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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 terrorism." 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 Starikovich, 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 Berdimuhammedov—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 Muhalifet, 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.