

# CRIME WITHOUT PUNISHMENT

Journalists' lives are of little value in Russia, where deaths go uninvestigated and murderers are rarely brought to account, writes **Alexei Simonov**

The number of crimes against journalists cited by the Committee to Protect Journalists, Reporters sans Frontières, the Center for Journalism in Extreme Situations, the World Press Institute and other organisations varies considerably. Why? To illustrate, take this hypothetical situation. Suppose a crew of reporters for a TV channel dies in a car crash. A truck came out of nowhere and caused the accident. Although it seems clear that the journalists died while doing their professional job (otherwise, why drive at full speed anywhere?), the situation is such that they cannot possibly be put on the list of victims of criminal violence. But questions arise. What if the truck driver is alive and just drove away from the site of the crash? Where were the reporters driving – to report on a story or were they on their way back to the office? Was their report actually shown on TV later? Did the police track down the runaway truck driver? And did he happen to be in any way connected with the organisation described in the report? These questions can only be answered by the investigators who, as it often happens, remain silent.

Without answering these and many other important questions, one cannot feel fully justified leaving the names of such journalists off the list of crimes against journalists. Take the assassination of the popular TV-anchor Vladislav Listiev, whose name is on the victims' list and whose murder was mourned by the entire nation. Yet his death was not linked to his journalistic activities; it is possible that he was killed for attempting to redistribute commercial air time on the ORT channel. How should we deal with that kind of case? Murder statistics are products of the most careful case-by-case analysis. And Listiev's killers have not been found.

The Glasnost Defense Foundation records all cases of journalists who have died in accidents in connection with their professional work, unless the police or prosecutor's office has presented convincing evidence that their investigation has established the death as accidental and taken the journalists' reports (planned or published) or any judicial decisions passed on the case into account. Each organisation's approach to matters of this kind is purely subjective, which is what makes the statistical figures vary as strikingly as they do.

In a newspaper dedicated to coverage of Anna Politkovskaya's murder, we published a list of journalists and other media workers who had died in Russia from 1992 to 2006. With 211 names, it is in no way an exhaustive list, but it enables us to draw some conclusions as to how – and why – we have been paying with our colleagues' lives.

The bloodiest category of reporters' deaths is those killed while covering armed conflicts. Over the past 15 years, we have lived through three major conflicts, two of which can rightfully be called wars. The first was in October 1993, when five journalists were shot and killed at the besieged Ostankino TV Centre. Two more died inside the centre and near the White House. The circumstances of their deaths were investigated only by their colleagues. Their findings were handed to the interior minister at a press conference (together with a list of other crimes against reporters – from injuries to the confiscation of film and video), only to vanish without trace – despite his repeated promises to look into each case carefully and publicly.

The second armed conflict was the Chechen war, which lasted for nearly two years, from November 1994 to August 1996. Faced with constant official lies and misinformation, courageous Russian journalists passed a test of valour and commitment to freedom, paying a much higher price: 20 of our colleagues were killed and three more were reported missing.

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The first Chechen war was clearly a civil war, with two enemies confronting each other without a front line, and with reporters working on both sides. One well-known case, in which journalist Natalya Alyakina-Mrozek was shot and killed by a careless draftee from a tank-mounted submachine gun, went all the way to court. The only fact known about the majority of reporters who died during that war is that they were 'killed by unidentified persons'. The victims totalled seven. Not a single killer was tracked down and there were no hearings, despite the fact that the victims included reporters for both federal and foreign print media and TV channels.

On the eve of the second war in Chechnya, it was this lack of effective judicial instruments that allowed the ruling elite to bar journalists from the war zone and deprive them of the opportunity to see and record events independently. Instead, a tough system of journalists' accreditation was introduced in October 1999, together with a network of press centres to ration out information to reporters the way the official propagandists saw it.

As a result, fewer journalists died in the second Chechen war – only six during the first and most vigorous period of resumed warfare. But the cancerous tumour of hatred continued to grow and remains a major source of pain – unchecked by legal scrutiny. One journalist died in a combat helicopter attacked by militants in 2002, together with the crew and all the other passengers; another died in the stadium explosion which also took the life of the Chechen President Akhmat Kadyrov in 2004; and a third died in a passenger airplane blown up by terrorists later that year. The assassination of Anna Politkovskaya is widely regarded to have had its roots in the war. Both wars in Chechnya were undeclared, where notions were distorted and it was impossible to tell the front from the rear, where prisoners of war were called hostages, and where killing the enemy was seen as an heroic deed. One can suppose that the lost lives of those journalists is the price that humanity has had to pay for the right to know what is going on in the 'hot spots'.

But two-thirds of the victims – more than 140 Russian journalists – died in peacetime, when one would expect the rule of law to triumph and to see law enforcers earn their money by doing their job honestly. We, as citizens and members of the media community, would expect to be entitled to know how and why our colleagues were killed, who has been held liable for their deaths, and to what extent those tragedies were connected with the victims' profession, as well as the subject matter of their written, oral or televised



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reports. Unfortunately, in more than 100 cases, we do not know anything and are unlikely to ever know.

'Never' is such a dull and dark word that it seems it cannot possibly have any tint, shade or hue at all. But if you come across it frequently enough, you start discerning shades even in the darkness. Natalya Astafieva and Sergei Isakov, reporters for Channel One, died on the highway connecting the cities of Khanti-Mansiysk and Tyumen, colliding with a heavy goods truck. Another road accident that occurred not far from the city of Sarapul in Udmurtia took the life of Firat Valeyev. Firat was editor of Bashkiria's only opposition newspaper and was delivering a new issue of the banned newspaper to the printing house at the time of the accident, leading many to call it a convenient way of doing away with an inconvenient journalist. Local authorities can prohibit all printing firms under their jurisdiction from printing a newspaper they do not like. So Firat Valeyev had to make shuttle drives to neighbouring Udmurtia to get his newspaper printed. The investigation failed to shed any light on the reasons for the accident. So the Channel One crew are deemed to have died fulfilling an editorial assignment and Firat died as a private individual, without any apparent link to his work as a journalist.

Of a total of 16 reporters' deaths in road or air crashes, only two cases have been thoroughly investigated: three journalists died in a helicopter crash, together with the Krasnoyarsk governor General Lebed, on their way to the opening of a new ski slope. The journalist and media magnate Artyom Borovik died along with oil tycoon Zeya Bazhayev when his private airplane exploded – or fell apart – during takeoff. The two investigations were in-depth, long and controversial because official commissions' comments differed substantially from what independent investigators from the journalism community said. The official conclusions, approved by the government, were that they were 'clear accidents'. But many people remain doubtful.

The most widespread and most banal killings are those committed with kitchen knives, baseball bats, iron bars or nooses – as well as accidental falls on stone stairs. These have occurred all across Russia, from Moscow to Vladivostok and from Khabarovsk to St Petersburg.

Consider how journalists are characterised by law enforcers generally: 'Journalists are the most scandalous section of the population. They drink too much and deceive their spouses too often... They have an inflated sense of self-respect and are prone to sexual oddities.

Journalists are characterised by arrogance, which they tend to describe as dignity, and by unhealthy curiosity, which they often try to pass for professional inquisitiveness.’ Applied to individual journalists, some of those characteristics would be fair and correct. We are not angels. But I could hardly name another country where only angels are killed.

‘Journalists are the most scandalous section of the population. They drink too much and deceive their spouses too often . . . ’

When a journalist dies in a domestic incident, the question arises as to whether it was an accident or murder. In most cases this question is left unanswered. In those few cases where the answer is found, it is invariably this: ‘It was an accident.’ The death of *Novaya Gazeta* reporter Igor Domnikov in 2000, from a blow to the head from a hammer, was declared an ‘accident’. Actually, the only accidental thing about it was that five years later, while investigating numerous murders committed by a crime ring based in Tatarstan, the police established that one of the subjects of Domnikov’s critical articles had ordered his beating, which had ended fatally because the executors had grown ‘too enthusiastic’ when following orders. All the perpetrators, including the killers, the party who ordered the murder, and even the middle man, were identified. But the person who ordered the crime has never been brought to justice. Of a total of 30 cases of reporters found dead with knife wounds or broken skulls, the vast majority have been investigated in a purely formal manner and closed with the standard line: ‘No suspects have been identified.’

Cases where the perpetrators have been prosecuted can be counted on one hand and none of these murders are deemed to have any connection with the victims’ professional activities. Russian law enforcers find it easier to disclose information about a murder unrelated to journalism – they can







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write it off as a road accident, a chance encounter with a hooligan or a drunken brawl.

Leonid Kuznetsov, editor of the small district newspaper *Meshcherskaya Nov'*, died in the region of Ryazan in the summer of 2002 – according to the investigators, as a result of falling off his bike and hitting his head on a rock. Our colleagues, a lawyer and a reporter, drove to the town of Kasimov where the editor had died while collecting his independent newspaper from a printing house in a neighbouring town. They examined a kilometre of the highway that he had been cycling along, and did not find a single rock or stone. Instead, in a nearby village, they found an eyewitness who told them something had happened on the highway on the day of Kuznetsov's death. The account did not prompt the law enforcers to review the case.

One has every reason to think that the prosecutor's office – the agency commissioned to supervise the efficiency of the law enforcement process – turns a blind eye to the police's arbitrary response or inaction. When a physician is killed, the first thing that is checked is whether the murder may have resulted from damage the victim may have caused one of his patients. It is indeed a puzzle why this kind of motive is never considered in the event of a reporter's death, despite the fact that journalists seldom treat their own 'patients' tenderly or delicately. They aren't expected to.

Journalists have been shot and killed everywhere: in Moscow and in the Maritime Territory, in Smolensk and in the Sverdlovsk Region. The two most notorious killings of the past few years – of Paul Klebnikov and Anna Politkovskaya – belong to this category. In the city of Togliatti, six editors-in-chief were killed between 1995 and 2003. That city's justice system is particularly ineffective and inefficient: not a single killer has been identified or convicted in any of the cases. It looks as if we have our own Wild West down on the Volga River.

The murders of two editors-in-chief of the newspaper *Togliattinskoye Obozreniye* occurred within 18 months of each other: Valery Ivanov was killed in April 2002 and Alexei Sidorov in October 2003. The quality of law enforcement was similar in both cases, as was the protection enjoyed by high-ranking officials. Both cases were supervised by Russia's first deputy prosecutor, General Vladimir Kolesnikov. The law enforcers' quasi-activity was the same. A journalist gets killed – Kolesnikov arrives shortly afterwards to announce that details of the murder have been disclosed and the perpetrators are already under arrest. It makes one recall a popular joke: 'If you ask a Russian law enforcer how to catch a lion in a desert, he would be

sure to tell you without hesitation: “You catch a hare and beat him until he admits he is a lion.”

In the case of Valery Ivanov, three ‘hares’ were caught, and in that of Alexei Sidorov, one. Then the detainees allegedly confessed to the crime and the investigators prepared the documents for trial. In Ivanov’s case, there never was a trial: one of the suspects quietly passed away and the two others were released after their involvement could not be proven. In the Sidorov case, Glasnost Defense Foundation lawyers defended the ‘sacrificial hare’, welder Yevgeny Maininger, and after spending a year in detention, he was released. During that year the prosecutors not only failed to persuade the court he was guilty, but also to prove that he had anything at all to do with Sidorov’s killing. And nothing followed. The prosecutors were not held responsible for their outrageous incompetence – on the contrary, they have all continued to build their careers. And Kolesnikov has successfully swapped the deputy prosecutor general’s chair for that of deputy justice minister.

What is it that hampers the efficiency of our law enforcers and, in a broader sense, the quality of Russia’s justice system as a whole? Consider a case that from a legal standpoint might be seen as nothing out of the ordinary. Larissa Yudina, editor of the newspaper *Sovetskaya Kalmykia*, was brutally murdered in the Kalmyk capital Elista on 7 June 1998. Two days later her killers were arrested, tried and convicted. But it was clear that those convicted had no motive whatsoever, and any of us, including the investigators, could point to the people who had arranged the murder. Although the investigators handling the case were from a neighbouring region, the names of those responsible were never officially released. There is no workable witness protection programme in Russia, and those who order murders continue to go unpunished.

Ever since a jury system was introduced in Russia, investigators’ helplessness in gathering convincing evidence has been strikingly clear. And a new problem has emerged: jury panels and their verdicts are subject to manipulation. The case of reporter Dmitry Kholodov’s murder twice fell apart in court – either the investigators failed to present evidence the jury would find convincing, or members of the jury may have been persuaded not to accept the evidence. Similarly, a jury ruled that the suspected killers of Paul Klebnikov should be released on lack of evidence. Not a single suspect has so far been identified in the case of the television anchor Vladislav Listiev, who was shot and killed near his home on 1 March 1995. The case has never been submitted to court.

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Another mockery of the justice system is the case of Vladimir Kirsanov, the missing editor of the newspaper *Kurganskiye Vesti*. Investigation of his disappearance has been resumed several times following public pressure, but each time it has ground to a halt because nothing beyond blood stains in his car has been found. And on 17 May last year, the police banned the demonstration annually held by Kurgan journalists to mark the alleged date of Kirsanov's death. Those who failed to track down the editor's killers do not want to be reminded by the public of their own professional inadequacy.

However unreliable and unprofessional they may be in investigating the murder-or-accident dilemma, our police officers and prosecutors cannot be substituted. We, the media workers, cannot possibly take their place. The best thing we can do is raise money to hire a good lawyer and see to it that the investigators do not shirk their work or breach the legal norms.

Eager to keep the investigation process on track, the Glasnost Defense Foundation has been exchanging information regularly with the office of the Russian Federation prosecutor general since January 2004. By April 2007, we had informed them of 238 crimes against journalists and received feedback on each case. Today we have sufficient facts to allow us to statistically evaluate the efficiency of law enforcement in Russia.

According to Interior Ministry reports on the crime rate in Russia from 2004 to 2006, about half of all serious crimes were disclosed. The rate of disclosure for murder and attempted murder was as high as 80 per cent, which is very good indeed.

Compare the figures supplied by the prosecutor general's office, which puts the number of serious crimes against journalists – where the crimes have been clearly linked with their profession – at a total of 90 from 2004 to 2006, including only 11 cases submitted to court. Of those, only one has been seen through to the end: the perpetrator was tracked down and convicted. That slashes the disclosure rate to only 9 per cent, which is much lower than the nation's average.

But if we look at all crimes against journalists, not only the more serious ones, we will see that only five of a total of 238 such cases have been disclosed, bringing the disclosure rate further down to a mere two per cent, with the results of investigation into 121 crimes – more than half of the total – still unknown. These figures show that crimes against media workers are not investigated at all or are poorly investigated – much worse than the average throughout the country.

Our enforcement agencies lack people, funds, equipment, professionalism, education, conscience and other things essential for efficient work. One might feel sorry for Russia's law enforcers – if the results of their miserable performance were not paid for with the blood and lives of our colleagues. As a result, reporters have been growing ever more reluctant to do their job honestly. In fact, this creates a system where the simple fulfilment of one's professional duty is seen almost as heroism.

There is yet another kind of violence against journalists. This systemic, government-fuelled violence has been caused by the series of Dissenters' Marches that took place in four Russian cities last year. During those marches – or, rather, during their dispersal – dozens of reporters were detained or beaten up. The government praised security services for their resolute actions, and the majority of mistreated journalists were accused of administrative offences and fined, reporters for foreign newspapers and television among them. Only one sued the police for unlawful behaviour. The others did not file any complaints: they must be getting used to living in Russia the way most Russians do.

Journalists need to be more consistent in defending their own rights. So far, very few have taken legal action against people who encroach upon their lives or physical safety. We bear some corporate responsibility for that, too – the attacks on some of our colleagues have resulted in others publishing ironic or plainly humiliating comments. Some reports about the murder of Anna Politkovskaya were outrageously mean and cynical. While the rest of the world was holding memorial rallies to mourn her death and awarding the most prestigious journalistic prizes to her posthumously, some Russian newspapers whispered maliciously that Anna had held US citizenship – as if that made her less dead or less brutally murdered.

Assaulting reporters or charging them with participation in the organisation of protest rallies or marches is inadmissible; this practice must end once and for all. And whether or not journalists sympathise with the protesters is by no means a matter to be reviewed in court.

Where murders and other grave crimes against media workers are concerned, identifying the perpetrators is not sufficient. The people who ordered those crimes must be tracked down; without that, even what seems to be the fairest verdict should not be accepted by the international community.

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It is useless to protest in writing, as these appeals are left unanswered. President Putin and his administration are deaf to public appeals. Perhaps it is time to review strategies and start acting via national governments and international community organisations as soon as a crime is committed. □

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# Who Killed Anna?

More than a year after the murder of Anna Politkovskaya **Alexei Simonov** assesses the course of the investigation

The team of investigators at the public prosecutor's office is moving slowly but surely towards identifying Anna's murderers. The first arrests have been made, and we already know who supplied the perpetrators with information, who made it possible for them to follow Anna, and who provided them with cover. The investigators are consolidating the evidence they have collected, and my information is that they already know who shot her. The big question of who ordered the killing remains open, and this is a cause for concern both for the country's rulers and for those in charge of law enforcement. Who might have taken out the contract? Politkovskaya wrote dozens of articles shining the spotlight on people who would have been glad to see her dead. Which of them actually went so far as to organise and pay for her murder remains unclear.

When investigating who is behind the murder, the state authorities become nervous and try to pressure the investigators into coming up with the answer they would find most convenient. Television channels and newspapers dependent on the regime provide willing assistance – they perform any service asked of them. It would suit the authorities for the roots of the crime to be traced back to London, and for the permanent 'evil genius of Russian politics', Boris Berezovsky, to be named without further delay as being responsible for this national disaster also.

Attempts are made to use the media to muddle the cards. Confidential information is leaked and false reports are circulated, but so far the investigators have refused to be thrown off the scent. There is real hope that the truth will come out and criminal proceedings instituted.

But there is no sign of progress in the investigation of crimes against other journalists. The public prosecutor's office, from whose responses we were able to infer the statistics of this failure, seems finally to have woken up: they no longer reply to our quarterly inquiries.

We remain a country where you can murder disloyal journalists with impunity, but which reacts over sensitively when international organisations place it at the bottom of their press freedom rankings. Evidently the 'sovereignty' in our democracy means that we want to be, if not top in the rankings, then in a league of our own, and that includes in terms of waging war on common sense. □

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