



# Partial Justice

AN INQUIRY INTO THE DEATHS OF JOURNALISTS IN RUSSIA, 1993-2009



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Cover Images:

Front cover: Improvised memorial to journalist Anastasia Baburova and lawyer Stanislav Markelov on Prechistenka Street, Moscow, where both were shot on 19 January 2009 (Novaya gazeta)

Back cover: Journalists killed between 1993 and 2009 (Memorium, [www.memorium.cjes.ru](http://www.memorium.cjes.ru))

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# Preface

Journalists and media workers all over the world continue to be in the firing line. In almost every corner of the globe, scores of journalists every year have been targeted, brutalised and done to death by unruly or ill-disciplined soldiers or by crooks and hired assassins. The International Federation of Journalists, the global organisation of journalists, has over many years attempted to gather and publish evidence on these murders, in particular focussing on the failure of governments to bring killers of journalists to justice.

According to the Brussels-based International News Safety Institute (INSI), over one thousand journalists were killed over the last ten years as a result of their work. Shockingly, nine out of ten murderers of journalists between 1996 and 2006 were not even prosecuted, making the killing of journalists a cheap, easy and virtually risk-free method of silencing critics.

Partial Justice is an outstanding initiative by the International Federation of Journalists and the Russian Union of Journalists to gather evidence surrounding the 300 deaths and disappearances of journalists in Russia between 1993 and 2009. This task was only made possible thanks to the pioneering efforts of Russia's two leading media monitors, the Glasnost Defence Foundation and the Centre for Journalism in Extreme Situation, in putting together invaluable records, press reports and photographs. The final report makes grim reading but explains in vivid terms the urgent need for these crimes to be properly investigated and fairly tried.

The murder of Anna Politkovskaya in October 2006 shocked the world. Yet for every Anna, there have been many less widely known journalists killed for their work across Russia. Until recently their deaths were not properly investigated and their killers for the most part still escape justice. For the first time this report

and the accompanying data base present a comprehensive record of these deaths, whether taking place in cross-fire in conflict zones, or homicides and contract killings; whether journalists were killed for their work or in unexplained accidents, or even for personal dealings. Throughout, the report raises relentlessly two major questions that should focus the effort of all – monitors, law enforcement, the judicial system and politicians – Why did this journalist or media worker die? And if a crime was committed, what have the authorities done about it?

The sustained pressure of Russia's media has already led to major changes by obliging law enforcement agencies to record and investigate these fatalities. Already the under-reporting of homicide of journalists in Russia has dramatically improved thanks to the campaigns by the colleagues and families of those killed, their union and the media monitors.

The IFJ is fully supportive of these campaigns and is at the forefront of the global effort to end this crisis of impunity through monitoring deaths and investigations into journalists killed, supporting the work of INSI in lobbying media companies to improve safety conditions for their staff and delivering high quality safety training to journalists in conflict zones. Through its Safety Fund the IFJ supports families of journalists' victims of violence with money raised through the journalists' unions affiliated to the IFJ.

It is this growing crisis that led the International Federation of Journalists together with INSI to draft the Resolution 1738 adopted by the United Nations Security Council on 23 December 2006 that condemns attacks on journalists and calls for governments to assume their responsibilities in guaranteeing the safety of media staff.

Jim Boumelha, IFJ  
Vsevolod Bogdanov, RUJ

The inquiry and production of the data base “Deaths and Disappearances of Journalists in Russia, 1993-2009” have been overseen by the IFJ, in co-operation with the Glasnost Defence Foundation, the Centre for Journalism in Extreme Situations and the Russian Union of Journalists. Further contributions were made by the Agency for Journalistic Investigations (Azhur), and the investigations department of Novaya gazeta. The report was produced with the financial support of the Open Society Foundation (London).



**Centre for Journalism  
in Extreme Situations**  
<http://www.cjes.ru>



**Glasnost Defence Foundation**  
<http://www.gdf.ru>



**Russian Union of Journalists**  
<http://www.ruj.ru>



**International Federation  
of Journalists**  
<http://www.ifj.org/en>

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# Partial Justice

## An inquiry into the deaths of journalists in Russia, 1993-2009

Shortly after 4 pm on 7 October 2006 Anna Politkovskaya was shot dead in Moscow. There was no doubt she had been targeted because of her work as a journalist. Over the following months the murder was investigated by Russia's law enforcement agencies and ten men were detained. In an interview published in *Novaya gazeta* on 8 October 2007 (No. 77) the lead investigator from the Prosecutor General's office said that work was also progressing on the much more difficult task of proving who ordered the killing. That list of suspects, Petros Garibyan told Anna's newspaper, had been reduced to no more than four names.

In November 2008 several men accused of involvement in her murder went on trial in Moscow. The killer had fled the country and was on the wanted list; the person who ordered Anna's death had still to be identified and charged. Two brothers and a former officer from the organised crime squad were accused of having helped to organise the murder. The prosecution were convinced that a fourth man, a serving FSB officer, had played a major part in planning the killing, and would say so in its closing speech at the trial. There was insufficient evidence to charge him, however, and he was accused of another offense, to be heard at the same time.

On 19 February 2009 the jury decided that the case against those charged with organising Anna's murder had not been proved. The charges of extortion against two of the accused were also not upheld. All four were acquitted and immediately released.

### Crime without punishment

The murder of an internationally known journalist in 2006 stirred worldwide outrage. Politkovskaya's killing drew attention, once again,

to Russia's reputation as one of the deadliest countries for reporters. International bodies and organisations within the country called for a thorough investigation of the murder and an end to the killing with impunity of journalists in Russia. The International Federation of Journalists (IFJ), in collaboration with its Russian colleagues, set up an inquiry to investigate this disturbing and persistent phenomenon.

Yet the verdict, when it came, repeated a pattern already seen in two other cases since 2002. In that year those accused of killing Dmitry Kholodov, military correspondent of *Moskovsky komsomolets*, were acquitted. (They would be acquitted yet again in 2004 after a second trial.) In 2006 the alleged murderers of Paul Klebnikov, chief editor of the new Russian edition of *Forbes* magazine, were found not guilty. In February this year a court reached the same decision in the Politkovskaya murder trial.

There were some differences. It took six years before the Kholodov killing came to court. Subsequent prosecutions have been quicker. After going through the formal procedures prescribed by law, however, the result did not resemble justice, either to outside observers or to many of the professionals involved. After all four verdicts the Russian prosecution service, the Prosecutor General's office, protested against the decision to the Russian Federation's Supreme Court. Twice the Supreme Court returned the verdict for reconsideration; its decision on the Politkovskaya trial has yet to be made.

These were all Moscow deaths, Moscow trials. What is the picture across Russia? Can anyone claim to have reliable data for such a vast country? This report provides answers to those questions. Its sources are the records and investigations of Russia's own media monitors, the Glasnost Defence Foundation



(GDF) and Centre for Journalism in Extreme Situations (CJES).

- ▶ The report summarises the evidence gathered in a data base documenting over three hundred deaths and disappearances in Russia since 1993. Readers can and should consult the data base in conjunction with this report (<http://journalists-in-russia.org/>). Neither is complete without the other.
- ▶ Also summarised here are case studies of the killing of six journalists and media workers carried out by the GDF and CJES as part of this inquiry.
- ▶ The report concludes with a number of suggestions and recommendations, drawn up in consultation with the partners to this inquiry and invited specialists.

Ultimately, the Russian judicial and political system must deliver safety and justice for journalists working in the country. That said, Russia has made a number of commitments to international treaties and conventions. Through its membership of the UN, and more particularly the Council of Europe, Russia has obligations as concerns human rights and the administration of justice. It is committed to certain standards of behaviour towards non-combatants, including journalists and media workers, in war and conflict situations through its adherence to the 1949 Geneva Conventions and the additional 1977 Geneva Protocols (it became a signatory to both, in 1954 and 1989

respectively). Since December 2006 it has also been bound by the UN Security Council Resolution 1738 on the safety of journalists in conflict situations.

### International comparisons

The most commonly quoted source on the killing of journalists worldwide is the Committee for the Protection of Journalists (CPJ), based in New York. Since the early 1990s it has published a list of journalists killed for their work worldwide, country by country. This attempts to apply universal standards and to include only those killings where there can be no doubt about the motive for the attack. In 2006 the CPJ ranked Russia as the third most deadly country in the world: over the previous 13 years 47 journalists had been killed for their work there.

If Russia finds itself near the top of the league for deaths of journalists, for the last six years it has been among the bottom thirty countries in the press freedom index compiled by Reporters sans Frontières. This is not necessarily the most helpful or constructive way of describing Russia's position, either in the recent past or today: its immediate neighbours in both rankings often seem to have little else in common. In different company these criteria appear, perhaps, more instructive (Table 1). Members of G20 represent many type of regime. They rated high and low for press freedom in 2007; they also vary considerably in the number of journalists who have been killed for their work, or who have also died in work-related accidents (IFJ / INSI), over the past 10-15 years.

This is of direct relevance to Russia's recent and present evolution. Compare Russia's rating in Table 1 with Japan and Saudi Arabia. If fewer journalists are targeted does this mean that it has become safer to write freely? Or has the unpunished targeting of outspoken critics led to self-censorship and marginalisation, so that extreme forms of discouragement are no longer needed? "The killing of journalists is the most common barometer of press freedom," says the CPJ. It is not sufficient in itself. Since 2002 the first question posed by Reporters sans Frontières, when compiling its annual press freedom index, asks "Have any journalists been killed this past year in your country?" This is only one of fifty questions, however, that help to define the economic, political and legal climate in which the media operate. Taken with the other 49 it records "the whole range of press freedom violations", from murders or arrests of journalists to "censorship, pressure on journalists and the media, state monopolies in various fields, punishment of press law offences and regulation of the media" (cf. Appendix 2).

Five of the G20 display a disturbing syndrome. On an index of press freedom they may range from Brazil (84) and Turkey (101), to Mexico (134) and Russia (144). With India they share a common and persistent problem: the killing of journalists and media workers has gone largely unpunished. One of this group has shown signs of change. Of the 19 journalists murdered in Turkey only two were killed since 2000. In the other four countries the killings continue as before. And it gets worse the longer criminals, politicians, the military and the security services can kill with impunity those whose investigations and publications threaten them or whose views they simply don't like.

### **The Russian experience**

Soon after Anna Politkovskaya was murdered the names of 247 deceased journalists were published in the following issue of *Zhurnalists*, the Russian Union of Journalists' weekly. Did this mean that the situation in Russia was even worse than was thought? It was to establish how and why these men and women died that work began, sponsored by the IFJ, on a data base, "Deaths and Disappearances of Journalists in Russia, 1993-2007". In the process a different dimension of the problem was revealed. As this

report shows, it casts the issue of killing with impunity into even sharper relief.

The task was made possible, first, by the pioneering work of the Glasnost Defence Foundation in attempting to record each and every violent death and, second, the invaluable assembly of data, press reports and photographs on the Memorium website of the Centre for Journalism in Extreme Situations. As a result, the IFJ-sponsored data base today contains the details of over three hundred deaths and disappearances of journalists and media workers in Russia since 1993. It is a disturbing and revealing record. It is also easily misconstrued.

Since 1991 Russia has marked 11 December as a day of commemoration for journalists who have died in the performance of their professional duties. On 11 December 2006 this day was officially marked for the first time in Grozny as well, with President Ramzan Kadyrov in attendance. At the ceremony there was reference to 300 journalists who had died in Russia, "around one hundred" of them having perished or disappeared in Chechnya since 1991. The IFJ-sponsored data base has other figures. It shows that up to 124 journalists and media workers have died doing their job in Russia and, at most, lists 36 violent deaths and disappearances in Chechnya. There are probably two reasons for this disparity in numbers.

One is that the IFJ-sponsored data base is made up of individual records, limited though the information in some of them may be. It is not derived from estimates or borrowed figures. This approach not only commemorates individually all who have died in accidents, crossfire, terrorist acts and homicidal attacks but also supports and encourages investigation by the appropriate authorities. There are many names in the data base but not so many as to justify turning this report into a discussion of impersonal statistics.

Two, an assessment of the causes and motives behind any death also forms a crucial part of the data base. There may be disagreements about particular individuals and incidents. Yet it is an essential part of the work – and now everyone can consult the online data base, in English or in Russian, and compare what they find there with other sources and their own information and interpretations.



**TABLE 1: Some International Comparisons**

Members of G20	DEATHS		PRESS FREEDOM
	CPI deaths <sup>1</sup>	IFJ/INSI deaths <sup>2</sup>	RSF press freedom 2007 <sup>3</sup>
Argentina	2	6	82
Australia	0	0	28
Brazil	16	27	84
Canada	2	1	18
China	2	5	163
EU 23	5	16	19
France	0	2	31
Germany	0	6	20
India	26	45	120
Indonesia	5	13	100
Italy	0	0	35
Japan	1	1	37
Mexico	15	31	136
RUSSIA	50	96	144
Saudi Arabia	1	1	148
South Africa	3	4	43
South Korea	0	0	39
Turkey	19	6	101
United Kingdom	1	2	24
United States	5	21	48
Total G20	153	283	-
World Total	734	1000	list of 169

<sup>1</sup>Committee to Protect Journalists, deaths from 1991 to March 2009.

<sup>2</sup>International Federation of Journalists/International News Safety Institute, 2007. Deaths from 1996 to 2006.

<sup>3</sup>Reporters Sans Frontières, 2007 press freedom index for 169 countries.

# Deaths and Disappearances

In documenting the deaths of journalists there are two questions that media monitors must answer: Why did this journalist or media worker die? If a crime was committed, what have the authorities done about it? In a vast country in a state of upheaval, however, the first task of Russia's media monitors was simply to gather information – to record any violent or suspicious deaths and note disappearances.

Here and in the data base three categories are used in assessing these fatalities:

- ▶ **[J]** – those who died in the course of, or as a result of, their professional duties;
- ▶ **[?J]** – deaths that have not been investigated or where the results of investigation raise doubts;
- ▶ **[nJ]** – the death of a journalist or media worker as the result of an incident not linked with the performance of his or her professional duties.

The categories are derived from those used by the CJES in its Memorium website although the assessment of individual cases in the data base may diverge from those in Memorium. From the data base we may conclude that:

- ▶ 86 journalists and media workers have died in Russia because of their work (J) over the past 15 years.
- ▶ A further 38 may have been killed because of the work they did, but there is no absolute certainty (?J). Of these 5 died in Moscow, the rest elsewhere. Nine went missing and most are now certainly dead; 19 are cases of homicide; and in 10 cases the type of incident has not conclusively been confirmed.
- ▶ In 189 cases the death (nJ) was almost certainly not work-related.

## 1.1 Doing their job

On the night of Monday 16 July 2007 Alexander Zhadayev, a cameraman with local TV channel 11, was killed in Penza while filming the results of a road accident in the city. Another vehicle, travelling at high speed, failed to brake and hit an ambulance, which was thrown onto the people standing behind. Zhadayev was killed outright and the other victim, a witness to the crash, was taken to hospital. The car was driven by a traffic policeman: he was on his day off and had been drinking.

This was an accident. There were no suggestions in the press, or during the subsequent trial, that Zhadayev had been targeted in any way. At the same time, it would be hard to deny that the cameraman was killed doing his job. The International Federation of Journalists and INSI regularly record such deaths; others, such as the CPJ, do not. The IFJ and INSI thereby document the level of “news safety” which depends not just, or even primarily, on law enforcement but also on the responsibility of media employers and of journalists and media workers themselves (see Appendix 3). A more conscious exposure to danger is represented by the deaths in the mid 1990s of cameraman Valery Zufarov and journalist Andrei Pralnikov, who received dangerously high doses of radiation while covering the aftermath of the 1986 Chernobyl nuclear plant disaster.

In its 2007 report *Killing the Messenger* the International News Safety Institute (INSI) includes “all news media staff and freelance casualties killed during coverage-related activities”, and spells this out as “all causes of death, whether deliberate, accidental or health-related.” The IFJ was a founding member of INSI and they also publish joint figures. The Federation has long recorded “coverage-related” accidents, giving the examples of “journalists and media staff killed on the job in



automobile, air or other accidents, by natural disasters or by medical problems triggered by strenuous or dangerous work". However, in its annual report on journalists and media staff killed the IFJ lists these deaths separately from deliberate attacks, i.e. those killed in homicides and in crossfire situations.

Since 1994 the Glasnost Defence Foundation and (since 2000) the Centre for Journalism in Extreme Situations have recorded the deaths of over seventy journalists, cameramen and other media workers in a variety of accidents all over Russia. Thirty four of those fatalities may be considered work-related. Some have been thoroughly investigated. A few have led to court cases. The helicopter pilot whose careless flying led to the death of two correspondents and two cameramen (but not himself) in the Khabarovsk Region in 2001 received a 2 year conditional sentence. Eleven media staff, in all, have died in three helicopter crashes while at work. Fourteen more died in coverage-related peacetime car crashes.

Only occasionally was it seriously considered that an air disaster, or an automobile crash, might be the result of sabotage or other deliberate action on the part of ill-wishers. No such incidents have been conclusively proven.

## 1.2 Caught in the cross-fire

In November 1996 a three-person TV crew went to cover a gathering of disabled Afghan War veterans in a Moscow cemetery. A year before the first chairman of the organisation had been killed and they were marking the anniversary of his death. Invited to stay after the ceremony Marina Gorelova and Yury Shmakov were among 14 who died when an explosive device went off near the monument.

No one was targeting the two journalists but they also undoubtedly died while doing their job. Since rival organisations of Afghan veterans had previously attacked and killed one another (including the deceased first chairman) it was a potentially dangerous assignment. Five more journalists have died in a

variety of terrorist acts since 1993, though only two of the others were working at the time.

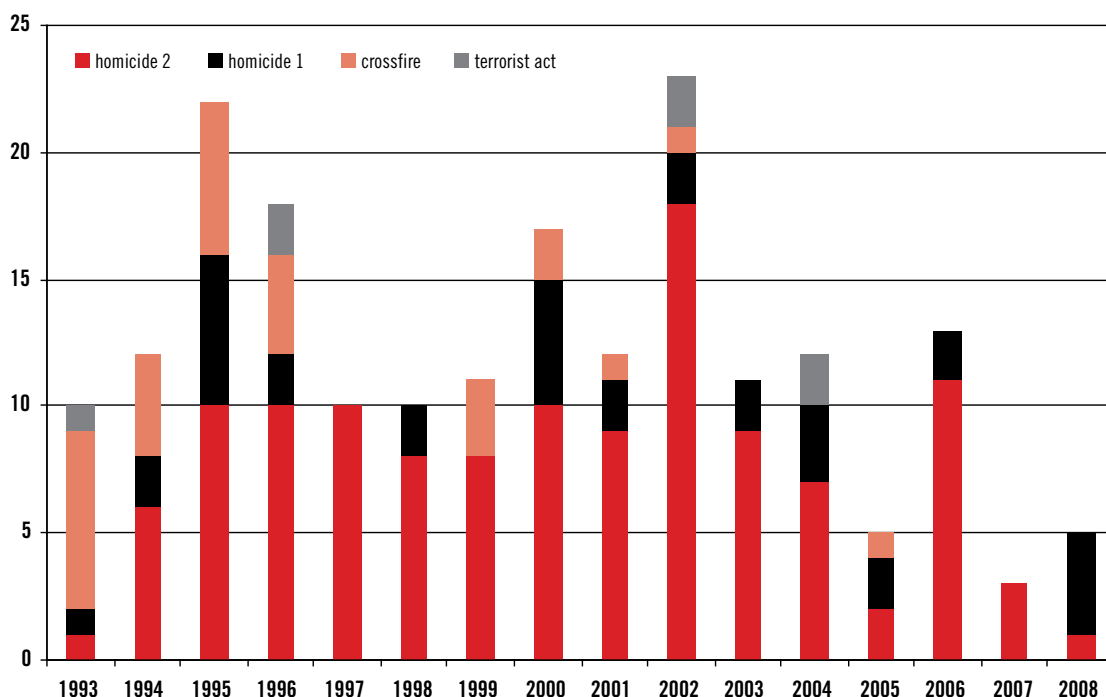
The deaths of seven media workers on 3 and 4 October 1993, when supporters of the Supreme Soviet clashed with the authorities, included experienced cameramen who had filmed in other hot spots around the world. More local and foreign journalists would die in Chechnya from December 1994 to August 1996 and again after October 1999, adding a further 22 deaths to the total. For the most part the individual journalist was caught in the cross-fire, the victim of indiscriminate violence rather than being identified or targeted. This happened so frequently as to put Russia in a different category as far as the killing of journalists is concerned. Until the Iraq war started in 2003 only Bosnia and Russia (Chechnya) had such a high proportion of deaths in cross-fire situations.

As the Red Cross commented, neither the federal Russian forces nor the Chechen fighters respected the rights of civilians during the conflict. The fuller protection media workers received under the 1977 Geneva Protocols, equating them with the civilian population, therefore rings rather hollow. In 1999 two cameramen, Shamil Gigayev and Ramzan Mezhidov, died when a Russian air force plane shot up a civilian convoy in which they were travelling with certain clearly marked Red Cross vehicles. There is no report of any subsequent investigation into this atrocity.

There were some clear cases of homicide. Cameraman Farkhad Kerimov and journalist Nadezhda Chaikova were executed during the first Chechen campaign; cameraman Adam Tepsurkayev was gunned down in 2000. Both sides in the conflict were bound by the Geneva Conventions to respect the rights of journalists and other media workers. This was also true of the subsequent "anti-terrorist operation" from 1999 to 2009. Whoever killed these three committed a war crime.

There has been only one court hearing about the death of a journalist during the two Chechen campaigns. In June 1995 journalist

**CHART 1:** Deaths of journalists and media staff in Russia, 1993 to 2008, according to Russian monitors



Natalya Alyakina was killed when a Russian soldier fired several shots at her departing vehicle. She and her companions had been waved through a checkpoint and, it was said in court, the soldier then accidentally stood on the trigger of the machine gun mounted on his armoured personnel carrier. The soldier was found guilty of careless handling of weapons (and then amnestied). The death of Ramzan Khadjiev, a senior Chechen working for ORT, in almost identical circumstances a year later received no such attention. Indeed, his employer, the main Russian TV channel, at first tried to blame the killing on Chechen snipers. Alyakina was working for a German magazine.

### 1.3 Homicide

If the overall figures, and the identities of individuals, in the previous categories of incident broadly coincide with those of other organisations, the peacetime homicides in the data base greatly exceed any other list. Russian monitors now accept that a quarter (homicide 1, Chart 1) of these 160 killings were linked to the work of the journalist or media worker. The inclusion of so many other murders (homicide 2) reflects the breakdown of law and order in the 1990s.

Russia's media monitors attempted to document all violent deaths, no mean feat in such a vast country, thereby obliging law enforcement agencies to record and investigate these fatalities. There has been constant under-reporting of homicide in Russia but for journalists and media workers, thanks to their colleagues, their union and the media monitors, this has largely ceased to be an issue. Few of the killings came to court, however, and so the numbers of "unsolved" homicides accumulated in the records of media monitors. A considerable uncertainty remained about the motives for many of these deaths. Three examples illustrate this situation and the atmosphere to which it gave rise.

After the death in Lipetsk of Valery Krivosheyev, regional correspondent for the *Komsomolskaya pravda* national daily, a local newspaper (13 September 1997) cautioned its readers not to jump to conclusions: "For the time being let's not speculate whether this was a contract killing, a private quarrel or if Valery was just unlucky. ... Regrettably, all three types of killing are frequent these days and few of us feel secure ..." The killing might be planned, spontaneous or the consequence of an opportunistic street attack. The conclusion, not ac-



cepted by all, was that the death resulted from a spontaneous personal quarrel. The other party came forward but was not prosecuted.

A year later a police spokesman gave a briefing on the investigation into the death of Anatoly Levin-Utkin, deputy chief editor of the new *Legal St Petersburg* weekly, who was beaten to death in the stairwell entrance to his apartment block on 20 August 1998. Investigators were following two lines of enquiry, he said. The first was that the attack was linked to the victim's work as an editor. The second was that the aim of his assailants was to rob him. "The latter seems more probable to me," the spokesman commented. "That's the way most such robbers operate: they follow their victim into the stairwell, hit them over the head from behind and take their money or bag." Colleagues of the dead man did not agree. The assailants stole Levin-Utkin's briefcase which contained his identity documents, a processed reel of film and material for the weekly's next issue.

*Legal St Petersburg* had first appeared only three weeks before and its articles had already provoked strong reactions. The police said they could not find a link with his journalistic activities but colleagues insisted, saying that the 42-year-old had no commercial interests and was not an obvious target for street robbers. The killing has not been solved – the attack was so violent, a medic commented, that murder seemed to have been the aim.

In a third case, in yet another part of Russia, there were more specific concerns about the police response. Lira Lobach, a well-known local radio journalist who had worked for ten years with the Tomsk TV and Radio Company, went missing on 28 December 1997. About three weeks earlier Lobach had received threatening telephone calls after a radio programme during which she exposed the beating a policeman had given a young boy. On 6 April 1998 her body was found. A police colonel attended her funeral, a newspaper noted, but looked out of place and (it was suggested) he was hardly welcome in the circumstances. The

case was later proved to be a violent robbery and on 23 September 1999 the man who killed and robbed Lobach, and five other women in the Tomsk Region and in Kyrgyzstan, was sentenced to life imprisonment.

No other journalist has been murdered in Lipetsk or Tomsk. Neither Krivosheyev nor Lobach, it seems, were killed because of the work they did. Still, their deaths were part of a shocking tide of violence. Official homicide statistics were first released only ten years earlier, showing 16,000 such deaths and attempted murders in the Soviet Union. By 2006 there were 27,462 recorded homicides and attempted murders in Russia, a country with a population of 142 million, i.e. less than half that of the USSR in 1988. (Moscow, we might note, had as many recorded homicides and attempted murders in 2000 as the whole of the United Kingdom.) As the 1990s progressed, moreover, there were a number of high-profile killings of journalists and media figures that shook the entire country – Dima Kholodov in October 1994, Vladislav Listyev in March 1995 – and since 20 of the 32 peacetime homicides recorded between April 1993 and December 1996 took place either in Moscow or the surrounding Central Federal District they received wide attention in the press and on TV. The failure to prosecute for any of these murders (the first conviction came in July 1997) provoked the challenging presumption that, until proved otherwise, any such killing might be linked to the victim's work.

Due to "the political, social and criminal situation" in Russia it was not always possible "to establish a clear reason for the attack on a journalist or for his or her death," stated the Glasnost Defence Foundation. This led it to adopt a different approach to media monitors abroad: in Russia, it said, the "investigation of the murders of journalists frequently takes years or is not entirely objective." The CJES qualified this response to the situation: "we are forced to consider any attempted attack or attempted murder of a journalist to be linked with his or her professional activities unless



and until the law enforcement agencies have proved to the contrary.”

Russia’s media monitors therefore recorded every death that came to their notice. As their own evidence shows the period of total impunity has now passed in most, though not all, parts of the country. The problem today is not coping with a total lack of justice but with the quality of justice being administered. It is a matter of dealing with courts, defence lawyers and prosecutors as well as the police and investigators from the prosecutor’s office.

### 1.4 Not Confirmed and Missing

There remain two other categories of incident in the data base. It has not conclusively been confirmed whether twenty seven fatalities were accidents, natural deaths or homicides. Since 1993 fourteen journalists and other media workers have also gone missing. In those cases the nature of the incident is usually even less clear.

Two thirds of the fatalities where the type of incident has not been “not confirmed” are deaths of a kind familiar elsewhere. They are classified as [nJ] “almost certainly not work-related”. There are times, however, when the circumstances arouse greater suspicion, and the cases fall into the category of [?] “deaths that have not been investigated or where the results of investigation raise doubts”. There are doubts whether Ivan Safronov died from a fall in 2007 or that he was driven to suicide. An ex-

tended and inconclusive investigation followed the airplane disaster in which Artyom Borovik died in 2003. In all these cases the need for independent and trusted expert knowledge has been keenly felt.

Naturally, monitors and law enforcement are generally cautious in assessing the fate of those who have disappeared. In the North Caucasus some have been kidnapped and eventually return to their friends and family. In the “peaceful” interim between the first and second Chechen campaigns no less than 17 journalists were kidnapped and ransomed in Chechnya. Cameraman Vladimir Yatsina did not return: ransom demands were made and then no more was heard. After five years, in accordance with Russian police practice, he was presumed dead. The same applies to all but three of the missing in the data base. No one doubts what happened to some. The authorities had little hesitation in declaring that Vladimir Kirsanov and Maxim Maximov had been murdered, although their bodies have not been found to this day.

Six of the missing disappeared in Chechnya, four during the first campaign. When nothing was heard from the experienced war reporters Maxim Shabalin and Felix Titov, after they reached the North Caucasus in March 1995, no less than eight expeditions were sent to the region to search for them. They had almost certainly been shot. No trace of them has ever been found.

# Impunity and Partial Justice

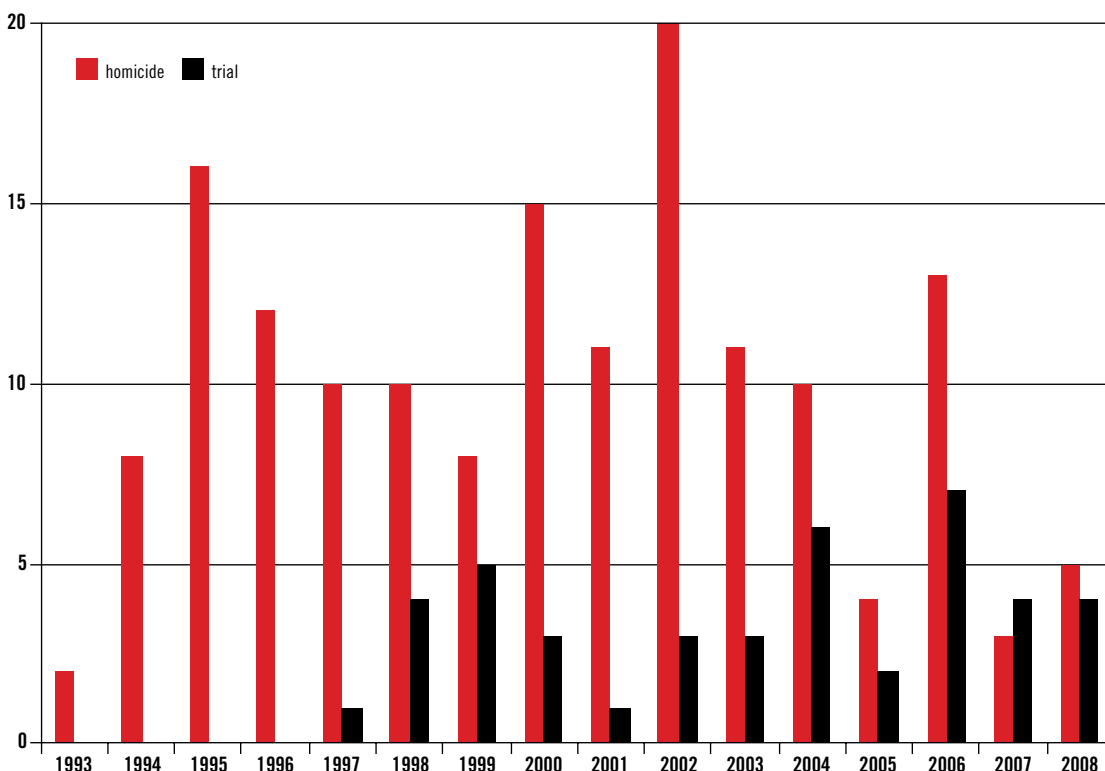
One, and only one, of the 14 peacetime killings of journalists in 1995 led to a prosecution. After several years of determined effort by Alexander Konovalenko's widow the officer responsible for striking the blow that killed her husband in a Volgograd police station was sentenced for murder and abuse of office. Examining two subsequent peak years for the killing of journalists shows the shift away from total impunity.

In 2002, the worst year on record, no less than 20 media workers were killed. Only one of these deaths occurred in Moscow: if monitors had not covered the entire country earlier this was another sign that they were doing so now.

Over the following years the killings of five of these 20 journalists and media workers resulted in prosecutions. Only two of the deaths, those of Valery Ivanov and Natalya Skryl, were linked by monitors to the work they were doing, as editor and journalist. A quarter of the 2002 deaths were contract killings, the shooting of directors of TV and radio companies, relating more to their business activities than what they broadcast. Like so many crimes of the kind, these murders have not been solved.

Thirteen media murders occurred in 2006, the year Anna Politkovskaya died. By spring 2009 there had been nine court cases in response. There were only three media killings in 2007, the lowest total since 1993,

**CHART 2:** Killing with impunity in Russia, 1993-2008



and all three led to prosecutions in 2007 and 2008. The total impunity that prevailed until 1997 has steadily receded, in other words. The overall numbers of killings are also on the decline. Before considering how this applies to those journalists and editors who are thought to have been killed for their work it is necessary to add another important dimension.

In three parts of the country no killer of a journalist or other media worker was ever prosecuted between 1993 and 2007. This remains true of Chechnya, and of the rest of the North Caucasus, which accounted for 3 of the 5 media murders in Russia last year. The third place is St Petersburg where the first ever conviction for killing a journalist was handed down early in 2008. These areas of persistent impunity have masked the extent of the change elsewhere. If deaths in those three parts of Russia are excluded, it can be seen that the proportion of prosecutions for killing a journalist rose between 2000 and 2009 from one in five of such homicides to well over half the total. As the country's media capital the preponderance of Moscow deaths has also had

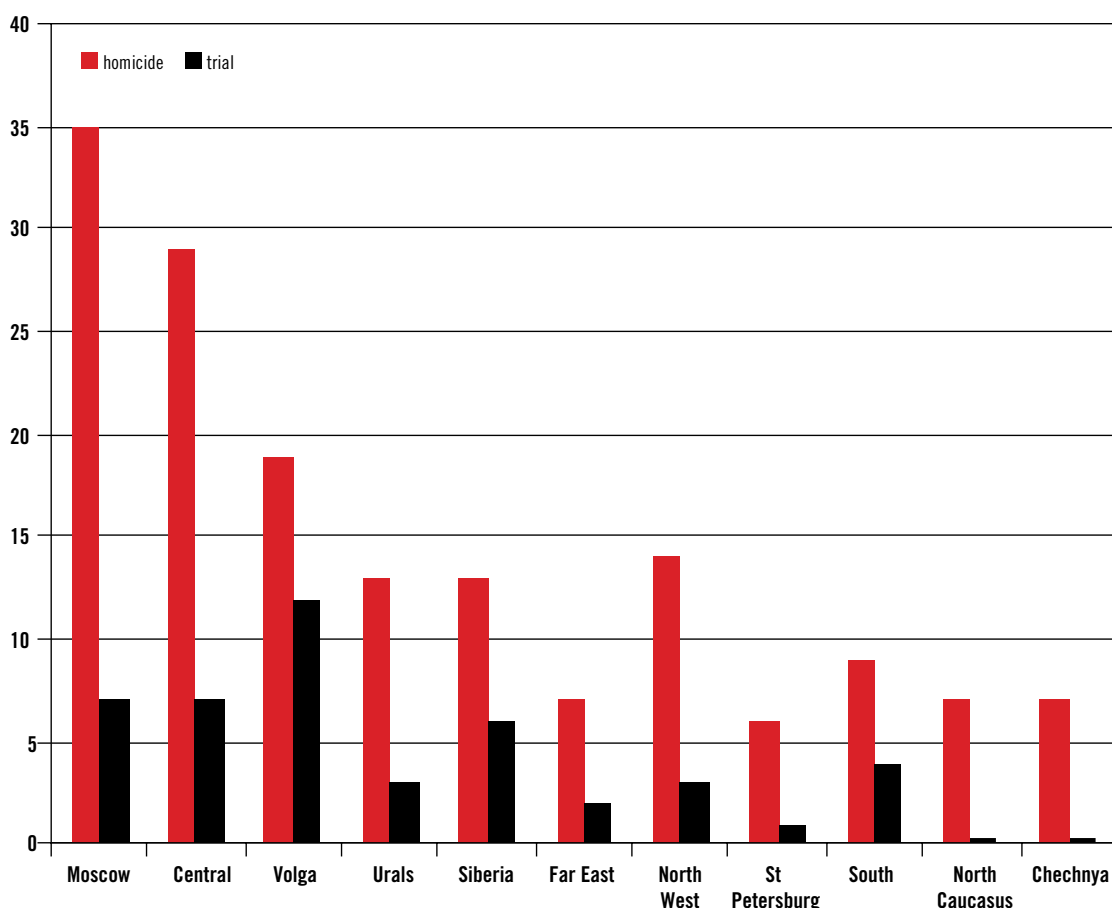
a distorting effect on the whole. Between 1993 and 2007 thirty four of the recorded killings took place in Moscow, and a further 29 in the Central Federal District. If the two thirds of homicides occurring beyond Moscow and the surrounding regions are considered separately the prosecution rate is up to 70%.

This compares favourably with overall crime statistics. Russian police say they now solve 88% of homicides and attempted murders. These claims must be compared with real rates of prosecution. From Supreme Court data these seem to cover about 75% of such crimes — though this is an average for the entire country and in the big cities the police clear-up rate is certainly lower and the prosecutor's office do not send so many cases to court.

### And journalists killed for their work?

This concerns killings in which all motives may be involved. Yet it is only an apparent digression from the principal concern of justice for journalists killed for the work they did. Between

**CHART 3:** Killing with impunity, 1993-2008, the Russian regions



1993 and the end of 2008 there were 35 homicides about which monitors are sure that the victims died for their work, or have more or less strong suspicions that they did so. Fourteen of the 35, however, were killed in Chechnya, the North Caucasus or St Petersburg.

Some of the 14 were murdered over a decade ago. Others have been killed in the last five years. Maxim Maximov and Alexander Piterisky were murdered in St Petersburg in 2004 and 2005, respectively, and there have been three deaths in Dagestan, and one in Ingushetia, since 2005: Magomed Varisov, Gadji Abashilov, Magomed Yevloyev and Telman Alishayev. Unless something changes, the past record of these regions does not hold great hope for a thorough investigation of these cases, let alone a court prosecution of the suspected murderers.

As concerns the 21 journalists and chief editors murdered for their work in other parts of the Russian Federation, six died before 1997. Suspects have been prosecuted for two of those killings and for eight others committed since the new Criminal Code came into force. These ten trials between 1998 and 2009 resulted in five acquittals and five convictions.

Even at this level the result is striking. The outcome may be compared to the prosecutions for a killing where the journalist's work is not considered the motive for assault or murder. In those cases there were 33 convictions and only 1 acquittal, that of the suspected assailant of Vagif Kochetkov. Another comparison is with trial by jury, reintroduced in Russia in 1997 for homicide and similar grave offences but still not widespread. This has a markedly higher acquittal rate (one in five) than the usual panel of judges. Here every second trial led to an acquittal – and only the Klebnikov and Politkovskaya cases were heard before a jury.

Of the above five convictions, moreover, only two, arguably, gave the victims full justice. The policeman who killed Alexander Konovalenko, and the gang leaders who gave the orders to murder Sergei Ivanov, were found guilty. In every other case, a partial form of justice was achieved: the immediate perpetrators faced the threat of a sentence but those behind the murder were rarely named and never prosecuted. This is a disturbing record though it is better than no trial at all as in the deaths of Sergei Novikov, Natalya Skryl, Yury Shchekochikhin and Vladimir Pritchin.

There are many possible explanations for these results. One is interference and outside pressure on the process of investigation and the subsequent trial. Occasionally, as the first case study shows, this may be well-intentioned. In other cases it would explain why none of those behind the killings were prosecuted. One possibility is that lawyers for the accused have proved more effective in such trials than the prosecution. Judges may have demanded higher standards of proof than in other cases. Each trial probably has differed in these respects and displayed a varying combination of these elements. It is now time for the legal specialists to examine these cases, and any that follow, and draw the necessary conclusions.

One thing is already clear. With impunity for everyday crimes on the decline, it has become increasingly evident how far the judicial system has been failing to protect journalists when they are attacked not as any other citizen — in a violent quarrel, during a robbery — but for the work they do.

## TEN DEATHS AND TRIALS

Alexander Konovalenko (Volgograd, 1995)  
*Conviction in 1998*

Larisa Yudina (Elista, 1998)  
*Conviction in 1999*

Dmitry Kholodov (Moscow, 1994)  
*Acquittal in 2002*

Sergei Ivanov (Togliatti, 2000)  
*Conviction in 2003 (Samara)*

Alexei Sidorov (Togliatti, 2003)  
*Acquittal in 2004*

Paul Klebnikov (Moscow, 2004)  
*Acquittal in 2006*

Igor Domnikov (Moscow, 2000)  
*Conviction in 2007 (Kazan)*

Ilya Zimin (Moscow, 2006)  
*Acquittal in 2007 (Moldova)*

Ilyas Shurpayev (Moscow, 2008)  
*Conviction in 2008 (Tajikistan)*

Anna Politkovskaya (Moscow, 2006)  
*Acquittal in 2009*

# 3

## Case Studies

To examine in greater detail how different agencies have responded to the killing of journalists in Russia the deaths of six reporters and editors were selected and studied by the GDF and CJES, using a framework drawn up in 2007 (see Appendix 1). The circumstances in each case differ. The major contrast, perhaps, is between the three deaths that led to a prosecution and the three that did not.

The injured party or victims have full rights of access to the case materials, once the investigation is completed and the case sent for trial, and they (and their representatives) may also participate in the

trial itself. The new Criminal Procedural Code, which came into force on 1 July 2002, made these rights yet more explicit. Until recently, however, most of the homicides recorded in the data base did not advance beyond the stage of investigation. Then it was only at the discretion of the official investigators whether, and to what extent, the victims had access to the investigation.

In setting these six deaths in a wider context it has proved, paradoxically, more enlightening to work in reverse chronological order, from the latest (and most uncertain) of the six cases to the murder of Dmitry Kholodov, which still casts a long shadow over the discussion of killing with impunity in Russia.





## Vagif Kochetkov



**Vagif Kochetkov** was attacked in Tula late on Tuesday night, 27 December 2005. He was found by neighbours around 2 am on Wednesday morning and they took him back to the flat he shared with his parents. It was not until 30 December that he was admitted to hospital after being diagnosed with a serious head injury. On 5 January 2006 Kochetkov was moved to intensive care and operated on, but he died three days later.

Then and since, journalists writing for other newspapers, and media monitors, have voiced suspicions that Kochetkov's investigative work and publications as a journalist could account for the attack. On 23 November 2006 an article by Kochetkov about abuses in provision of free medicine for those on low incomes was posthumously published by a Moscow weekly (*Argumenty nedeli*). It was prefaced by the suggestion that the "well known Russian journalist Vagif Kochetkov" might have been killed for investigating the subject. In February 2007 his name, together with that of Anna Politkovskaya, was enshrined in the list of those journalists who had died for their work in the Newseum in Washington.

From the outset, however, there were doubts about the motive behind the attack which resembled so much of the street crime afflicting Russia. Police in Tula told local journalists in January 2006 that they had recorded no less than fifty such attacks in the first few days of the New Year.

### The background

Vagif Kochetkov began work as a journalist in 1993 when he joined the local radio station in Tula, a city of half a million inhabitants 135 kms south of Moscow. He wrote for the evening newspaper, took an interest in local politics and at his death remained political commentator for *Molodoi kommunar*, the twice-weekly regional newspaper where his friend Alexander Yermakov was deputy chief editor. At the same time Kochetkov developed ties with a number of national periodicals.

He worked as local correspondent for the liberal daily *Novye izvestia* and the *Rossiiskie vesti* weekly and it seems he also occasionally contributed to the Soviet-era daily *Trud*, with its national circulation of 220,000. It was only in September 2005, however, that Kochetkov became *Trud's* regular correspondent for the neighbouring Ryazan and Kaluga Regions, as well as the Tula Region itself.

For the first few days after the attack Kochetkov was conscious and talked to his colleagues Alexander Yermakov and Yelena Shulepova, local correspondent of the National News Agency. He did not see who had attacked him and had no memory of what

had happened. When he was released from hospital, the 31-year-old said, he would "get to the bottom of it".

### Interpretations

When Kochetkov was found he no longer had his mobile phone or his bag. This supported the view that the attack was part of a robbery. It also lent credence to his father's account that his son had been going to meet someone about a subject he was investigating and that papers he carried with him had vanished.

Working for a national newspaper Kochetkov's death received wide publicity but *Trud* could say relatively little about him. This was not true of Yermakov and Shulepova. Independently of one another, they read all Kochetkov's publications of the last 6-12 months and both concluded that there was nothing there which would explain or justify such an attack. Even the posthumous November 2006 article contained nothing that had not appeared before. Claims elsewhere in the Russian media that Kochetkov was attacked because of his work can be traced back either to statements by his father (who showed CJES expert Sergei Plotnikov the

## Everyday Crimes?

Beatings or blows to the head have accounted for the deaths of half the chief editors and journalists murdered in Russia since 1993. It is the single most common form of homicide recorded by Russia's media monitors. By the time Vagif Kochetkov was attacked in December 2005 monitors and journalists were accustomed to ask whether the death might be linked to the work of their colleague. Each year over the same period law enforcement officials dealt with many thousands of attacks and deaths in similar circumstances. They tended to see such assaults on journalists as part of a depressingly widespread form of violence affecting Russian society as a whole.

Some cases have been clear from early on. There was no doubt about Larisa Yudina's brutal killing in Kalmykia on 7 June 1998. When Igor Domnikov died a newspaper commented, "They killed him because he was a journalist, not just an ordinary citizen" (*Novye izvestia*, 18 July 2000). By then official investigators had classified the brutal attack that left Domnikov in a coma for two months as a deliberate murder, almost certainly linked to his work as a journalist. Other cases are less clear-cut. Perhaps eight more of the 56 such deaths stir suspicion that an attack resembling an everyday crime (a robbery, a violent quarrel) might conceal an attempt to intimidate, punish or eliminate a "troublesome" editor or reporter.

Like victims among the population as a whole, journalists and other media workers were typically assaulted or found, on the street, in the stairwell entrance of their apartment block, or in their flat. It was only by considering all the individual circumstances – whether the journalist or editor was engaged in investigative journalism, for instance, and whether he or she had already been threatened or attacked – could monitors, the prosecutor's office and the police reach conclusions about the likely reasons for any assault.

The official assessment is implied by the article of the Criminal Code invoked by the prosecutor's office when pursuing a criminal investigation. In the case of Domnikov and Yudina it was unequivocally murder, Article 105 ("the intentional causing of death to another person"). After Kochetkov's death the offence was qualified, under Article 111.4, as manslaughter: "The intentional infliction of a grave injury, which has led to the death of the victim by negligence". This remained the charge when Jan Stakhanov came to trial. Independent medical opinion suggested that had Kochetkov's operation been performed earlier he might have survived.

Since 1997 twenty four such killings of journalists have come to trial. The frequency of court cases has been rising significantly, moreover. Of 11 such fatal beatings and attacks between January 2004 and December 2007 eight have so far led to a trial. Sergei Plotnikov, the CJES expert who carried out this case study, suggests that journalists in Tula and elsewhere must now press for a proper investigation into the death of Vagif Kochetkov. Whatever the motive for the attack, this was a grave crime against the individual and is punishable with imprisonment for up to 15 years.

posthumous 23 November article) or to authors who were not directly familiar with Kochetkov's publications.

Initially the police qualified the incident as robbery (Article 161). After Kochetkov's death a criminal case was opened under Article 111.4 (manslaughter) and investigators from the local prosecutor's office took control and supervised police activities. Very soon the mobile phone was traced to Jan Stakhanov, a Tula resident with previous criminal convictions, and within two weeks he was arrested. On 3 April 2006 Stakhanov was put on trial at the Proletarsky district court in Tula, charged with manslaughter and robbery with violence.

### Investigation and trial

The investigation was rapidly conducted. The subsequent trial would continue, off and on, until April 2008 when Stakhanov was acquitted.

The head of the Tula Region criminal investigation department said that neither police sources of information nor verifiable suggestions by Kochetkov's colleagues gave support to the idea he had been attacked because of his work as a journalist. The prosecutor's office did not consider this possibility either. Yelena Shulepova doubted there was any link between the attack on her friend and his work, but she was sceptical about the correct identification of the assailant.

Vagif Kochetkov wrote for national as well as local newspapers and his killing was the first such death in the Tula Region – in fact, the first death of a journalist or editor in any of the surrounding regions (apart from the Moscow Region) since the late 1990s. There was, therefore, pressure on the local law enforcement agencies to produce results. The head of the Tula Region police force Rozhkov had known Kochetkov personally and intervened to support the investigation. The consequences were ambiguous. To Shulepova, who had written about crime and law enforcement, it seemed that first the police and then the prosecutor's office acted with undue haste. They did not make a thorough job of the investigation and picked the first plausible suspect. She has maintained this view of the investigation. Later she became convinced that Stakhanov was the perpetrator since he

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revealed something that only the person who searched Kochetkov's bag after stealing it could know: when the bag was found, during the trial, it confirmed what Stakhanov had said in his first depositions, that the bag contained a press card with a blue cover. *Trud* had recently changed its staff identity card but apart from its journalists few knew that.

Kochetkov's father, Yury Baikov, chose to represent the injured party at the trial. He and his wife continued to believe that their son was attacked for his work as a journalist. Today they are almost alone in that belief. The failings of the investigators, Baikov insisted, were the result of deliberate external pressure and not

due to haste or a lack of professionalism. One of the prosecutors subsequently commented on the "odd aspects" and inconsistencies of the police investigation. Former investigator Mikhail Milman, now a CJES consultant, said that the case was ill-prepared and that he would not have sent it to court in that condition. The judge had little alternative, in Milman's view, but to acquit.

In January 2007 the case was returned to the prosecutor's office for further investigation. A new charge sheet was confirmed on 28 April 2007 and the trial resumed. Hearings were held one day a week until 8 April 2008 when Jan Stakhanov was acquitted of all charges.

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## Valery Ivanov and Alexei Sidorov

On 29 April 2002 Valery Ivanov, chief editor of the *Tolyattinskoe Obozrenie* (Togliatti Review), was shot dead, while sitting in his car outside his apartment block. At 11 pm a man knocked at the driver's window. When Ivanov lowered the window to find out what he wanted his assailant shot him six times. There could be no doubt that this was a targeted killing. Official investigators and fellow journalists had strong suspicions as to who might have ordered and paid for Ivanov's murder. Eighteen months later Alexei Sidorov, Ivanov's friend and successor at the *Togliatti Review* was stabbed to death.

Togliatti (pop. 700,000) had already acquired the dubious reputation, with Moscow and a few other Russian cities, of being a place where those in the media were a regular target for assassination. No less than four other editors and directors of local press and

television had already died in the car-making city on the Volga. The first was Andrei Ulanov in 1995, followed by Nikolai Lapin in 1997. In 2000 the general director and the chief editor of Lada TV, Sergei Ivanov and Sergei Loginov, died within a month of each another. When the first death occurred it was suggested that after production and distribution had been rapidly shared out, semi-criminal business interests were turning their attention to the media. By the time Valery Ivanov and Alexei Sidorov were killed there was talk of a Togliatti syndrome, spreading over the country, in which business and media interests became inextricably entwined.

Yet only four of the six deaths seem indisputably to have been contract killings and the motives for each, where they could be established, were different.

## VALERY IVANOV



**Valery Ivanov** himself founded *Tolyattinskoe obozrenie* (Togliatti Review) in 1996. Funds were provided by a businessman friend Gennady Shkavrov and, contrary to common assumption, Ivanov retained only a one per cent share in the newspaper. From the beginning Alexei Sidorov played an active part and his father, a local professor, helped the Review to obtain its first premises. Soon the newspaper, which then appeared 2-3 times weekly, became popular and could afford its own offices in the centre of the city.

It was the first newspaper in Togliatti to document the serious problem the city and surrounding region faced with petty and organised crime and this was one reason for the *Review's* success. A regular section covered the activities of criminals and the law enforcement agencies and this theme soon

became the mainstay of the paper, taking up several pages and often the front page as well.

Estimates as to the Review's print run vary from an official 10,000 to the editors' own estimate of 30,000. When it became a daily, Sidorov said, the edition ran to 6,000 copies a day while the weekly issue had a print run of 21,500. Whatever the case, the Review became highly popular in Togliatti and the surrounding Samara Region: it was genuinely independent; it criticised the Region's administration and legislative assembly; it was not controlled or influenced by any of the organised crime groups in the city.

Ivanov returned from Samara to Togliatti in the early 1990s and began working for local newspapers. The *Togliatti Review* made him a popular and well-known figure in the city and enabled him to begin a successful political career. Two years before his murder he was elected to the city дума or council.

### Interpretations

There have never been any second thoughts about the killing itself. All agree it was a targeted assassination and there are nuances of interpretation rather than major disagreements about the reasons why certain people wanted Ivanov out of the way.

Yury Kulenkovich, deputy head of criminal investigation at the Togliatti city police, says that those who ordered and paid for the shooting of Valery Ivanov were local crime bosses who had come into conflict with the chief editor of the *Togliatti Review*. They did not appreciate a series of publications about the "Chechen" crime gang which they controlled in Togliatti. When Ivanov would not accept money to cease publication he was threatened.

Their paths crossed again when Ivanov, this time as a member of the дума, insisted on an open tender for supplies of oil and fuel to the city. This led to a cut in the inflated prices charged by the "Chechen" gang and Ivanov received warnings from law enforcement officials that he would now be targeted.

Fellow journalists also supported these two suggestions and after Ivanov's death they were widely discussed in the *Togliatti Review*. A third suggestion made by local journalists was that a local leader of United Russia, Vladimir Kozhukhov, was behind the killing. Ivanov's widow Yelena also laid greater emphasis on her husband's political activities: she had not wanted him to stand for the city дума but he had a very promising future as a politician and she could not dissuade him. She knew little about his work at the newspaper, she said.

After his death Yelena remained in the same flat with their daughter. Colleagues who came to express their condolences were struck by the modesty of the apartment. The family had never had much money, Yelena said.

### The investigation

On 30 April 2002 the prosecutor's office opened a criminal case under Article 105.2 of the Investigation. During the first weeks of the investigation officials from the police and pros-

ecutor's office publicly stated that the death was a contract killing linked to the activities of Valery Ivanov as a journalist. Several times, then and later, law enforcement officials announced that they knew who had ordered and carried out the murder.

The investigation was halted, however, because no suspects had been identified or detained. On 10 March 2005, almost three years after Ivanov's murder, the case was re-opened, first for a month and then until August. Then, once again, the case was halted. The two principal suspects were long ago named as "Chechen" crime bosses Igor Sirotenko and Suleiman Akhmadov but they left the city soon after the killing. Today police admit that since the men thought to have organised and carried out the crime have both died there is insufficient evidence to charge anyone.

It is difficult to say how the investigation was conducted because the extensive case files remain inaccessible, even to Ivanov's widow Yelena and her lawyer Karen Nersisyan. A year after the killing a Samara newspaper expressed its own doubts about the investigation. "Ivanov's relations with those running the city police force were strained and the head of the district police where he was murdered had several times taken the *Togliatti Review* to court," commented the *Samarskoe obozrenie* (19 June 2003). "Local detectives had no experience in solving contract killings. The million rouble reward and Prosecutor General Ustinov's personal supervision of the case have not helped. The team of investigators is now working under its third head in a single year."

Dozens of local politicians, businessmen and leaders and members of various criminal groups were interrogated during the investigation. The body of a man suspected to have been Ivanov's killer was even exhumed for examination. Yet it remains unknown whether Sirotenko and Akhmadov were brought in for questioning. We do not know whether Utkin, the mayor of Togliatti, was interrogated concerning Ivanov's murder (he had reacted strangely, failing to express condolences) or if his deputies and representatives of the firms supplying fuel and oil to the city were questioned.

Today a police officer Andrei Osipov is responsible both for the case of Valery Ivanov and that of his successor Alexei Sidorov.

Osipov is working under the direction of the new Investigative Committee of the Prosecutor General's office and, alluding to "confidentiality of the investigation", declined to talk to Yelena Milashina who conducted these two case studies for the GDF.

### Another hypothesis

In 2005 a book was published in Moscow making sensational claims of a link between the killing of Valery Ivanov of the *Togliatti Review* and the deaths two years earlier of those who ran the local Lada TV company.

According to Ruslan Gorevoi's *Case No 13* Valery Ivanov was involved in a struggle to take over Lada TV and used his position in the city дума to obtain a controlling block of shares in the company, which was then waiting to renew its broadcasting licence. That explained the killing of Sergei Ivanov and the mysterious death of Sergei Loginov, both from Lada TV. It also provided a motive for Valery Ivanov's killing since his interest in the company brought him into conflict with the main shareholder, Georgy Limansky, the mayor of Samara.

On examination this hypothesis proved to have no foundation. Valery Ivanov and Lada TV's general director Sergei Ivanov were on good terms. They reached an agreement that once a week the TV company would broadcast a programme produced by the *Togliatti Review*, which served to popularise the newspaper. That was the limit and full extent of Valery Ivanov's interest in local television. The former director general and chief editor of Lada TV Yevgeny Rabinovich (who worked at the company from 2001 until its sale to Avtovaz in 2008) said that Valery Ivanov probably did not pay for the broadcasts.

There was a suggestion he might have extracted money from those to be exposed by the *Review*. Ivanov had never made improper use of information obtained during a journalistic investigation, say colleagues who knew him well. As for other business interests, Ivanov set up various subsidiary companies shortly before his death. A license for a dealership in Avtovaz cars and a license to set up a tour company were obtained but their purpose was to finance and support the newspaper. By his death not one car had yet been sold, said his widow Yelena.



## ALEXEI SIDOROV



At around 9 pm on 9 October 2003 Alexei Sidorov, chief editor of the Togliatti Review, left the newspaper's offices in the city centre. He drove home and parked his car a few blocks away from his apartment. When Sidorov reached the corner of the block of flats where he lived he was attacked and stabbed repeatedly. He managed to reach the stairwell entrance and call for help. The ambulance only arrived forty minutes later by which time Sidorov was dead.

Following Valery Ivanov's murder Alexei Sidorov took over as chief editor of the newspaper in May 2002. The appointment was not universally popular and certain of the staff left to work for a rival publication. The Togliatti Review lost some of its edge, appearing less frequently and including fewer dramatic exposés. There was a drop in the print run, the paper experienced financial difficulties and there was talk of selling it to a new owner. Formerly the newspaper's leading correspondent, Sidorov now concentrated on running the Togliatti Review, picking themes and subjects for his journalists to write up.

### Interpretations

Three days after Sidorov died the official version was made public. The prosecutor's office declared that this was an everyday crime and soon a suspect was found. A young neighbour of Sidorov's with no previous criminal convictions, Yevgeny Maininger, confessed that he had run into the editor that evening and, after a quarrel, stabbed him.

Sidorov's relatives and colleagues at the newspaper took quite a different view. They saw his death as a second contract killing, linked to his activities as a journalist but named few specific reasons. When Valery Ivanov was murdered several convincing arguments were put forward. In Sidorov's case neither relatives nor colleagues could be more precise than to suggest that the aim was to force the *Togliatti Review* out of business (it kept going).

Alexei Sidorov was not as secretive as his predecessor. Unlike Ivanov, colleagues on the newspaper knew about Sidorov's plans for publication and were usually co-authors of the published material. One of Sidorov's last investigations concerned the sharing out, between police and a local criminal gang, of the property of a deceased crime boss. A journalist from the *Review*, working on the subject with

Sidorov, received no threats himself and did not know if Sidorov had any original material.

It was unlikely that Sidorov was targeted by the same crime bosses as Valery Ivanov. In publications about his predecessor's murder Sidorov drew his information from the law enforcement agencies conducting the investigation and supported the view that the open tender for the city's fuel and oil supplies was the main reason for the killing.

Nevertheless, the official investigators at the local and regional level did not initially exclude the possibility that this was a contract killing. Nor did they set themselves the task of solving the crime in record time. That pressure came from above.

### Investigation

A criminal case was opened on 9 October 2003 by the local prosecutor's office under Article 105.1 (Murder) of the Criminal Code. This soon became the more specific charge of the deliberate infliction of death due to personal animosity in a spontaneous private quarrel.

Nevertheless, the deputy prosecutor for the Samara Region set up a large team of investigators to look into the crime and they

## Contract Killings

Some killings were undeniably deliberate, targeted and planned. For instance, over forty peacetime shootings of those in the media have been recorded by monitors in Russia since 1993. This is not the form of homicide for most journalists. The great majority of directors of print, radio, TV and internet media murdered during that period, however, died from gun wounds in deaths typical of the contract killings that by the mid-1990s were taking the lives of several hundred of Russia's new businessmen each year.

In 16 cases the murders of those administering and managing the media are thought to have been targeted assassinations by hired criminals. Most link the death of such an administrator (and sometimes owner) of a publishing house, radio station or TV company to their involvement in politics or, more commonly, to the commercial and business aspects of the media under their control. In only three uncertain cases was there thought to be a link with what they broadcast: Gadji Abashilov in 2008, Sergei Novikov and, though this is disputed, Sergei Ivanov (both shot in 2000).

Chief editors, especially of new print publications, such as Valery Ivanov and Alexei Sidorov, have occupied a midway position between media administrators and journalists. Law enforcement agencies, monitors and journalists have considered both the journalistic activities of those murdered and any commercial interests they might have had. Seven of the 22 murdered chief editors were shot, ten died after being beaten or struck over the head, three were stabbed to death. The motive for almost half these deaths, monitors concluded, was probably or certainly linked to the controversy stirred by the contents and editorial policy of the publication (or, in one case, website).

Over the entire period eight of the 41 peacetime shootings have come to court. Again, the level and nature of impunity has shifted markedly in the last five years. Six of the eight fatal shootings between 1 January 2004 and 31



December 2007 have so far come to trial. One of the two exceptions is the killing of Magomed Varisov in Dagestan in 2005: note has already been made of the lack of judicial redress for journalists killed in the North Caucasus over the past 15 years.

Three recent court cases have dealt with obvious contract killings. With five preceding trials – of those who killed **Larisa Yudina (1946-1998)**, Lubov Loboda, Vladimir Sukhomlin, Dmitry Kholodov and Igor Domnikov – the cases of Sergei Ivanov, Paul Klebnikov and Anna Politkovskaya represent the full extent of attempts by the Russian judicial system to grapple with the professional assassination of journalists, editors and media directors. The arrest and conviction of those linked to the shooting of Sergei Ivanov, general director of Lada TV in Togliatti, has features in common with the trial of Igor Domnikov's killers in 2007.

In both cases an entire gang, with its leaders and foot soldiers, was put on trial for up to two dozen serious offences. The murders of Ivanov and Igor Domnikov (1958-2000), respectively, were only one of their many crimes. Those who killed Ivanov in 2000 had already died themselves, said law enforcement officials, but the rest of the Volga gang were tried and convicted in 2003 for involvement in this and other offences. According to the official version, those sentenced included the men who ordered Ivanov's elimination because, they believed, he had aligned himself and his business interests with a rival gang. Similarly, Domnikov's killers were first arrested for other

crimes and were then indicted for his murder along with 20 other killings and attempted murders. The difference between the two cases, and it is substantial, is that members of the gang from Naberezhnye Chelny in Tatarstan were not acting on their own behalf but had been hired to attack the Moscow journalist.

In 2006 the country's law enforcement agencies admitted that, on average, they solved only 10% of contract killings (compared to 83% of everyday homicides). The results of these eight trials suggests that they have been singularly unsuccessful when it comes to the targeted assassination of journalists. The killers of Yudina, Sukhomlin and Domnikov were convicted; those allegedly involved in organising the murder of Kholodov, Klebnikov and Politkovskaya were acquitted: but none of the men behind these crimes were charged or prosecuted.

Only once has every individual responsible for a contract killing in the media been officially identified and brought to justice. In late October 1999 the perpetrator, the intermediary and the man who ordered and paid for the killing two months before of editor Lubov Loboda in Kuibyshev (Novosibirsk Region) were all convicted and imprisoned.

were supported by 22 detectives, at the local and the regional level, including Colonel Yefremov, head of criminal investigations for the Samara Region. The organisation of such a strong team to investigate an ordinary crime was officially attributed to the “complexity and large volume of investigative processes”. Sidorov’s father would later voice the opinion that the work was mainly done, nevertheless, by the local prosecutor’s office even though “the best investigators” and Russia’s deputy Prosecutor General Kolesnikov were formally participants.

The suspected murderer was detained after the seven witnesses to the killing had been questioned. There remains some doubt that the testimony of these witnesses was conscientiously and thoroughly processed. Within seven days of the murder, however, deputy Prosecutor General Vladimir Kolesnikov announced that the crime was solved.

After three days’ in a police cell Maininger confessed to the crime in the presence of an appointed defence attorney. Later the suspect claimed that he was forced to confess and retracted his testimony. There seems little doubt that he was beaten during that period and the main evidence against him remained circumstantial. A metal worker at a local factory, Maininger made a copy of the supposed murder weapon for the investigators: the original sharpened peg, intended for fishing, was not found, however, neither were the blood-stained clothes or any finger-prints. Sidorov had no less than 11 stab wounds, but none by themselves were fatal. Had he been treated promptly he might have survived. This supports the everyday, unprofessional nature of the crime, in the opinion of some.

## Trial

The Komsomolsky district court in Togliatti began hearing the case on 8 June 2004. The active participation of the GDF and the Russian Pen Centre, which hired lawyers Karen Nersisyan and Tamara Kuchma to act as Maininger’s defence team, resulted in a trial that was unprecedented in its openness. Vladimir Sidorov, Alexei’s father, who had access to the case materials as the injured party, also played a very active role. As a result, numerous violations of the Criminal Procedural Code committed during the gathering of evidence by police and the investigators from the prosecutor’s office were exposed. Certain observers, such as journalist Sergei Davydov from the *Togliatti Review*, who had followed both the killings of Ivanov and Sidorov, became convinced that the accused was the murderer and might well have been hired to kill Sidorov.

The prosecution failed to persuade the panel of judges and on 11 October 2004 Yevgeny Maininger was acquitted as “not having been involved in the murder of Alexei Sidorov”. After the acquittal the investigation was re-opened but Sidorov’s family, was not permitted to see the results of this new investigation. Attorneys for the injured party and for Yevgeny Maininger submitted formal petitions and complaints against deputy Prosecutor General Kolesnikov; for criminal charges to be pressed against the investigators in the Sidorov case; and for compensation. Sidorov’s family and Valery Ivanov’s widow also petitioned for the two cases to be combined but this was turned down.

In autumn 2007 the case was again re-opened but closed after a potential new witness, a businessman from Krasnodar, proved to have nothing specific to add to the evidence.

## Eduard Markevich



**Eduard Markevich** was shot dead on 19 September 2001 in the town of Reftinsky. About 9 pm he entered the courtyard of 17 Yubileinaya Street. His family had rented a flat there for several years. Markevich was almost halfway across the yard when he was shot in the back. A bullet usually employed in bear-hunting was fired from a double-barrelled shotgun at close range, passing through his heart and embedding itself in the wall of the building beyond.

Other people were in the courtyard at the time and several noticed an unfamiliar person directly before and immediately after the shooting. They also saw a rapidly departing white automobile. At 9.30 pm all traffic police in the area received instructions to stop the vehicle. Ten minutes later the car was spotted and the driver, known to local law enforcement as a member of a criminal gang, was detained as a suspect.

### The background

Markevich established the weekly *Novy Reft* newspaper in 1998 and its troubled history is inextricably entangled both with his character and that of Reftinsky (2008 population 19,000), where he was born.

The Urals town of Reftinsky grew up in the 1960s around a power plant supplying energy to nearby Asbest, twenty kms away, a city built next to one of the world's biggest asbestos mines.

Reftinsky was a small and privileged community, and in the early 21st century still had some of the highest wages in Russia. It then had no less than five newspapers (six after *Novy Reft* appeared) and could receive up to 21 TV channels.

After serving in the army Eduard Markevich worked for four years at the power station while studying on evening courses. Then, until he set up his newspaper, he was responsible for youth activities in the town. In 2000 he qualified as a lecturer in engineering but intended to study law. He had already passed the examination to enter the Academy of State Service. This brief biography shows that Markevich was clearly drawn to public activity and involvement. Yet he found himself constantly obstructed by the local authorities, say friends and acquaintances.

This came to a head when Markevich failed to receive the accommodation he had

been promised for his young family. After protesting at the injustice, he was sacked. In response he and several supporters began to stand in local elections. The main way of influencing public opinion, he believed, would be the media, in particular the independent newspaper he set up in opposition to the existing local paper.

### Interpretations

As his well-wishers readily admit, Eduard Markevich was a highly combative individual and made many enemies in the small town. In a comment after his death, the next chief editor of *Novy Reft*, his widow Tatyana, said the newspaper would now adopt a "different" tone.

At first the official investigators could not decide where to begin. There were many individuals and organisations that might have wanted revenge and this often obstructed the analysis of alternatives. Eduard's private life was complicated, for instance, and the motive of personal jealousy was investigated. More substantial was the suggestion that local policemen, exposed by an article he published in January 2001, wanted to take vengeance on a journalist who had prompted criminal charges against four of them. An attempt, in response, to frame Markevich almost succeeded but then resulted in

## Old media, new media

Of the media managers and administrators murdered in Russia between 1996 and 2003 all but a few were in charge of new TV and radio companies outside Moscow. The shooting of Vladislav Listyev in March 1995, shortly after the 39-year-old's appointment as general director of the country's main television channel, was both shocking and atypical. The characteristic he shared with other murdered media managers was their comparative youth: almost all were in their 30s.

Most of the 23 chief editors killed in these years were not working for national media either. The eight thought to have died because of their journalism rather than their business interests or private feuds were based in other parts of Russia, running new publications: Ulanov, and later Valery Ivanov and Sidorov, in Togliatti; Levin-Utkin in St Petersburg; Markevich in Reftinsky; Kirsanov in Kurgan, and Magomed Yevloyev (1970-2008) in Nazran. The exception might seem to be Larisa Yudina in Elista. Yet the obstacles she faced show, in reverse, the advantages that established national and, especially, regional and district media enjoyed over newcomers.

Yudina joined Sovetskaya Kalmykia in 1979 and by 1991 had become its chief editor. The paper closed briefly to re-emerge as an independent daily owned by the journalists, who then unanimously elected Yudina as chief editor. At first Sovetskaya Kalmykia enjoyed all the benefits of a Soviet-era publication. After Kirsan Ilyumzhinov became president in 1993, however, the one independent newspaper in Kalmykia faced increasing obstruction.

It was no longer possible to subscribe to the paper in the republic. A "double" with the same name was registered, hence the need to add segodnya (today) to the title. The newspaper's premises, including its vehicles and computers, were confiscated. It lost access to printing works in Kalmykia and had to be printed in the neighbouring Volgograd Region. This drastically reduced its print-run: "you can't cram more than 4,000 newspapers into a Zhiguli," commented Yudina. With help from the Yabloko political party, funding stabilised but only sufficient in 1997 to allow two issues a month. When none of this failed to deter Larisa Yudina she was brutally murdered.

The latest determined personality to join this particular list was 36-year-old **Magomed Yevloyev** (1970-2008). A lawyer by profession, in 2001 Yevloyev set up the website Ingushetia.ru, a popular and effective internet alternative to the restricted and censored press in the small North Caucasus republic of Ingushetia. He handed over the running of the site to



others in 2007 after pressure was put on his father. In June 2008 a Moscow court prohibited the site from broadcasting, because it was "inflaming ethnic tensions". In August 2008 Yevloyev died in highly suspicious circumstances, while in police custody, after flying back to Ingushetia

the resignation of the local prosecutor and the deputy regional prosecutor. Tatyana Markevich doubts that this was the reason why he was killed. It was well known that another person was the main force in pressing for the exposure of local police corruption.

A different interpretation was of revenge by a competitor. Markevich complained to the Ministry of Press, TV and Radio Broadcasting that Reft-Teleinform Ltd did not have a proper licence to broadcast. Yet despite personal antagonism between Markevich and Alexei Pogibaya, the head of the local broadcasting company, no evidence was later found against him, although law enforcement agencies were inclined to have him arrested.

After a certain period the favoured view was that Markevich was killed for blackmailing others. The suspects were the same as those listed in connection with Markevich's professional activities but now it was suggested that the chief editor was using the information he obtained to blackmail certain individuals for his own advantage. Finally, by process of elimination, the official investigators were left with the explanation that Markevich had been killed because of what he wrote and published.

This was the view of his colleagues and acquaintances. "As long as Edik loudly denounced scoundrels nothing more serious happened than the office being smashed up. In his last year, however, Edik became involved in a serious investigation, gathering documents and evidence, and constantly checking facts ... That was when he truly became dangerous," argued his friend Roman Toporkov. "At a certain point someone realised that his last major investigation, which he had been working on from late April to 19 September 2001, would soon be complete. At any price that person wanted to prevent publication of this exposé ..."

The story began with a letter of complaint to the newspaper. Over the next few months Markevich followed a trail leading, he said, from simple economic abuses to "extremely grave violations". He did not share his findings with colleagues but a month before he was killed he told friends that it would be "explosive" and the material would "take up almost all that issue". Markevich said he had "an entire file" of evidence. Unfortunately, neither his friends nor the official investigators could find this file. His close acquaintances say



the subject was probably linked to abuses in the construction, allocation and privatisation of residential accommodation.

Not only was it something close to his own heart. It was also extremely topical for Reftinsky. A satellite town, its comparatively recent and good quality housing stock made it an attractive target for various forms of criminal intervention. In particular, the 40-flat apartment block belonging to a boarding institution for juvenile offenders offered an easy opportunity for abuse. The first beating Markevich received was in February 1998 when he published an article about the disputed ownership of the building and attempts to privatise it. There was again confirmation of this link when, following an advised silence about controversial issues after Eduard's murder, Tatyana again wrote about the boarding school at 12 Molo-dyozhnaya Street.

Soon afterwards in October 2002 her flat was attacked. No difference in the tone of Tatyana's article, comments Sergei Plotnikov, helped to prevent that attack. Part of the specific atmosphere in the suburb was created by this grim institution and its fearsome director. Had he wished to do something to intimidate or silence the chief editor of *Novy Reft*, sug-

gests Plotnikov, he had the connections, not to mention his small army of juvenile offenders (including murderers).

## Investigation

The local prosecutor's office opened a criminal case under Article 105.1 (Murder) on 20 September 2001. Several days later it was transferred to the investigations department of the Sverdlovsk Region prosecutor's office. The usual procedures were followed, beginning with door to door questioning and ending with expert and scientific analysis. When Investigator Mikhail Milman took charge he insisted that local law-enforcement officers repeat certain of the initial measures since he considered they had been lazily implemented.

The traditional distrust and lack of understanding between journalists and the law enforcement officers meant that almost all unofficial contacts between them were conducted through Sergei Plotnikov. As a result, the investigators examined a large mass of documentary evidence and information that local law enforcement had overlooked.

On 20 May 2002 the preliminary investigation was halted since those to

## POSTSCRIPT: *Novy Reft* after Markevich

Roman Toporkov, a friend and colleague of Eduard and Tatyana Markevich, has recorded the 7-year struggle of the new paper to keep going.

***Novy Reft***: On 22 February 1998 two men in masks made the first attack on the newspaper's offices. They broke into the premises at night and severely beat Markevich with metal bars. In September 2001 after Eduard was murdered his widow Tatyana took over as chief editor and the same team of journalists continued to work for the paper.

***Novy Reft Events***: On 6 November 2001 the first issue of the newly registered *Novy Reft: Events* was published. The founder and chief editor was Tatyana Markevich and the team of journalists remained the same. On 15 October 2002, following a new attack on the paper's premises, Tatyana Markevich announced at a regional press conference that she would close the newspaper and leave the criminal suburb.

***Novy Reft Facts***: From 23 October to 31 December 2002 the chief editor was Larisa Toporkova. The newspaper was then re-registered as *Novy Reft: Facts* and continued to appear until 30 December 2004.

In all 387 issues of the newspaper appeared. The team that produced it now moved out of Reftinsky. A successor publication *Novy Reft: Kurier plus* could not maintain either the readership or the policies of its predecessor and lasted only from January to May 2005.

In April 2004 Roman Toporkov wrote to the Prosecutor General that apart from eliminating the journalist the killing of Eduard Markevich “was intended to frighten and discourage other publicly active inhabitants of Reftinsky and served as a demonstrative triumph of criminal organisations over the law”.

be arrested had not been identified. The investigation was re-opened and closed twice more, between September and November 2002, and between February and March 2003. Subsequent appeals to different authorities, including the Russian President, were redirected to the Prosecutor General’s office which replied that there no grounds for re-opening the case.

Appeals and complaints were regularly made by Tatyana and Markevich’s mother, and by monitoring organisations within Russia and abroad. In April 2004 Roman Toporkov wrote, in a letter to the Prosecutor General (then Vladimir Ustinov), that apart from eliminating the journalist the killing of Eduard Markevich “was intended to frighten and discourage other publicly active inhabitants of Reftinsky and served as a demonstrative triumph of criminal organisations over the law”.

An appeal to the new Investigative Committee of the Prosecutor General’s office was made in March 2008 and the case was called up for consideration. In August 2008, however, the Committee’s press secretary said that it had been decided not to renew the investigation.

Lacking access to the case materials, the CJES expert sought the impressions of those who had seen some of the documentation. Markevich’s widow and mother say that after a period of activity the investigation became a purely formal exercise. Drawing on Investigator Milman’s views (he later resigned from the prosecution service), Sergei Plotnikov commented in 2002: “The most

important period for solving such a crime are the first few days after a murder. For various reasons these were wasted by the local investigators. After ten days in detention the suspect was released, in accordance with the Criminal Procedural Code, without charge or even having been interrogated. The deputy Prosecutor General for the Urals Federal District took personal charge of the case but that had no real effect on the investigation. After a very short period Investigator Milman was ‘overloaded’ with routine work while the police officers and detectives were transferred elsewhere on the pretext that there was a shortage of staff.”

There remains a real chance to solve the crime but only if there is a will to do so. The response to Mikhail K., the main suspect, suggests a lack of interest. Having failed to interrogate or charge him the first time, although there was evidence that the murder weapon had been in his car, he was arrested again and found guilty of possessing an explosive device. He was given a 2-year conditional sentence and the opportunity to thoroughly interrogate him was missed. Yet why would investigators or the courts stick their necks out if there was no clear support from their superiors?

In the hope that it might turn up new clues, all the possible subjects of Eduard Markevich’s last investigation were prepared and listed by local journalists and the CJES expert. Anything that seemed of importance was given to the head of the team of investigators.

## Vladimir Kirsanov



Journalist and chief editor **Vladimir Kirsanov** set out for work on the morning of 17 May 2001 but did not arrive at the *Kurganskije vesti* newspaper offices. He has not been seen since.

Traces of Kirsanov's blood were found in the garage from which he collected his car that morning to drive to work, and also in the boot of the car. Investigators believe he was murdered in the garage and the car then used to dispose of his body. The vehicle was later left in a parking lot near the newspaper offices, probably to prevent relatives and colleagues becoming suspicious too early.

Kirsanov was born and educated in the Urals city of Kurgan (the Gateway to Siberia), which today has a population of 324,000. He began as a journalist with the thrice-weekly *Kurgan i Kurgantsy* newspaper and, according to colleagues, became the leading reporter on the economy of the city and the surrounding region.

### The background

The Urals remains a depressed part of Russia, dependent on State subsidies, with high levels of corruption. In a series of publications Kirsanov exposed the inefficient management of Governor Oleg Bogomolov and his entourage and became first a supporter, and later an activist, with the local opposition. *Kurgan i Kurgantsy* was a city newspaper linked to the mayor Anatoly Yelchaninov. The mayor had a tense relationship with the Regional administration and wanted to run for governor himself. Kirsanov not only worked as an investigative journalist but also, according to relatives and colleagues, he started writing articles commissioned by people close to the mayor. In the 2000 gubernatorial elections Kirsanov's political commitments became much more open.

In a campaign funded by a group of local industrialists led by Andrei Aleinikov, a special newspaper called *Abzats* was created for the elections and Kirsanov was appointed editor-in-chief. With Pavel Ovsyannikov, another local journalist, Kirsanov wrote a pamphlet entitled *Prosto Oleg* (Oleg's Story). This was a fine piece of political writing, combining information about corruption and the local economy with imagined scenes from Governor Bogomolov's childhood

and personal life. It was used in elections and other campaigns against the governor in 2004 and 2007. It was not published, however, until after Kirsanov had disappeared.

Aleinikov's candidate failed to dislodge Bogomolov but Kirsanov was paid handsomely for his work. He used the funds to set up his own newspaper *Kurganskije vesti*, which was registered in January 2001. It was less politicised than *Abzats* but continued to expose corruption, and Kirsanov's articles were published in other local and even in certain national newspapers. Aleinikov provided some funding to begin with but there is disagreement as to whether the newspaper was in good heart financially.

### Interpretations

Larisa Chertova, Kirsanov's widow was allowed, once only, to examine the case materials. She has enumerated the four interpretations that the official investigators examined.

Two lines of enquiry were considered and dismissed: there were no serious grounds for treating this as a domestic crime or as a faked murder. Eduard, Kirsanov's older brother, had commercial interests and involved Vladimir in many of his projects, including the criminalised and dangerous sphere of real estate. This was

thoroughly examined as a possible explanation for his death and, as a variant of this interpretation, the official investigators suggested that the crime might be related to the economic activities of Kirsanov's newspaper. Colleagues and friends categorically rejected this view. Later the investigators accepted their viewpoint.

This left a fourth and final line of inquiry into Kirsanov's activities as a journalist and editor. In late 2001 the Kurgan Region prosecutor Nikolai Vlasov told Moscow journalist Irina Chernova that Kirsanov's killing was definitely linked to his work: she was making a report for the "Individual and the Law" programme on the ORT TV channel but the item was never broadcast.

There were serious disagreements, however, between the official investigators and Kirsanov's colleagues as to the nature of the link between his work and his death. People close to governor Oleg Bogomolov wanted to make sure Kirsanov's pamphlet was not published, the journalists said. Investigators from the prosecutor's office were reluctant to test this theory. A copy of the pamphlet was nevertheless added to the case materials after Svetlana Mekhnina, editor of the local Urals edition of *Argumenty i fakty* provided a copy on diskette.

In the years since Kirsanov's disappearance doubts have been raised about this explanation. In particular his co-author Pavel Ovsyannikov has stressed that well before the December 2000 elections numerous excerpts from the pamphlet had been published in local newspapers. It was already very popular some while before May 2001. Bogomolov retained his post so there might seem little need to eliminate his journalistic opponent. For her part Kirsanov's widow Larisa Chertova, a trained political scientist, has also voiced doubts as to the validity of this explanation. (Kirsanov's parents had no particular views about the possible reasons for their son's death.)

## The investigation

On 17 May 2001, the day Kirsanov disappeared, the city police department opened a criminal case concerning the burglary of his apartment (Article 158.2 of the Criminal Code). Larisa Chertova discovered that someone had been in their flat and reported the matter to the police.

Four days later, in response to the suspicious circumstances surrounding Kirsanov's disappearance, the city prosecutor's office opened a criminal case under Article

105.1 (murder)//. On 23 May the two cases were combined and taken over by the Kurgan Region prosecutor's office. Four agencies contributed to the investigative team (police, prosecutor's office, FSB and the organised crime squad) and up to 15 people were assigned to the case.

In January 2002 the investigation was suspended since no one suspected of involvement in the crime had been identified. This decision was examined a year later by the Prosecutor General's office and no grounds were found for over-ruling the decision. Thereafter it was periodically reviewed by the Kurgan Region prosecutor's office.

Appeals were made repeatedly by Kirsanov's widow and parents but they were constantly re-directed to other bodies. A formal request for information about the case was made to the Prosecutor General in summer 2001 by the Duma security committee, thanks to the support of Duma deputy and journalist Yury Shchekochikhin. A mission from Reporters sans frontières visited Kurgan in March 2002 and in a detailed report commented on the "numerous violations" of the investigation into the Kirsanov case.

The CJES researcher did not have access to the case materials. Kirsanov's widow Larisa Chertova noticed a number of weaknesses during the short time she was allowed to examine the records of the investigation. Three individuals were questioned immediately after Kirsanov disappeared but others were only called in 12 weeks later. This does not suggest there was an active investigation. The official investigators placed clear emphasis on theories that were not connected to Kirsanov's activities as a journalist and editor.

All real estate transactions conducted by Eduard and Vladimir Kirsanov in 1991-1997, and the people involved, were examined. Every contract was seized. Yet despite this diligence the investigators did not find evidence of debts or deception of clients and partners that might be a reason for wanting to have Kirsanov killed.

When a possible link to Kirsanov's activities as a journalist and political activist were concerned, Chertova noticed, the questioning of those involved with different political parties, and the various sponsors and the election teams, was superficial. Instead of establishing the nature of her husband's relationships with

his opponents and those who might want to see him removed from the Region's public and political life, the investigators usually confined themselves to asking when the individual had last seen Kirsanov.

Although all Vladimir's publications in local newspapers were tracked down the case materials contained no reference to their contents or analysis of the topics covered. The head of the internal affairs department for the Kurgan Region, Colonel Boris Timonenko, later suggested

that Kirsanov had investigated and published articles since the December 2000 election that could have threatened local officials linked to crimes in the Kurgan Region and the neighbouring Sverdlovsk Region. Taking advantage of the authorities' poor opinion of him, these officials might well have used the opportunity to get rid of the tiresome journalist. Kirsanov's friends, fixated on the *Prosto Oleg* pamphlet and his other PR activities, have overlooked this possibility.

## Dmitry Kholodov



On Monday morning, 17 October 1994, **Dmitry Kholodov** picked up a briefcase from the left luggage section at the Kazansky railway station in Moscow. Military correspondent for the *Moskovsky komsomolets* daily, Kholodov was due to speak at Duma hearings on corruption in the army in a few days time. A contact had offered him further materials to be left for collection in this way.

On returning to the newspaper offices Kholodov opened the case. It had been booby-trapped. The explosion killed him, injuring three others, in the same room and adjoining premises and causing wide damage.

*Moskovsky komsomolets (MK)* is a Soviet-era daily that retains wide popularity and a circulation of 1 million copies in Moscow and in numerous local editions across Russia. Its intended but by no means exclusive readership is young and it was then widely read in the armed forces.

Dmitry Kholodov grew up in the Moscow Region. After military service as a gunner with the marines, he studied at the Moscow Engineering Physics Institute, the main centre for training specialists in the atomic industry, and returned to work with his parents at the institute in Klimovsk. Opportunities in the defence industry were shrinking rapidly, however. Dima sought work as a journalist, first with local radio and then with *Moskovsky komsomolets* which he joined in 1992.

### The background

In 1993 Kholodov reported for the newspaper from Ingushetia, Chechnya, Azerbaijan, the Tajik-Afghan border and wrote a number of graphic articles about the conflict in Abkhazia, in which he criticised Russia's role. At the end of that year Kholodov interviewed Pavel Grachev, the defence minister, concerning the violent clash which had just occurred in Moscow between supporters of President Yeltsin and the Supreme Soviet. This was the beginning of an animosity fuelled throughout the last year of

Kholodov's life by 18 more articles criticising the defence minister for one reason or another.

Kholodov wrote about conditions in the armed forces. He praised moves towards a professional rather than conscript army. A particular and sustained target of criticism was corruption in the Western Group of the armed forces. More than half a million soldiers, officers and their families had been withdrawn from the former East Germany in 1991 and, based on information from his sources inside the army and the ministry of defence, Kholodov



detailed the misuse by high ranking officers and officials of the funds allocated to ease this transition. After a major article entitled “A military mafia exists in Russia” in which he linked Grachev to such abuses and scams Kholodov received threatening phone calls. For a while he disappeared, not even telling his newspaper where he had gone.

Soon, however, he resumed his investigations and privately told co-author Colonel Bykov and his MoD source Victor Baranets that he had discovered that professional assassins, from commercial and private companies, were being trained at the base of the 45th paratroop regiment.

### Interpretations

Following Kholodov’s murder the prime suspects were quickly identified, by at least two different sources. At their trial and afterwards they would claim that Prosecutor General Yuri Skuratov had forced investigators to consider only their possible guilt when he informed President Yeltsin that Kholodov’s killers had been found. However, the evidence against them was strong and had been steadily accumulated.

Pavel Grachev did not hide his hostility towards Kholodov. When asked during a TV interview in //April 1994 about the military threats and enemies that Russia faced the Minister of Defence told the astonished Vladimir Pozner that journalist Dmitry Kholodov was “the enemy within”. The fragment was not broadcast but made a considerable impression on the studio audience and was later retrieved and added to the case materials. *MK*’s military correspondent was already banned from news conferences at the Ministry and had been singled out for negative mention in reports to all military units. At the trial Grachev gave evidence as a witness and did not deny that he told subordinates to “sort out” Kholodov. If some had taken this to mean the journalist’s physical elimination, he added, that was a misunderstanding of his meaning and his words.

In the autumn of 1994 just before his death Kholodov had been working on four themes: Grachev’s various scams; corruption in the Western Group of the Russian armed forces; the situation in Chechnya; and what he was discovering about the special unit within the 45th paratroop regiment based at Chuchkovo near Moscow.

To the public and fellow journalists there seemed little doubt why Kholodov had been murdered and who was behind the killing. Ten thousand filed past his coffin. His own newspaper openly blamed the Minister of Defence. By October 1994 the peacetime murders of eight others working in the media had already been recorded. This was the first time, however, that the motive was unmistakable and the manner of the killing, in broad daylight, was an unambiguous provocation. (The use of explosives against a journalist or media worker has only once been repeated in 2002 against Oleg Sedinko, the director of a Far Eastern TV company.)

### Investigation

The Moscow prosecutor’s office opened an investigation under Article 102 (Murder; the 1960 Criminal Code was then still in force). *Moskovsky komsomolets* offered a reward of \$2,000 for information leading to the identification of those involved in Kholodov’s murder. On 1 December 1994 a soldier with the 45th paratroop regiment rang the published *MK* contact number and met with a representative of the newspaper and the FSK officer assigned to take and investigate such calls.

Corporal Markelov identified officers from the special unit within his regiment (Majors Soroka and Morozov) as having made the explosive device and installed it in the briefcase collected by Kholodov. The next meeting with this source was cancelled when he and his regiment were sent to join the intervention in Chechnya. Over the next four months Markelov would only periodically return to Moscow from the North Caucasus. Meanwhile his identity, and the information he had passed on, was leaked by contacts in the FSK (predecessor of the FSB) and the organised crime squad to Colonel Popovskikh of the 45<sup>th</sup> regiment, who was later charged with having organised Kholodov’s murder. As a result, Markelov was put under pressure by his superior officers and encouraged to sign statements later used to discredit his evidence in court.

Only ten days after Kholodov was murdered, however, the organised crime department of the Moscow city police had received information from its own confidential sources. They also said that the 45th regiment were behind the killing and an unidentified

informant recognised Morozov as the man directly responsible for the explosion.

From autumn 1995 to spring 1996 officers of the special unit at the 45th regiment were called in for questioning by the Prosecutor General's office. Pavel Grachev and two senior officers of the regiment were questioned but there was insufficient evidence, the prosecution believed, to hold them. Until //autumn 1996 Grachev remained Minister of Defence and this presumably gave some protection to the suspects although electronic surveillance of their phones and apartments was being used to gather evidence against them. Early in 1998 six men were arrested and began to give evidence. Three including Popovskikh admitted their involvement in the assassination and gave details. In 2000 the case came to court.

## Trial

The six men faced a range of charges from theft of ammunition, construction of an explosive device, the deliberate murder of Kholodov, the attempted murder of Yekaterina Deyeva and two others and deliberate destruction of property. Popovskikh was additionally charged with abuse of office. Since four of the accused were serving officers the case was heard before the Moscow District Military Court. For reasons of security the hearings took place not in the city centre courtroom but at the pre-trial detention centre where the accused were being held.

After two years Colonel Serdyukov and his fellow judges ruled that there was insufficient evidence to convict the accused. On 26 June 2002 they were all acquitted. Following the verdict the lead prosecutor Irina Aleshina gave a press conference at which she announced that the Prosecutor General's office would appeal against the decision and, for the first time, made public the physical threat and attempt at bribery she had faced as soon her appointment to the trial became known.

In Aleshina's view there was "undeniable evidence" of the involvement of the accused. There was testimony by witnesses, confessions by several of the defendants, and the results of forensic and other expert tests. Though Popovskikh withdrew his previous testimony at the trial, his frank confession during the investigation had been given in the presence

of his lawyer. The judge was also wrong, in Aleshina's opinion, to discount Markelov's evidence, partly on grounds that he had received a reward for his information.

The protest of the Prosecutor General's office was upheld by the military board of the Supreme Court on 27 May 2003 and two months later a new trial began. This was also held at the Moscow District Military Court but this time under Judge Yevgeny Zubov, who would subsequently preside at the Politkovskaya trial. The tone and manner of the proceedings were different but on 10 June 2004 the accused were again all acquitted. This time it was not just for lack of proof but for "lack of involvement".

A second appeal was made to the military board of the Supreme Court. The prosecutors asked for the case to be sent to any other military court but that of the Moscow District. Kholodov's parents also formally complained to the Supreme Court: Judges Serdyukov and Zubov had both falsified the daily records of the trial, they said, and the experts who investigated the type of explosive used were far from impartial. It was implied, for instance, that the charge had been much smaller than suggested and mainly intended to scare rather than kill Dmitry Kholodov.

A year later the military board turned down the request for a re-trial. Having failed in their attempt to gain justice within the Russian judicial system the elderly parents of Dmitry Kholodov said they would now try to ensure that their son's case received a fair hearing by appealing to the European Court of Human Rights in Strasbourg.

In August 2005 the complaint by Yury and Zoya Kholodov was accepted for consideration by the Court in Strasbourg. On 14 September 2005 the Court decided that Kholodov's parents could not apply on his behalf since his murder took place before Russia was admitted to the Council of Europe (in 1996) and, more importantly, before it ratified the Convention on Human Rights. This was despite the advocacy of lawyers Karinna Moskalenko and Rachkovsky, who had successfully brought other cases to Strasbourg, and the urging of international bodies. This left a faint hope, perhaps, that the parents might apply on their own behalf. In 2005 they were already both 68 years old, however, and not in good health.

# The Limits of Justice

As the participants of the Kholodov trial waited a second time, in the spring of 2005, for the Supreme Court to reach a decision a Russian newspaper commented: “The accused already have nothing to fear. The statute of limitation for the murder of Dmitry Kholodov expired in October last year,” (*Vedomosti*, 11 March 2005). Even if they were eventually found guilty there was now little likelihood of punishment.

Under the old Criminal Code the statute of limitation for especially grave crimes was ten years. As a consequence, those responsible for killing journalists between 1993 and 1996 – there remain over thirty such unsolved homicides – cannot now be brought before a court for that offense, unless they have committed a more recent crime. The present Criminal Code has increased the statute of limitation for murder, manslaughter and other “especially grave” crimes to 15 years. To those observing the attempts to secure justice for all murdered journalists in Russia, particularly those killed for their work, the informal obstacles to a fair trial are the most disturbing. Certain parts of the country, people with a certain rank in society, and entire State institutions remain, apparently, beyond the reach of the law.

In September 2007 the role of investigation within the prosecutor’s office was formally separated by the creation of Investigative Committees at every level. There was hope that they might finally have the power to tackle

“Category A” untouchable figures, such as the former deputy governor of the Lipetsk Region who requested that Igor Domnikov be brought in “for a chat”. The Committee re-opened the investigation into the highly suspicious death of Yury Shchekochikhin. Recently, however, it closed that case; and no more has been heard about extending investigation to those behind Igor Domnikov’s killing.



At a press conference after the Politkovskaya verdict there was discussion as to why the investigation and trial had resulted in an acquittal (*Novaya gazeta*, No. 17, 20 February 2009). It was no wish of Anna Politkovskaya's family that a scapegoat be found for her murder, said their attorney Karinna Moskalenko. In her experience as a lawyer, faced with insufficient evidence to convict she had sometimes "looked



with astonishment" at the injured party and asked herself, "What good will it do if they send these people to prison? Wouldn't you really prefer the truth?" Her clients in this case wanted nothing but the truth. There was no quarrel with the jury's decision. The jurors had shown their independence from the very beginning and guaranteed a fairer and more open trial. The shortcomings lay with the prosecution and the evidence the investigators had provided: "The case should not have reached the court in such a condition," commented Politkovskaya family attorney Anna Stavitskaya.

The investigators operated under difficult conditions and had been constantly obstructed, said Sergei Sokolov, chief editor of *Novaya gazeta*. If they had been able to work freely, and to fully exercise their powers to examine any document and interrogate any individual, their case would have been much stronger. "Neither during the investigation nor afterwards did I hear complaints from the investigators that anyone was obstructing their work," countered Karinna Moskalenko. "If they are to defend their honour as professionals they must speak out about the circumstances and instances of obstruction that hamper them in conducting a proper investigation." They should have immediately submitted a formal complaint, in accordance with existing procedural norms, naming the interfering organisations or individuals. Only by asserting their own powers and independence could they ensure that justice was done.

# 4

## Recommendations

The independence of the judiciary and the impartiality with which the law is enforced are major issues for Russia today. The media have an important part to play in the public discussion and resolution of these issues. They will be obstructed in their attempts to do so until they themselves receive the support and protection of the law.

- 1 It is progress that many killings now come to court. Measures must be taken to tackle the total impunity that persists in those parts of the country where, for years on end, no one has been prosecuted for the murder of a journalist. This refers not only to the North Caucasus (including Chechnya), but also St Petersburg.
- 2 The exceptionally high level of acquittals when a journalist has been killed for his or her work suggests there is something wrong with the way such trials are conducted. Furthermore, those who organise, pay for and order such attacks have never been brought to court. Evidently the investigation of this specific type of crime must be improved and given much greater support by the federal authorities.
- 3 Crimes against journalists and media workers should be dealt with by the most qualified investigators and prosecutors. This requires not just personal experience, moreover, but the drawing up of practical recommendations to guide their activities.
- 4 Since there are many crimes committed against journalists it is important to maintain these statistics separately and generalise from the experience of investigators, prosecutors and judges in dealing with such cases. This needs to be done on a nationwide level, involving all these professionals and the criminologists at the Prosecutor General's office.
- 5 Such a generalisation of experience would lead to a methodology for investigating attacks and other crimes against journalists. Thus far, it seems, there has been no attempt to produce such a methodology. Yet crimes against journalists have distinctive features, and recommendations based on the collective experience of all dealing with these offences could be a significant aid to investigators.
- 6 Across Russia the local administration and law-enforcement agencies are often closely linked by ties of mutual obligation. If a local official or a business friend is involved a local investigation into a crime against a journalist can frequently not be trusted to produce objective results. In such situations the investigation might be more effective if it was entrusted, as occasionally in the past, to the law enforcement agencies of another region. If bureaucratic and other forms of obstruction become apparent the case materials should be quickly seized and transferred for examination elsewhere, either by federal law enforcement agencies or those of a neighbouring Region.
- 7 The findings of official investigations into the deaths of journalists are virtually inaccessible, far exceeding the reasonable limits of "professional confidentiality". Often, it seems, this is merely a smokescreen to hide violations committed by the law enforcement agencies or their helplessness in the face of a particular homicide. Perhaps an amendment should be made to the law so that it is less easy, under the plausible pretext of confidentiality, to conceal bias and



shortcomings in the investigators' work and then to bury those defects together with the unsuccessful investigation.

- 8 One possible approach might be to amend existing legislation so as to make the killing or attempted murder of a journalist a more serious offence, on analogy with Article 317 of the Criminal Code. As amended in 2004, the penalties for "Attempting to kill a law-enforcement officer" are now incarceration for a term of 12-20 years or life imprisonment.
- 9 The prevention of crimes against journalists is another very important area. They not only require a more serious response than at present. Statements

by officials, politicians and other public figures should also be monitored for threats against the media, since violence often follows such words.

Had the first attack on Eduard Markevich in 1998 been thoroughly and objectively investigated he might not have been murdered on 19 September 2001. Over the years monitors and journalists' organisations have gathered and accumulated information from all over Russia about attacks on journalists. Now the authorities, the judicial system and Russia's law enforcement agencies must act promptly on that information and tackle impunity wherever it appears, at the national, the regional and the district level.

## **Scheme of Analytical Investigation of Journalists' Deaths Proposed by GDF and CJES Experts**

### **I. Case background:**

1. Who died; when; under what circumstances;
2. Journalist's brief biography;
3. Characteristic of the media outlet for which the journalist worked;
4. Interpretation(s) advanced by official investigators;
5. Interpretation(s) advanced by colleagues / the media outlet;
6. Interpretation advanced by the family (if different from that advanced by colleagues / the media outlet).

### **II. Major stages of investigation:**

1. Who initiated criminal proceedings, and when;
2. Whether charges were re-qualified;
3. Jurisdiction (police, Investigative Committee, organized crime squad);
4. What investigative measures (if any) were taken;
5. Names of investigators / heads of investigation teams;
6. Names of reviewing authorities.

### **III. Role and results of claims, suggestions and complaints filed by: parties to the case; public organizations; individuals; media.**

### **IV. Judicial procedures:**

1. When and where the case was submitted to court, whether court process deadlines were observed;
2. Major pauses in the court process, if any;
3. Change of defence lawyers, if any;
4. Change of prosecutors, if any;
5. Appeals to higher-standing courts and decisions thereon;
6. Appeals to reviewing authorities and decisions thereon.

### **V. Current status:**

1. There is a court decision in full legal force OR
2. The case has been closed/suspended/returned for additional investigation.

### **VI. Violations committed in the course of investigation or judicial proceedings:**

1. Objective evaluation of evidence (if case files are accessible) OR
2. Where case files are inaccessible, the subjective assessments or impressions of victims, investigators, prosecutors, experts, defence lawyers.

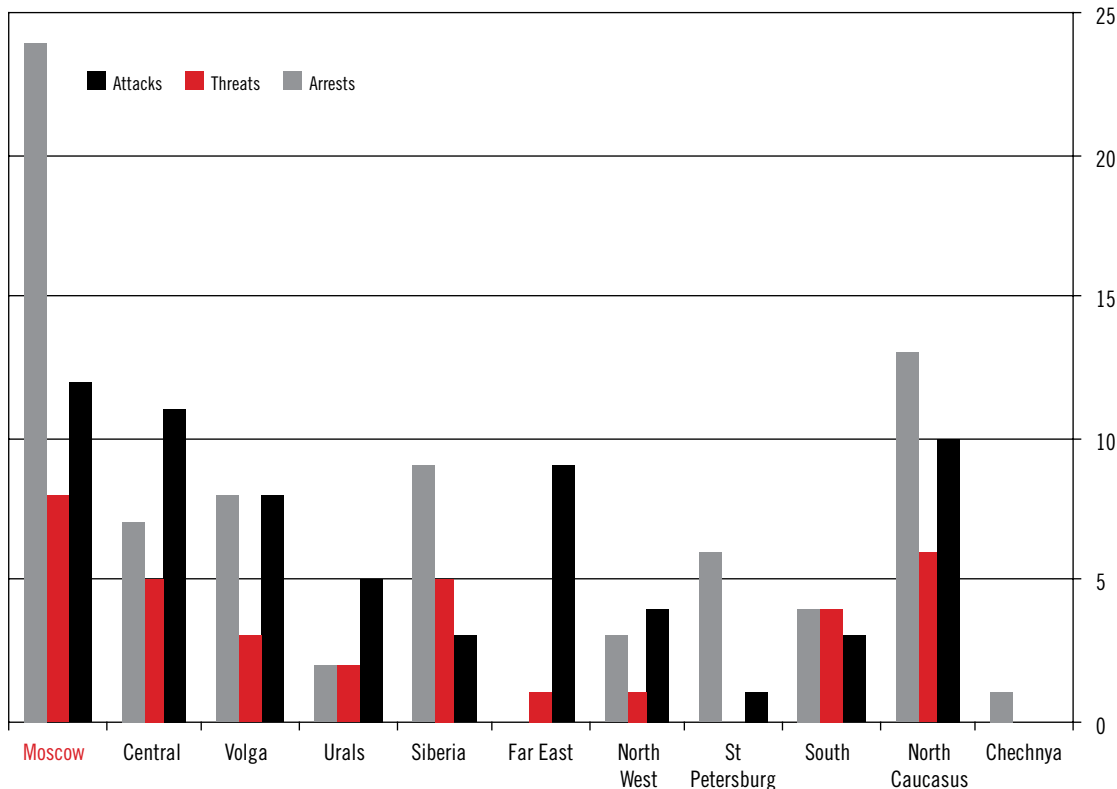
### **VII. Evaluation of crime-preventing efforts of law enforcers, media.**

### **VIII. Legal and subjective assessments of the performance of:**

law enforcement; judicial authorities; media and journalists.

## Media Conflicts in the Russian Federation, as recorded during 2008 by the GDF

### Journalists in conflict and danger, 2008



Among those arrested, twice, in 2008 was Magomed Yevloyev (Ingushetia); among the threatened was Telman Alishayev (Dagestan). Mikhail Beketov (Khimki) faced criminal charges and threats before an attack in November 2008 that has left him in a coma for the last five months.

Shafiq Amrakhov (Murmansk) died on 4 January 2009 following an attack in December.

The sole report of any type of media conflict in Chechnya during 2008 was the arrest of Canadian journalist Jane Armstrong. No journalist has died there, it would seem, since 2004.

In 2008 there were a total of 1,450 conflict situations. This compares to 1,502 (2007), 1,345 (2006) and 1,322 (2005) in past years.

**Attacks and threats, 109:** assaults (69), threats (35), deaths (5)

#### **Detained or arrested, 78**

**Physical coercion, 43:** attempted ejection from premises (5), damage to office (7), damage to equipment and/or its attempted seizure (31)

#### **Denied access to information, 280**

**Disruption, 210:** closure of media (41), interference with internet publication (40), confiscation of print-run (31), refusal to print or distribute (30), censorship (21), disruption of TV and radio broadcasts (21), issue of “duplicate” rival edition (13), illegal sacking of editor or journalist (13),

**Legal measures, 285:** criminal charges (47), legal claims (238) [118 of these legal claims were examined in 2008: 48 were upheld]

## International Code of Practice for the Safe Conduct of Journalism

The dangers facing journalists and media staff working in dangerous situations and conflict zones are the subject of extensive record. The International Federation of Journalists has recorded the deaths worldwide of more than one thousand journalists and media staff over the past ten years.

Many journalists are killed, injured or harassed in war zones, either targeted by one side or another or caught in the crossfire of violence. Others are the victims of premeditated assault and intimidation either by criminals, terrorists or by agencies of the state - the police, the military or the security forces - acting secretly and illegally.

Very often there is little that journalists or media organisations can do to avoid casualties. There will, inevitably, be accidents, no matter how much care is taken to provide protection and there is little one can do when those targeting media use ruthless and brutal methods to crush journalistic inquiry.

However, there are steps that journalists and media organisations should take to minimise the risks to staff. In particular, the following are vital considerations in providing protection:

- 1 Journalists and other media staff shall be properly equipped for all assignments including the provision of first-aid materials, communication tools, adequate transport facilities and, where necessary, protective clothing;
- 2 Media organisations and, where appropriate, state authorities shall provide risk-awareness training for those journalists and media workers who are likely to be involved in assignments where dangerous conditions prevail or may be reasonably expected;
- 3 Public authorities shall inform their personnel of the need to respect the rights of journalists and shall instruct them to respect the physical integrity of journalists and media staff while at work;
- 4 Media organisations shall provide social protection for all staff engaged in journalistic activity outside the normal place of work, including life insurance;
- 5 Media organisations shall provide, free of charge, medical treatment and health care, including costs of recuperation and convalescence, for journalists and media workers who are the victims of injury or illness as a result of their work outside the normal place of work;
- 6 Media organisations shall protect freelance or part-time employees. They must receive, on an equal basis, the same social protection and access to training and equipment as that made available to fully employed staff.

For more information about journalists who have died or disappeared in Russia since 1993 go to the online data base [www.journalists-in-Russia.org](http://www.journalists-in-Russia.org)

The back cover is made up portraits of journalists mentioned in this report or in the data base:



