criminal charges filed by public officials. Defamation remains a criminal offense in Azerbaijan. The U.S. government should call on Azer-

baijani authorities to release the seven jailed journalists, and to also take steps to decriminalize defamation as part of an effort to reverse the country's deplorable press freedom record.



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