Briefing on Russian Media in Light of Upcoming Elections



May 14, 1996

Briefing of the Commission on Security and Cooperation in Europe

ABOUT THE ORGANIZATION (OSCE)

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The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

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ABOUT THE COMMISSION (CSCE)

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To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

BRIEFING ON RUSSIAN MEDIA IN LIGHT OF UPCOMING ELECTIONS

TUESDAY, MAY 14, 1996

Commission on Security and Cooperation in Europe and the International Human Rights Law Group Washington, D.C.

The Commission and law group met, pursuant to adjournment, at 2:15 p.m. in Room 2255, Rayburn House Office Building, Sam Wise, [international policy director, CSCE] presiding.

Mr. *Wise*. Good afternoon. I'd like to open up this briefing of the Commission on Security and Cooperation in Europe. My name is Sam Wise, and I am the international policy director for the Commission. We had hoped that our chairman, Congressman Smith, could be here to open the briefing this afternoon, but unfortunately he was called away. On behalf of him and Senator D'Amato, who is the co-chairman, I welcome you here.

Today's briefing will look at the Russia media in light of the upcoming elections and also with an eye toward Russia's obligations to permit and protect the free media in Russia, which that government agreed to do when it signed the Helsinki Final Act—of course, at that time being the Soviet Union—and in subsequent OSCE documents. We will examine the true state of the press in Russia, whether the Yeltsin regime is complying or even trying to comply with its internationally recognized obligations.

Certainly Russian media has come a long way since the Cold War when there was "no truth in 'Pravda' and no news in 'Izvestiya'." But while today Russia's producing journalists can compete on equal professional and qualitative terms with their colleagues around the world, journalism in Russia has become a dangerous profession, especially for journalists daring to expose corruption in high places. We will shortly hear from one of Russia's best television combat journalists who will speak to these issues.

The Committee to Protect Journalists reports that in the last two years at least seven Russian journalists have been murdered and that authorities have made little effort to apprehend the guilty parties. One such journalist, Natalya Alyakina, was killed by a Russian soldier in Chechnya after she passed through a military checkpoint. And while the identity of the perpetrator appears to be known to the authorities, there has not yet been an indictment. Today we will hear from a representative of the committee.

Under the current regime, if Russian journalists are not physically mistreated, they and their newspapers can always be put out of business by high-handed authorities. The Fund for the Projection of Glasnost reported recently that the newspaper "Soviet Kalmykia" had its equipment seized or was forced to relocate its printing operations out of Kalmykia because it was "giving sensitive information." And the Commission has numerous other examples of Russian authorities harassing the media.

We Americans are fond of quoting Thomas Jefferson when he said that, given a choice between a government without newspapers or newspapers without government, he would take the latter. However, 20 years later Jefferson had become considerably more cynical about the press, claiming by then that a person who didn't read newspapers was better informed than a person who did, because the newspapers, in Jefferson's opinion at that time, were so full of errors and falsehood.

In this age, I hope Russia and the United States can have both, governments and newspapers, accurate newspapers, and that we will be better informed because of the newspapers and television news. It is also my hope that this country will provide a better picture of the Russian media situation and perhaps some of the ideas of what, if anything well-wishers outside Russia can do to assist freedom of the press inside Russia and other OSCE participating states.

Our guests today are certainly qualified to address these issues. It's certainly a pleasure to welcome Ms. Elena Masyuk at the end of the table. She is an award-winning reporter from the independent NTV channel in Moscow. Her live coverage of ethnic and political conflicts in the former Soviet Union, especially in Chechnya and Tajikistan, earned her the 1995 Moscow Union of Journalists Award and a Teffi Award, the highest honor for TV journalism in Russia.

Her eye-opening NTV reports on the Chechen war compelled official government networks to follow suit and provide the Russian people more realistic coverage of the situation, and it was she who uncovered and reported on the radioactive containers planted by Chechen activists in a Moscow park last November.

Prior to working for NTV, Ms. Masyuk worked for "Vzglyad," one of the first controversial political shows started at the beginning of Perestroika.

It's good to see on my right Ms. Catherine Fitzpatrick back on the Hill with us. She is the program coordinator for Central Europe and the republics of the former Soviet Union's core Committee to Protect Journalists. As such, she works with Russian journalists to develop independent press monitoring within Russia and she is also dealing with press freedom issues in the Balkans and Central Asia.

Previously, Ms. Fitzpatrick served as a consultant on the development of civil societies and human rights programs in the former Soviet Union with the Soros Open Society Foundation, the Ford Foundation, the Human Rights Project Group, and the Amakh [sp] Foundation. The Commission also remembers her as research director for nine years of the former Soviet Union division of Helsinki Watch's New York office.

We will begin with Ms. Masyuk, and after she and Ms. Fitzpatrick have given some prepared remarks, introductory remarks—I don't know whether they're prepared or not—we will open up the floor for questions from the audience. So we'll start with Ms. Masyuk.

Ms. Masyuk. [Through interpreter.] Excuse me. I'm going to speak in Russian.

Dear colleagues, and ladies and gentlemen, it's common knowledge that you cannot live in a society and be free from it. Russian journalists cannot live in Russia and be free from the Russian way of life, so to speak, especially on the verge of the presidential elections. And I'm talking on the eve of the elections about the configuration of political forces which have now taken place in Russia. The big issue now for the Russians is, who will win the elections—Yeltsin or the Communists? It was half a year ago that people who used to say they would never vote for Yeltsin are now ready to do it, and most of them will vote for him just because they don't want the Communists to come to power.

The Russian mass media reflects this mood of the people. It became especially clear

after March 31. That was the day after President Yeltsin announced his peace plan for Chechnya. I remember when all of us - that is, journalists working in Chechnya—were waiting for this Yeltsin plan. There was a lot of agitation, and everybody knew that on the 30th Yeltsin would announce this plan to bring an end to the war in Chechnya. Everybody had the impression that the minute Yeltsin announced his plan on television that the war would come to an end. But it's been a month and a half already since then, and the war has gone on and nothing has changed.

However, the reports of journalists from Chechnya have changed. Today, more often than usual, journalists just substitute real stories for the bare official reports that the Defense Ministry hands out. It is these reports that say how many times federal positions were put under fire by the Chechens, how many were killed, how many wounded. Of course, the number of Chechens wounded and killed are not reported. Now, the reason that journalists are just using these dry military communiques is that the Russian military has forbidden journalists to get into areas where they are carrying out what they call cleansing operations. Basically, in more informal language, it is that the Russians are just shooting up and robbing the Chechen villages.

And it's become common in Chechnya to threaten journalists, to deprive them of their accreditation, their documents and their tapes, and that's why very often journalists who want to get true information by any means dress as the native Chechens and avoid the Russian checkpoints. I have been in Chechnya several times, and I myself have been subjected to these refusals to be allowed to where the Chechens are. Sometimes I had to dress up as a Chechen, as well as my camera operator, and the Chechens would help me get past the Russian military checkpoints. The Chechen women would bring our equipment through in a truck, and they put the camera underneath one of their skirts.

When we tried to get into this village called Bamut, which has been famous for its tenacity, to avoid the Russian checkpoints because we had been three times refused when we tried to get through in a car, we took horses and rode 20 kilometers over the mountains. After I made the interview with Shamil Basayev after the Budenovsk tragedy where he took over a hospital and took hostages, the Russian office of the Prokuratura, or the attorney general in effect, was trying to institute proceedings against me because I didn't report to him about the location of Basayev.

And in November of 1995, after NTV aired my story about the container with the cesium-137 found in the Izmailovsky park in Moscow, the Federal Security Service interrogations were so frequent and so long-lasting that I thought they'd never end. Then they offered me a deal for collaboration. They wanted me to give them information about the location of several leaders of the Chechen commandos and about their distinctive features. In answer to this proposal, I told them that they might better study the distinctive features right down there at the location in Chechnya.

Coming back to the problem of why the journalists are now exchanging their stories for these short war communiques, I would name the second reason. This spring, the Russian press has felt the influence of censorship, self-censorship of the reporter himself and the editor's censorship. After the announcement on the 31st of March of Yeltsin's peace plan, journalists working in Chechnya no or analyzing the situation in Moscow were given an unspoken order to report that Chechnya the peace plan and Yeltsin's orders are really taking effect.

I'll give you an example. The deputy premier of Chechnya was detained in Moscow last week. His name is Beslan Gatamirov. He had been mayor of Grozny for quite a while during Dudayev's time. Then he left the Dudayev camp and went to the opposition, and he headed up the armed forces. During the Chechen events, Gatamirov became mayor of Grozny. Almost all the money and the resources that Russia had sent there to reconstruct Grozny had gone through the hands of Gatamirov, and everybody was saying that this money was actually going into Gatamirov's pockets. But, nevertheless, Gatamirov was mayor of Grozny for over a year. And it's only now that Gatamirov was picked up and is now in an investigative cell of the Federal Security Service. Now everybody assumes that this is just a symbol to show everybody that Russia's actually doing something about the war, and doing something to try and at least reestablish some sort of economic order.

So the situation now, you know, Lord willing, may be that in the Russian media true information may constitute about 20 percent. With the elections coming up, any sort of information that might harm Yeltsin's chances is either edited or is just not put out. This particularly relates to Chechnya, because the war was unleashed by Boris Yeltsin and the Chechen war represents a huge loss for him. All the candidates for president in Russia are now playing the Chechen card. They're all saying that they can stop the Chechen war, but I don't think this is really possible. But I think that the only real thing that could stop the war is real action, interference so to speak, or intervention by President Yeltsin.

The last two weeks now people have been talking about the possibility of Yeltsin visiting Chechnya. Yeltsin himself said he has to go down and talk with the military forces there and thank them for their well-carried-out actions. Every one of us that has worked there has been trying to think, "Now, where can he go in Chechnya where he would not be in danger?" We came to the conclusion that the only safe place he could find is the airport called Severny—that is, "Northern"—which is on the outskirts of Grozny. Any other moves he may make through Grozny, if not covered by the Russian military, totally controlled by the Russian military, could be dangerous for him, because Grozny is filled with Chechen snipers.

Today I found out it was supposed to be the 15th, but I've also heard that it's also been canceled. Last night there was a meeting, a conference, of a Commission set up supposedly to settle the Chechen crisis, and apparently Mr. Stepashin, the former head of security services, said that this trip should not take place. Well, he said that it's dangerous there, but the political situation isn't so bad that he really needs to go there. Now all the journalists who were planning on going down there are starting to think: ``Well, what's he going to do? Is he going to show his character? Is he going to go down there? Or is he going to remain back in the rear."

As far as the Russian press is really concerned, the Russian democratic media has, willingly or unwillingly, united to support Yeltsin. Russian journalists have almost forgotten how in 1994 Yeltsin conducted the orchestra in Germany on behalf of the final withdrawal of the Russian troops from there, how on his way from America back to Russia through Shannon Airport Yeltsin fell asleep in his plane and he didn't go out to greet the Irish prime minister. And nowadays to many journalists it seems that in January 1996 it was not President Yeltsin who spoke about the 38 Russian snipers sent to fight the Chechen gunmen in Pervomayskoe village. And I'll just give you three examples of situations back when people said, ``Oh, this is shameful for Russia, and heaven forbid that Yeltsin becomes Russia again."

Today journalists are ready to forget a lot of things, just as long as Zyuganov doesn't

come to power. As I say, of two evils, they choose the lesser.

Thank you for your attention.

Mr. Wise. Thank you very much, Ms. Masyuk.

I would also like to thank John Finerty of the Commission staff for his interpretation. We are grateful to you for helping out.

Now to Ms. Fitzpatrick.

Ms. *Fitzpatrick*. Thank you, Sam. As you all know, I have been a long admirer of the Commission, and the NGO community is very grateful for all the dedication that you and your staff have shown over the years toward civil rights issues in the region.

CPJ is a group that is mainly concerned with protecting their colleagues. Most of our work is case work, and most of our monitoring of the press freedom situation in countries is through the eyes of journalists who have tested the limits.

We feel that the media in Russia still, although certainly much freer than were up to the coup or up to the events in '93 when the White House was shelled—of course, it's much freer than it was before those dates, but it still faces very significant obstacles in performing its work.

CPJ is most gravely concerned about restrictive and even deadly conditions in the Russian republic of Chechnya. At least nine journalists have been killed while covering the war since troops stormed Grozny in December of '94. Five were killed in crossfire; four by attempted assassination. Additionally, four others are missing and presumed dead. One is an American journalist from Pennsylvania. We've repeatedly called on Russian officials to no avail about these cases, and recently we've addressed President Clinton and other top American officials, hoping that they will raise the matter with the Russian government, but to date we haven't received any written response to our appeals. We also remain troubled that the Russian government has failed to investigate a rash of unsolved murders of journalists in the last two years. And I wish to submit for the record our latest annual report and also written testimony where we outline all of these cases in detail, including our own investigations on the scene, and some of the information from this presentation comes from my own trip to in Moscow in March.

As we get closer to elections, I guess it's sort of the perceived wisdom that the media, as Ms. Masyuk has noted, has had to choose between two evils. It's kind of in a Scylla and Charybdis set-up, and they've already demonstratively made their choice, which is for Yeltsin. I think that it's not something that we can so much common as a press freedom organization because it's really a matter of journalistic ethics. The journalistic community in Russia has to sort out for itself how it covers events and how it covers campaigns.

But we as an organization can point out that the track record of Communists is indeed grim. Our files are full of cases that question the use of imprisonment of writers and journalists and samizdat publishers and so on before '91. And certainly the Communists have so intensive doubts about how they would handle the media if they were to come to power. Recently, Zyuganov has gone on record as saying very clearly, "We will place the under state control. The media have been sitting on everybody's necks and dictating everything to the public. They distort the truth and impudently lie about our Russian Communist Party." So there's a lot of resentment that's clearly built up in the Communist camp, and we fear that, if they were to come to power, there might be retaliation.

On the other hand, we can see that the Yeltsin campaign has exerted inappropriate

pressure on the media in a variety of very subtle ways, some of which are hard to document. Some of them have been indicated by Ms. Masyuk. Generally we've found in our own interviews with journalists that they're sometimes reluctant to go on the record with the forms of pressures that are used against them—the calls from the FSB, which is the KGB's successor; the chats; the urge to cover things differently; the pulling of credentials. All of these subtle ways are still used very secretly with all variety of media, and it's not always something that the media itself even realizes is a form of pressure. Sometimes they almost take it for granted.

Nevertheless, my feeling is that in covering the war in Chechnya in the last few weeks, as much as I can tell, the press has asserted its right to report the truth. The television does—there is a contrast between official government pronouncements that there's a peace process, that there's no war, that there are no more military operations. There's the official version, and then there's unofficial or independent version, which is the federal troops are still bombing villages; they're locking them up, arresting people, not allowing in reporters. I mean, all of the facts are getting through.

When I was in Moscow, two press freedom groups released a report called ``Chronicle of Obfuscation." It's easier to say in Russian—``Khronika Zadymleniya," which means ``throwing smoke in your eyes." And it's called ``We Had Everything There But a Submarine," and it's a quotation from Yeltsin when he responded to a press question about how federal troops attacked a village there, and it has become a kind of catch phrase. Of course, they didn't have submarines in Chechnya, but perhaps Yeltsin may have wished they did. This book outlines the official version on one side of the page and the independent version on the other side. You can go through and read the 15 months of war and see two different versions of the story.

I think it's important to point out the kind of economic situation that the television and print media and finding themselves in Russia. NTV, which is often celebrated as the most independent, feisty channel, still is relying on the government to obtain its transmitter and its satellite space. Partly it shares Channel 4 with the state-owned television, and in fact, there's been some speculation that it's really driving the behavior of Igor Malashenko, who is, of course, the chairman of NTV and now Yeltsin's press adviser, media adviser. What is driving him is not so much fear of the Communists, fear that he may be nationalized or fired if they were to come to power, but a desire to make a deal with the president to obtain the whole channel. And the feeling is that, in exchange for working on the campaign and assuring President Yeltsin's victory over television, Yeltsin will cede the rest of the channel to him. Malashenko himself denies any such deal. He has gone on the record to say that he believes the channel should be entirely NTV, regardless of whether or not he is the president's consultant.

I single out that affair just because I think it very wonderfully illustrates the degree to which the media and the government are very much intertwined in some places, sometimes almost not distinguishable, and it's hard for outside observers to always see what is going on behind the scenes. But certainly the media is very dependent still for that kind of access to the transmitters. The newspapers, which reportedly still are dependent on state-run printing houses, have been reduced in their effectiveness because their subscription subsidies have been cut. And even a paper of record nationally and internationally recognized, like Izvestia, have a circulation of only half a million. That's the kind of climate they're operating in.

I do want to focus today on conditions in Chechnya, because I think on the eve of the

election Chechnya is very much at the center of the campaign and campaign issues, as Ms. Masyuk mentioned, that every candidate is invoking the Chechen card.

There have been two very disturbing deaths in Chechnya, both have been journalists, both murdered execution-style, without a doubt, because we have been able to investigate these cases in as much detail as possible. And although their papers are not speculating as to the killers, there are some very disturbing hints as to who they are. The one case is a young woman named Nadezhda Chaikova from ``Obshchaya Gazeta." ``Obshchaya Gazeta" has a circulation of about 10,000 and was originally founded by Yegor Yakovlev, who you may remember as the editor of ``Moscow News."

This little paper, highly respected, has been covering events on the ground, and particularly through the reporting of Ms. Chaikova had revealed a lot of atrocities committed by the federal troops in Chechnya. She had written about the filtration camps which the military denied even existed for a long time. She had gotten interviews with villagers from bombed-out villages. She had interviewed some of the Chechen rebel leaders, and some of the stories were very dramatic, like the Budenovsk and the Pervomayskoe hostage crises. She was a war correspondent and was very well known in Russia, and particularly in Chechnya.

Elena mentioned her method was to dress up as a Chechen woman in a kerchief and a dark skirt and to try to mingle in with the crowd, and she successfully used that method for all the months of the war. But her last assignment she disappeared, March 21st. She was last seen outside of Samashki, which was a village that was bombed and mopped up and then blockaded by the federal troops. And she escaped with a group of refugees, and she was last seen by an official there, and that official told colleagues who went searching for her, ``Go look for her on the federals' base." She had a camera. She was photographing everything that they committed here.

And the editors of ``Obshchaya Gazeta" finally did find a report of an unidentified woman buried in a village called Gekhi. They discovered that really no effort was being made to find the perpetrators. And how could that effort be made in a war zone? I mean, the zone in which she was found has been repeatedly bombed, although it was recently considered a kind of safe area. It's the Urus-Martanovsky district. And the ambushes and so on of the Chechen fighters have been taking place in this district. And that's where she was, and that's where her body was found. She'd been shot in the back of the head—blindfolded first, forced to kneel, and then dumped on the outskirts of town.

Investigating that story, I for the first time encountered something I hadn't found in many years in Russia: fear of speaking on the telephone, fear of going of farther with a story, and the desire to meet privately and to pass on materials—you know, that sort of thing that you found five, ten years ago in Russia.

Another case which just happened this week, also a young woman journalist, Nina Yefimova, also found executed, shot in back of the head gangland-style in Chechnya. She was someone who reported on the local crime scene. He mother was also killed in the same event. They were both abducted by persons unknown and taken to the outskirts of the city and murdered. In the Yefimova case, the deputy interior minister of Chechnya has already announced that he is conducting an investigation and has suspects. On day two of the story, very high officials were involved, although within the Republic of Chechnya. There hasn't been a reaction yet from Moscow central.

With the Chaikova story, there's been absolutely no reaction from central authorities

either from Chechnya or Moscow. Just the local prosecutor filed a case of the murder, but that was the end of it. And so that's why we've been urging for a full investigation into her death. There are a number of possible ways in which she could have been killed, and all of them would be very threatening for anyone attempting to get the story on the ground in Chechnya.

Also another case of a sniper bullet killing a cameraman in Grozny.

And Mr. Wise mentioned the Alyakina case of a journalist whose credentials were honored. She and her husband went through the checkpoint, and then she was shot in the back after passing through.

I also have some missing people that we fear are dead, and as I mentioned, one American, Andrew Shumack, who disappeared after saying he was going to go photograph fighters in the mountainous regions. Nothing has—no more trail left of him, despite repeated efforts by U.S. Embassy officials. One aspect of that story that's been distressing to us is that the U.S. Embassy has repeatedly told local NGOs who are attempting to help find Shumack that they do not provide any information on American citizens, that this is invoking part of the privacy law apparently.

And I fear that this is somewhat like the analogy of the Child Welfare Administration in New York, where for so long officials were saying, "We don't give out information to protect privacy," but what they've effectively protected is any kind of insight as to how they're doing in their job. And I think that it's important to override that regulation or to investigate how it is actually enforced, because while some Americans caught in embarrassing situations abroad would want to have their identity protected, if someone's missing or in jail or feared dead, everything possible should be done to involve the local NGOs and the international humanitarian community to find them.

Also there are other persons who are in prison in Chechnya, and we have many, many incidents of attacks on journalists that we report in our annual report. The local group is Glasnost Defense Foundation, which is the way we usually translate it. It just sort of flows better in English. They've put out a huge yearbook of all the violations against journalists during the war and all the things that Ms. Masyuk was telling of taking away their tapes and, you know, sicking dogs on people at checkpoints and so on.

One thing that's been of concern to foreign reporters is the satellite phones, which are really the only way you can report the story out of Chechnya without having to rely on government channels, which don't work so well anyway. As you know, there's a widespread discussion about whether or not General Dudayev was using a sat-phone when he was taken out by a missile. And we don't speculate on that, but there has been concern about the ability of the Russian government to track the satellite phone signals and what kind of effect that might have on the use of sat-phones by journalists if they make heavy use of them. One journalists we interviewed said he was stopped at a checkpoint and a soldier told him, ``That thing is worse than a weapon," and it was kind of like the modern day version of ``the pen is mightier than the sword," I guess, you know, that the satellite phone reporting the story is stronger than the weapon that attempts to stop that.

All of these kinds of issues we discuss on our Web site, which I also wanted to enter into the record a printout of this. But it is an interactive Web site, where people can go in and find the latest conditions in Chechnya and other combat zones around the world. And we're hoping that that will help protect some of the journalists.

I'd just mention—I think we're probably running out of time. Another big issue for CPJ is the unsolved murders of journalists. Actually we've got eight, but you have to account for one found yesterday. I mean, very frequent reports. We've probably got even more names. There are some that we're still investigating. But we tend to only report the ones that we can really identify as murders related to a journalist's activities in journalism. Some of these stories are kind of murky; they're not always related to actually the press work. They could be related to investments or relatives or things that aren't necessarily pertaining to journalism. So the ones that we put in our report are the ones that we've determined seem to be generally agreed by colleagues, by the prosecutors and other officials as related to their journalistic work.

The one yesterday was a typical case, unfortunately. Viktor Mikhailov, a reporter for leading daily regional newspaper, ``Zabaikalsky Rabochy," was killed in Chita. His mutilated body was found May 13th. According to Interfax and AP, he covered crime and law enforcement agencies in Siberia. And that's usually the pattern with the stories, is they're people who have written about the underworld in some fashion or involved in the effort to crack down on organized crime or the drug trade or what have you, and some of their contacts come back to haunt them.

We have, aside from that, the very recent murder—we have at least seven unsolved cases that we all persistently go back to Russian officials about. One is the Listyev case, probably a name you're familiar with. He was the man who took over Russian Public Television and tried to clean it up. Many of their contracts with advertising agencies were suspect, and he was believed to have been murdered by Ostankino's advertising syndicate that is believed to have contracted his murder. This investigation has attracted a lot of attention internationally, and I understand there's been some international policy investigative organ involved in the case.

The media mogul, Boris Berezovsky, who owns are large part of ORT, which is public television, TV-6, ``Nezavisimaya Gazeta," and ``Ogonyok," which are two leading liberal publications—he has come forward recently from a self-imposed exile abroad and said that he has some leads on the Listyev murder and he's going to talk, but so far he hasn't. And he has said he is not going to conduct his own investigation, but is going to urge law enforcement agencies to take up the case seriously. Well, all of us have done that, and so far we haven't had any serious answers.

We routinely get back letters from prosecutors' offices all over the place, from Krasnoyarsk to Moscow to whatever, but they always have kind of a standard format: ``An investigative group has been formed. They've found people. They're working hard. They're diligent. We hope we'll solve the case. We're enlisting the aid of the FSB, the security service. And we'll let you know if we find any suspects."

I don't want to have all the dramatic stories of the murders detract from sort of the garden variety harassment that most journalists in Russia face daily, because most of them aren't going to the combat zones and not covering the underworld. But still they face many restraints on their work that aren't always well publicized.

There's one form that's been visible in the period leading up to the campaign, which is the sort of strong recommendation to include government information in the press. I mean, there's documented cases of that all over, and I suspect we'll see many more of them before this election is over. Generally, when I look at the way these incidents work, it's almost a case of, you know, "your Communists versus our Communists." I mean, some of the people in the Yeltsin campaign are reverting to their old Communist habits of controlling the press, sending them directives, telling them what to write about, urging them to be "objective"—quote, unquote. That sort of habit. And that's echoed by the other side of the street, which is the Zyuganov campaign, which also includes many nationalists who are kind of riding on Zyuganov's coattails, and they also have, in a variety of ways, put pressure on local press particularly in the provinces.

A typical case that I've cited in my written testimony is in Volgograd, where you've got, you know, the typical case where you have one of these anti-Semitic, nationalist papers that kind of runs the press, the information scene there, and a smaller paper characterizes them as extremists or fascists, and then the nationalist paper takes the liberal paper to court. And, sadly, most of these court cases are lost. I mean, whether it's Gaidar, who's been sued by Zyuganov or—I mean, by Zhirinovsky for slander in calling him a fascist, or whether it's this little paper, ``Gorodskie Vesti,'' they ultimately lose, and that means that they're forced to print retractions in the press.

These slander sheets clog up a lot of the courts. Many journalists are fighting kind of lonely battles. I mean, I found the major papers of record there, you know, that have six, seven, eight of these cases on each one of the papers. They will not have banded together in any way to kind of fight this whole system of slander suits, but each one has to hire a lawyer. That's expensive. There's no kind of pro bono system there really. Very few lawyers are competent to try these cases. And they just try to, you know, restore their good name in the courts and usually fail. I've written quite a bit about this.

An organization which plays a very powerful role, a role that is complicated to understand, is the Judicial Chamber for Information Disputes. It's an extra-judicial body, and Russia, of course, has a very bad record from its history with those such extra-judicial bodies. This chamber rules on matters that really ought to be ruled on by the courts, and it tends to enforce the press law with a mixed success. Sometimes, its on the side of the liberal papers that are struggling against repressive local governments, and other times it's attempting to curb what they feel is controversial writing, such as the one we cited here where the author, a fellow Russian journalist who was critical of the veterans in the country and was forced to publish in "Izvestiya" because she couldn't publish in Belarus, was told by this judicial chamber that she'd have to have balanced coverage, so then "Izvestiya" was forced to open up their pages to the veterans' point of view. So this is a sort of Borovmilovka [sp] at work, you know, the equalizing method of creating balanced coverage by fiat rather than letting the market-place of ideas handle it.

I do want to, just in closing, mention again the work of local organizations, because I think that especially in the pre- and post-election period it's going to be very important to support what they do and to get their information and to help them circulate it. One of the groups is Glasnost Defense Foundation, which has plans to open up eight regional centers to monitor the press and its difficulties there. Another one is called Global Press Syndicate, which issues a monthly bulletin where they report on attacks in the press and the slander suits, and the judicial chamber's verdicts, and all those issues that are important to Russians in their scene.

Generally, CPJ doesn't take a stand on press law. We generally feel that the best law, the best press law, is no press law, coming out of our tradition of the First Amendment, and

the Supreme Court as a venue of determining these things. In other countries, they, of course, have a very heavy reliance on press law, sometimes to ensure press freedom in places where it's threatened, but other times that very ability to ensure freedom by the government becomes the two-edged sword which then takes the freedom away. And that's why we are critical of the Russian press law in a number of areas, because it does have that two-edged sword effect in dealing with controversial issues there, of which most of them are very complex. There are many players, there are many issues of morality and ethics and reporting methods at stake which aren't always best decided by law or by the courts, but which ultimately really would have to be decided by the media community and the larger public.

nk you.

Mr. Wise. Thank you. We will go now to the questions. I'm going to exercise the prerogative as the mediator and ask one myself, and then I'll turn to the rest of you.

There have been quotes recently from a Russian sociologist and pollster, Boris Grushin [sp]. Let me just read briefly what he said about the Russian press and ask for your reaction of both of you. He claimed Russian journalists were presenting an overly negative image of contemporary Russia and were scaring the public. "Journalists are the main enemies of our society," he said only half jokingly, and warned that most of what they write is driven by narrow political or economic interests. How would you react to that? Yeah, sure, you start first.

Ms. *Fitzpatrick*. Well, that kind of comment has been made frequently by both top government officials, Yeltsin himself, and by independent observers, and I think in one sense I can only respond to it with the Russian proverb that is often cited in these cases, that if you have a crooked face, don't blame the mirror. That's the problem that was cited by the a former parliamentary deputy— [unintelligible]—in this regard, that the press covers negative features of Russian society because they are there and because it's part of the people's right to know.

As I said, we really don't comment on the question of the ethics of what you do and do not publish. I mean, there are very many dicey judgment calls that come up in their setting. You know, they'll have an interview with a Chechen fighter who's calling for the jihad—I think it's called the gazovat [sp] in their language—and the executives wonder if they should put that on television because it is an ugly reality, and they worry whether it's going incite public riots, and they censor it off the television.

Those kinds of judgment calls are made by TV executives in our country, in any country. So it's not really something, again, that you can comment on from the perspective of some kind of international law or practice, but I would say generally that's a suspect comment, because it still indicates a tendency for the government to define what's pretty and what's objective and for the government to shape how media portrays society.

Mr. Wise. Ms. Masyuk, would you like to say something?

Ms. *Masyuk*. [Through interpreter.] Yes, I'd like to add a few things to what Ms. Fitzpatrick said. As far as sociological studies are concerned, that's a rather subjective thing. Grushin and his colleagues, sociologists, have their fair share of interests in political terms. For instance, our program, "Itog," every week gives a sociological questionnaire or a survey on the popularity of candidates for president. About two months ago, for instance, Yeltsin's ratings were very low, around 8 percent, and Zyuganov's was there around 20. And all these questionnaires or these surveys were showing that Yeltsin was coming up, coming up, com-

ing up, coming up, and now he's neck-and-neck with Zyuganov.

So, as far as the statements made by the respected sociologist, Mr. Grushin, I would relate to that the same way as I would relate to a statement by a subjective sociologist. You know, we've been told for about a year now that we should find good things in Russia, you know, we should describe the good things, not look at the bad things, because it's easy to write about bad things, but to find something good, now, that's now that's a real journalistic challenge. But we try to find good things. It's difficult.

Mr. Wise. Thank you both.

Questions from the floor now. I would ask you to come up, first raise your hand, and I'll identify you or call on you. Come up to a microphone. We are recording this. We hope to have a written record afterwards, so if you would come up to the microphone in front, we would appreciate it, and identify yourself and the organization or affiliation that you may have. And, finally, I notice there are some Commission staff members here; they are welcome to come up as well.

Now, we will just turn to questions, and just raise your hand, please.

Yes, sir?

Questioner. Max Gilchrist—[unintelligible]. A question for either of you. You were speaking of the murders, what kind of assistance are you getting from the international community as far as investigating murders or giving the employers some reassurance that it can be safe—[unintelligible]?

Ms. *Fitzpatrick*. I'm not exactly sure of your question. The international assistance, how do you mean?

Questioner. From the international community, assistance in investigating from neighboring countries—

Ms. *Fitzpatrick*. Yeah, that's a reference in a letter from a prosecutor's office which I'm curious about myself because that seems to indicate that in the Listyev and in the Kholodov, two murder cases—Kholodov was the one who picked up the briefcase and it exploded and killed him. He'd been investigating corruption in the army. With those two cases, the prosecutor's office implied or said in the letter that they hadn't brought in international assistance. And I don't know whether that means that these cases, the scope of these cases goes as far as Europe, maybe because the corruption that he was trying to discover was is in what's called the Western Group of Four Forces in East Germany, maybe it's a reference to Interpol because sometimes they bring in foreign colleagues but just give them general advice about how to conduct and work their own investigations. I don't know because he doesn't say.

But just if you mean the international community in the sense of, you know, the general public and governments, some of these cases they have had an international presence. The Alyakina case, she was married to a German citizen who was also a reporter, and I believe she had dual citizenship. The family went to enormous efforts to involve the prominent writers and journalists in Germany, and they were able to get to Chernomyrdin and Yeltsin. Both Chernomyrdin and Yeltsin went on the record saying, "We will do everything possible to bring this case to trial." But then it all disappeared.

In fact, you had mentioned that there wasn't an indictment. From our research, which includes talking to the husband of the deceased reporter, they did bring an indictment finally, but it's not a murder indictment. It's some lesser charge, and I think probably the

court case has already been tried in their local court very summarily, and the fellow has probably been given under three years for a misuse of his weapon. I mean, it wasn't properly conducted. There isn't a real indictment I guess is the way to put it. That shows you that even involving tremendous forces, like Kohl, like Chernomyrdin, they were not able to overcome the vested interest surrounding this case.

Mr. Wise. Is there a question here in the front? Yes?

Questioner. I'm—[unintelligible]—from the State Department. I wanted to ask you, Catherine, if you could comment about your impression of which side is responsible, or was responsible for the execution-style murders of Chaikova and Yefimova?

Ms. Fitzpatrick. Well, I can just say formally that we can't speculate because there just isn't enough evidence. But I can just say unofficially, when you look at the case of Chaikova, the arrows do seem to point more towards the federal troops than the rebels, although there is such a mixture of players on the scene—I mean, you have some pro-Russian Chechens, you have Chechens who have been told by Russian intelligence agencies that a certain figure is, in fact, a double agent, you have every conceivable kind of mixture there, which was going to have—the Tratkuny [sp] case, for example. So I can't really say who the actual agents of death were or what the motive was. I mean, the arrow seems to point towards the federal troops, and yet there were other journalists who went to that same village and who came away reporting the same atrocities at press conferences in Moscow. It's true they were foreigners, but they got away without any trouble.

This particular reporter had a long history in that region, knew a lot of people, sort of earned herself enemies on either side. However, again, it doesn't seem likely that the enemies would have been on the rebel side because she had interviewed them, she had portrayed their side of the story, which of course was lacking in the general media's coverage. And there was a strange aspect to this, in my view, the way ITAR-TASS covered it in the first few days. They filed a dispatch from Gekhi, where she was found, and they said in the past Chaikova was led away to her death in a mock execution by rebels, but was—``grebiki'' [sp] is what they call them in Russian—by fighters, but she was able to escape, and they don't explain that, but it seemed to imply that she had been captured by fighters once again, only this time it wasn't a mock execution. That's the way ITAR-TASS left the impression.

But when I began to try to unravel that story and talk to various people, I was assured that, in fact, that incident, mock execution incident, was a provocation that was set up by forces unknown, and that meant she was able to—because she was dressed up as a Chechen peasant. When she was able to reveal her true identity and the nature of her identity was understood by leaders, some that she'd interviewed, they ordered her release and declared `provocation."

Now, you know how a lot of things in Russia are always described in the third person, the passive word is much the linguistic thing there, it's always ``they." ``It was found." ``They did." ``It happened." You know, you don't know. Often with these stories, I have to stop somebody and say, wait a minute, who is ``they"? And then they won't tell you. So, you know, you can only go so far with this when the people themselves involved—it will put them into danger if they start to name names.

I think it's almost indicative of the climate there is by the way they cover these deaths in the press. They are front page stories. They run all through the news channels every night. But they're like they are describing a hurricane. ``This terrible tragedy happened.'' ``And a

woman." ``And a mother." ``And isn't it awful?" You know? And then some of the male reporters say, you know, maybe she shouldn't have gotten—it's not women's business to get into situations like that, and we'll never know who her killers were. End of story, they never come back to it. You know?

That's how that case was handled. You don't find these dogged investigative reporters with their notebooks trying to get a statement from somebody. You know? It just doesn't work that way. They cover the story as best they can under their circumstance, and then they have to leave it alone.

If we look at the case of the ``Nevskoe Vremya" in St. Petersburg, two of them went out, covered the story in Chechnya and went missing, and a third one went out looking for them and then he went missing, and a fourth one went out and was told from a high-ranking Russian official, ``We know everything, but we're not telling." And what more can they do with that. You know, they said to me, ``Well, we're not going to be covering the region anymore, we're going to take a rest." And can you blame them? I mean, here they've lost three correspondents, and it is a very peculiar story because, as I say, other newspapers, other television stations, they have sent out reporters and they have come back, but not all of them.

I think my own take on this is there's a very subtle thing that goes on, which is the indepth story on the ground, that is what there doesn't seem to be tolerance for in most cases. Those who go into the really nitty-gritty of what it was like, you know, the My Lai Massacre equivalent, the Johnston Shelf [sp] equivalent of the Vietnam War, that kind of story, it seems to be that that is not allowed. We can take pictures of bombing of villages, you can show fleeing peasants from bombs, and you can contrasts that with official pronouncements that are, you know, "We are seeking a peace process," but there are no military operations, they're just special operations, they're just flushing out rebels. All that goes on, but there's a very deep background to that story that can't surface because the forces, the powers that be, do not want it to surface.

So it's the limits, and they could be the limits in any countries, in American coverage of the Gulf War, and it would be interesting to contrast the different conditions, but ultimately I think the Russian situation is a far more murky one than the equivalent to the Gulf War.

Mr. Wise. Ms. Masyuk, would you like to comment?

Ms. Masyuk. [Through interpreter.] Yeah. Nobody really wants journalists in the Chechen War right now because they are the number one enemy, both for the Russians and the Chechens. Both sides try to exploit them in that they give them just information that is useful to their side for the program. I should say that the Federal Security Service really did a good job in compromising, discrediting journalists.

For instance, the FSB has managed to put out rumors that go around all the time to the effect that the journalists are working for the FSB, and this, of course, is particularly used against those journalists who cover from the Chechen side.

In October of last year, Nadezhda Chaikova called me and said, ``Don't under any circumstances go to Chechnya; Dudayev's people think that you work for the FSB, and if I go there and I won't come back because the Chechen partisans could kill me." And I asked her who told her this, and she said that it was Basayev, the head of the Dudayev's security service. I said, ``Well, then I absolutely have to go because if I stay here, they will think that I really was working for them, that my cover had been blown, I was afraid, and I just decided

to stay in Moscow."

Well, I went down to Chechnya and I started to look for Dudayev, but particularly I wanted to get a hold of this gentleman of his security service, a pretty fairly dangerous gentleman on his staff, and I also wanted to figure out what was going on with him. So I want to know, "Who told you I was working for FSB, and if you really think so, well, then I will go back. However, if you don't think so, then I can just stay here and work."

Now, they said that they'd checked this with their sources, and they figured out this was a canard, and then I found out how this information, so to speak, was sent along to employees of the FSB, Russian FSB. Okay, the middle-man here was a gentleman, a Russian citizen, who had been told by the FSB that she was working for them, and he was working for a foreign media source, and spent a lot of time in Dudayev's camp.

And I know that Nadezhda Chaikova—also, there were rumors going around all the time that she was working for the Russian FSB, and before she left, she left a message—that is, from Russia going to Chechnya—she left a message saying that, "If I am killed, it will be killed by the FSB, and I would urge you not to accuse the Chechen partisans of doing this." But, actually, after her death, we came to the conclusion that what happened, possibly, was that she had been killed by Chechen partisans and not by the FSB. The ritual nature of the murder looked more that it might be the Chechens rather than the FSB. Her face was not marked up; there was no rape. Also, the whole idea of her sort of down there and easily being shot, whereas the Russians will just shoot them without any ceremony.

You can't really consider anybody down there a friend. You're between two competing, two combat forces, and even if a Chechen, you know, treats you well and everything, it doesn't mean on the next day he won't just throw you up against the wall and shoot you.

For instance, with this container that I found out in Izmailovsky Park in November of last year with the cesium, after I found it and went down to Chechnya and after my report on Moscow Television about this, actually Basayev told me that some of his people said that he should have arrested me because they thought she was, as far as finding this container, actually working with the FSB in Moscow.

And I consider this particularly bad that these two women were killed because, incidentally, now there is stuff appearing in the Russian press that says that Russian journalists are going down to Chechnya just to have a good time.

Ms. Fitzpatrick. Just to give you an idea of how contradictory the information on this case is, our informants said that, in fact, she was beaten and that the photographs did show that she was beaten, and there were severe lacerations on her body, some of which were consistent with dragging a corpse after the murder to another location, and some seemed to indicate that before her death she was beaten. That's why, you know, amateurs can't be involved in this kind of investigation; it has to be done by police that hopefully will be able to operate objectively and independently, which is doubtful under those conditions. But some commentators, Russian commentators, said, because they had knowledge of the beatings and lacerations, that it couldn't have been the Chechens because the ``Chechens would not have a code of ethics regarding women, unlike Russian men, and would not have brought themselves to beat a woman." However, the same informant said that all those ethics dissolve in the war zone on both sides, as has been pointed out. So that in itself doesn't stand as a statement as to, you know, who the killers are, but I just wanted to add that because it shows how contradictory this information is.

Mr. Wise. Are there any other questions? Let me—oh, all right, go ahead.

Questioner. I would like to follow up and ask both of you about your impressions of oversight of the Federal Security Service. Both of you had mentioned the FSB in connection with the rumors circulating about specific journalists and suggested that the FSB is basically going off and spreading rumors about particular journalists. I'm wondering what your sense is about—I've been following the FSB's activities in connection with a variety of human rights issues, and with regard to the media, I'm wondering what your sense is as to who is behind the FSB's, shall we say, activities in the realm of the media. Do you think that this comes from the top, that is to say, from the Yeltsin administration? Do you think it comes from the head of the FSB? And what are your thoughts about that issue?

Mr. Wise. Who will start? Ms. Masyuk?

Ms. *Masyuk*. [Through interpreter.] I think that the FSB is in charge of everything and not President Yeltsin. As far as anything that the FSB is doing in Chechnya, I think this is their own initiative, because compromising a journalist, that's the easiest way to make sure that the journalist loses his credibility working down there. And, moreover, I think that really President Yeltsin is insufficiently informed about the state of affairs throughout the country and particularly in Chechnya.

And just remember the incident that took place in Dagestan in January of this year, in Kizlyar, and then as it moved over to the village of Pervomayskoe. The entire operation was headed up by the head of the FSB in Russia. And Mr. Barsukov was giving these reports to Yeltsin about how the freedom of the hostages operation was going on in Pervomayskoe. And you can think that it came from his mouth or the mouth of the head of the MVD, Mr. Kulikov.

Then President Yeltsin went on and told the Russian people how well they had prepared this operation to free the hostages in Pervomayskoe. President Yeltsin went and talked about how elite units had been drawn into this and that the only people that would suffer were the Chechen commandos and that the hostages would be released.

I refer to in my paper about how Yeltsin pointed out that there were like 38 snipers, Russian crack snipers, and they all had on of the commandos in their sights, so to speak. But what really happened was that Pervomayskoe was wiped off the face of the earth, and the head of the press service from the FSB didn't talk any more about freeing hostages, but just clean-up operations in Pervomayskoe. And then later in his subsequent statement, Yeltsin could not even give the number of hostages that had been held in Pervomayskoe.

The upshot of it was that the spokesman for the FSB, Mr. Mikhailov, was removed from the position because apparently he was not skilled enough in fooling people about this operation. So the bottom line is that, okay, they changed it from KGB to FSB, but essentially it hasn't changed that much, and basically it's running its own life.

Ms. *Fitzpatrick*. I'm not an expert on the subject, so I can just refer to the journalists in Russia who write on it. One of them is Yevgenia Albat [sp], who actually was originally invited to come today but she's planning a dissertation. She wrote a book that's called `The KGB and Its Hold On Russia," published by— [unintelligible]—translated, and she chronicles the different directorates of the KGB and then how the KGB was broken up, went through various reform stages, was reassembled in places, and how basically this phenomena that you see all throughout Russia, that the name on the door has changed, but the same people are in the offices.

One of the places where the old Ninth Directorate, which used to be in charge of govern-

ment communications and security, which is equal to the Secret Service in our country, that Ninth Directorate was subsumed under the Yeltsin administration's personal security detail. So, when we read in our press, you know, Korzhakov and Barsukov and so forth, President Yeltsin's security detail, people may take it at face value that those are just his security people, but their history was that they were in the KGB, in the directorate that guarded the government, but, as some commentators have pointed out, controlled the government by that ability to guard, mainly through communications, and their special "vertushki" and the telecom system and internal communications they have in the Kremlin and elsewhere.

So I don't know, you know, if you could even speak of there being a central command of anything in Russia today, you do have to pose that question, whether the remnants of the post-Soviet security services are immune to all the chaotic forces going on in Russia, and you find parts of the KGB in other settings now. The officer who used to run the Fifth Directorate that persecuted the dissidents in the old days, he's now on the board of the Most Bank, Batvov [sp]. So you think, well, the disinformation people of the old days at least seem to be benignly involved in investment projects now, but those investment projects intertwine with politics in some places. And it's very hard to follow the red thread of their involvement through the society there.

I can just anecdotally tell you my own experience briefly with this phenomenon, because I was involved in one of these self-same slander suits, merely as a translator, when a journalist brought a suit against Yeltsin for defaming him in his book and calling him a fascist. And the Yeltsin team decided that what they should do is blame the translator, say that she made a mistake, they didn't use the word ``fascist." So, in order to defend my good name, I came forward with the manuscript and said, ``Here's the word `fashistvuyushiy." It's kind of hard to translate any other way. What happened is, when the book was going to press in Russia, they crossed it out and put another word that was more benign.

But this case, which dragged on for two years or more, there was a lot of faxing and things going back and forth, and lawyers and so on. I wasn't joined by name, as I said, I was an uninvolved person in this sense in the case. But at one point I sent back the telegram that I wanted to send to the judge, to a friend who worked in a parliamentary office, and that friend received a phone call at night at home saying, "We understand you have a fax from a Ms. Fitzpatrick." And the phone call came from the Korzhakov's people.

So they have the ability to control communications. They are concerned about the president's reputation, and they go to enormous lengths to protect him. And I marvel at their ability to marshal all sorts of resources to do that. Ultimately, the case went nowhere because all the translators all over the world, German, Japanese, French, they call came forward and they all had the same word in their manuscript. So it was kind of overwhelming at that point. The case was pronounced such that, yes, Yeltsin had slandered this fellow, but didn't have to pay damages.

So all you can do is gather everybody's anecdotes and their projects. I don't know if it can be systematically studied. I mean, the reason they're called the secret police is because they're secret.

Mr. *Wise*. Any questions?

Let me ask Ms. Masyuk a question, if I may. You've spoken particularly in the context of Chechnya and the dangers of being journalist in that area. But leaving Chechnya aside for a moment, are you afraid to be a journalist in the rest of Russia and, if so, has it affected your

reporting?

Ms. *Masyuk*. [Through interpreter.] What the journalist, the topic that they're writing on, if a journalist tries to investigate some corruption, for sure he will be subject to some sort of danger. For instance, if he tries to say something negative about Zhirinovsky, and this has happened, he might get rapped beside the head by Zhirinovsky's people. So the number of journalists who are ready to really jump into that whirlpool and go to any lengths—I'm sorry—in a whirlpool—put their head—well, go out on a limb and really go out to find the truth is getting less and less, fewer and fewer.

At least there were occasions in the old Soviet Union where someone wrote something negative, and there would be attempts to make some changes. Now, journalists don't see any reason to because they can report on some negative phenomena and there real isn't any changes. They see no reason to risk their lives, their necks.

I think it is more complicated, for instance, the work of journalists in Tajikistan, and particular in Tajikistan, a totally unpredictable country, you can't turn your back on anyone and anything down there, it's just nothing to get a hole in the back. So I think that the most dangerous places are Chechnya and Tajikistan, either place has similar stuff.

Mr. *Wise*. We've come to the end of our time. I want to thank you both for what I found a very penetrating and detailed, thorough-going expression that a lot of the press is facing in Russia, particularly, of course, as it relates to Chechnya. For me, anyway, it's given me a lot new thought about the Russians. I wish we had time for additional examination. But thank you both very, and thank you all for coming.