FREEDOM OF EXPRESSION WITHOUT FREEDOM OF THE PRESS

Maria Lipman

One week after journalist Anna Politkovskaya was assassinated in Moscow, the Russian polling agency Levada Center asked her compatriots whether they had been aware of her work before the murder.[1] Six percent said they had read her articles in which she investigated atrocities in Chechnya and other grim aspects of Russian life. Of this small group of readers, very few chose to join the rally the day after Politkovskaya's death at the hands of a contract killer.[2]

President Vladimir Putin did not immediately make a public statement on the assassination of Politkovskaya, nor did he face questions about her death from Russian reporters. While Putin's Kremlin had long ruled out "unfriendly" questioning of top figures in the Russian leadership by domestic media, Putin was forced to address the questionable circumstances surrounding Politkovskaya's death a few days later when he traveled to Germany. Asked by a *Süddeutsche Zeitung* reporter, the Russian president noted that Anna's "political influence…was insignificant inside the country and, chances are, she was more notable in human rights circles and in mass media circles in the West…. For current authorities in general and Chechen authorities in particular, Politkovskaya's murder did more damage than her articles."[3] Putin's German hostess, Chancellor Angela Merkel, may have connected Politkovskaya's murder to problems of press freedom in Russia, but Putin would not. He was more concerned about the damage done to government authorities, not to freedoms.[4]

Cynicism is Putin's signature style, but in this case his remarks were, sadly, correct. Politkovskaya was not broadly appreciated by her compatriots, nor was she a role model for young journalists. Her writings did not have much public impact. Outside of a limited constituency concerned about democratic norms and civil liberties, it did not occur to people to hold Putin, or the government in general, accountable for Politkovskaya's death or for the blunt violations of human rights she chronicled, even indirectly. It is not that people are scared; rather, it appears

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that they do not care. Putin may be cynical, but so are the majority of Russians, and the most common reaction to reports of blatant abuse of government authority is "what else is new?"[5]

If the killing and harassment of journalists is the most obvious evidence of serious problems with press freedom in Russia, public indifference and cynicism aggravate the situation further. Another major constraint on media freedom is the Kremlin's tight control over politics, policy making, and national television. In this environment, the existing independent media remain irrelevant as tools of public accountability.

Contract Killings in a Corrupt Environment

With an apathetic and atomized public, the Kremlin hardly needs to physically eliminate critical reporters who still try to expose the unsavory practices of government officials.[6] It is still not known who killed Anna Politkovskaya, but the contractor of her assassination is not likely to be found in the Kremlin.

Freedom House has labeled Russia as "not free" since 2005, but this ranking may be misleading.[7] It would be wrong to regard Russia as a hard authoritarian regime that, much like the USSR, persecutes its citizens for disseminating unwelcome information. While today's Russia may in fact have some elements of a police state, it is mainly a deeply corrupt one in which power and property are closely entangled and the public institutions of law and order are gravely compromised.[8] But if the Kremlin should not be held directly responsible for masterminding murders, it certainly bears responsibility for the atmosphere of lawlessness in which contracted assassinations are commonly practiced as a way to get rid of adversaries or competitors. Journalists encroaching on powerful interests are not the only victims; the same method has also been used to settle scores with rivals in business, banking, and occasionally in local politics.

Putin may be cynical, but so are the majority of Russians.

In a system where clout and money easily override the law, contractors as well as the perpetrators of killings have a good chance of getting away with their crimes. When neither money nor clout are involved, the investigation's incompetence may be a determining factor. In a deeply corrupt system, there is little incentive for honest professional effort and the quality of criminal probes is notoriously low.

Anna Politkovskaya had encroached on too many powerful interests, including the leadership of Chechnya and the federal forces: for years she reported that that the pro-Moscow Chechen President Ramzan Kadyrov and people in his circle bore responsibility for abductions, torture, and other crimes; she also repeatedly exposed the atrocities of federal forces in the same territory. In 2001, Politkovskaya's

employer *Novaya Gazeta* published her piece "Disappearing people" in which she blamed the disappearance of Chechens on a special police team dispatched from Siberia.[9] As a result, at least one of the policemen was sentenced to eleven years of imprisonment, while others in his team went into hiding.[10] Clearly, Politkovskaya had made enemies.

Failed Trial

For a while the investigation into Politkovskaya's assassination appeared to be making good progress. Then something strange happened. Approximately one year after her murder, Russian Prosecutor General Yuri Chaika announced at a news conference that ten people had been arrested in connection with the crime. Though he did not identify the names of the suspects, they were leaked to the press within a few days. Anna's colleagues at *Novaya Gazeta* firmly believed that the leaks were damaging to the case because they prompted key perpetrators to go into hiding. "According to our sources," the *Novaya* deputy editor wrote, "These leaks constituted a purposeful policy whose goal is the destruction of the case."[11] This helps explain why only a few minor suspects were tried when the case finally went to court. According to media reports, the alleged killer fled Russia soon after the prosecutor general's news conference and the subsequent leak of the suspects' names.[12] He was charged at the trial in absentia. Overall, the case of the prosecution was so weak that all the suspects were acquitted.[13] To this day, the killer and the mastermind of Politkovskaya's assassination remain undisclosed and at large.[14]

There are no answers as to why the prosecutor general chose to make public sensitive information about the investigation, or how the suspected killer of Politkovskaya was able to flee the country one year after the investigation began. Nonetheless, the case sheds light on how perpetrators of high-profile crimes get away with impunity.

Unsolved Killings

Estimates differ regarding the number of Russian journalists assassinated in the past, but very few murder cases were properly investigated and even fewer ended with a conviction.[15] The same is true of contract assassinations in business circles. The period between 2008-2009 was especially bad—in late 2008 Mikhail Beketov, the editor of a local newspaper in a small town near Moscow, was brutally beaten. In his newspaper, Beketov had made numerous allegations about wrongdoings by the local administration related to the environment and other issues. He had been attacked several times before and repeatedly received threats, but the 2008 attack was meant to kill him. Miraculously he survived, but the damage to

his health was irreversible.[16] In the case of Beketov, the crime remains unsolved even though the motives of the attempted murder seem clear.[17]

In January 2009, human rights lawyer Stanislav Markelov and freelance journalist Anastasia Baburova were killed in broad daylight after leaving a news conference in Moscow.[18] In July 2009, Natalia Estemirova, a human rights activist who lived and worked in Chechnya and contributed to a number of publications, including *Novaya Gazeta*, was abducted early in the morning as she was leaving her home in the Chechen capital Grozny. She was found dead several hours later.[19] None of these murders have been solved.

Chechnya is currently ruled by Moscow-appointed leader Ramzan Kadyrov. Kadyrov governs with little regard for human rights, and Moscow mostly turns a blind eye as long as he maintains a level of stability and tempers Chechnya as a threat to Russia. For journalists and human rights activists, however, Chechnya has been an especially dangerous place. After so many deaths there is little wonder why Anna Politkovskaya is not a role model for young reporters; other journalists simply will not go to Chechnya. The risk is high and the reward small. It is assumed that the situation is hopeless and that Chechnya, like other parts of the North Caucasus, is a culturally alien territory that is, in some ways, not even part of Russia. Coverage of Chechnya or other regions of the North Caucasus therefore has become scant, and the public does not seem to miss it. The few websites that chronicle the developments in this territory, *Caucasian Knot* being the most prominent among them, do not attract sizable audiences.[20]

Freedom of Expression

One should not assume from the discussion above that journalism is dead in Russia. Russian media is alive, and a few outlets continue to do investigative reporting. Compared to the USSR, Russia allows a much wider freedom of expression. On the web (uncensored in Russia), in print media, on the radio, or on smaller-audience TV channels, one can find plenty of reports, opinion pieces, and blog posts criticizing government policies. Some journalists even expose abuses of office by high-ranking government officials. This group of media is collectively described in this article as liberal. This term is used here to imply adherence to professional and ethical standards of independent media, as well as to western democratic norms and principles.

High-quality print media are primarily found in Moscow, where a number of dailies and weeklies pursue varying degrees of editorial independence and are not controlled or driven by loyalty to the state. Newspapers include, among others, the above-mentioned *Novaya Gazeta*; *Kommersant*, Russia's closest equivalent to a mainstream daily with a strong focus on business and economic coverage; and *Vedomosti*,

a business daily published together with the *Wall Street Journal* and the *Financial Times*. Several weekly newsmagazines, such as *Russian Newsweek,* also practice independent editorial policies. A number of political websites offer a combination of news, analysis, and opinion unconstrained by censorship or other modes of state control. *Ekho Moskvy* (Echo of Moscow), a highly interactive political news and talk radio with a loyal audience of several hundred thousand, broadcasts live and offers a broad diversity of opinions on the issues of the day. REN-TV, a channel with a relatively large audience, has a relatively independent voice, especially in comparison with mass-audience, state-controlled television.

In this media realm one can read reports of governmental corruption and mismanagement. For instance, numerous media reported that the rescue operation in the Beslan school, sieged by terrorists in the fall of 2004, was badly bungled; namely, that state officials would not rely on negotiations with the terrorists and that, in the end, they opted for the use of heavy weapons even though some of the hostages remained in the school building.[21] Certain publications went so far as to suggest that officials behind the rescue operation were more concerned about liquidation of terrorists than about saving human lives and that the government was, therefore, responsible for the huge death toll. In another example, according to a series of articles in the *New Times*, large sums of money had been siphoned out of the country by high-ranking officials.[22]

Finally, several years ago, *Vedomosti* thoroughly detailed the government-orchestrated scheme involved in the eventual takeover of Mikhail Khodorkovsky's major oil asset by a state company. According to the report, the scheme included unlawful financial operations.[23] The prosecution of Khodorkovsky and his many associates has been closely followed by various Russian media outlets. In recent months, as Khodorkovsky and his partner stand trial for a second time in Moscow, interviews with Khodorkovsky, as well as his articles written from behind bars, have appeared in a number of print and web media.[24] Khodorkovsky's correspondence with prominent Russian writer Lyudmila Ulitskaya was published in the literary journal *Znamya* in November 2009. Excerpts from the correspondence were reprinted by *Novaya Gazeta* and other media outlets. The above are but a few examples of journalistic work directly challenging or defying the authority of the state.

Most journalists working in these Moscow outlets are not crusaders akin to Anna Politkovskaya. If they are careful not to encroach on powerful interests, reporters working for prominent Moscow publications can get away with challenging specific government policies or high-ranking officials. As Putin's remark on Politkovsksya's death indicates, the federal government is somewhat sensitive to the "damage" caused by direct persecution of journalists. Consequently, Moscow

prefers more subtle ways to deal with defiant reporters. The case of Natalia Morar, a young reporter of the *New Times* weekly magazine, is a good illustration.[25] Morar authored the aforementioned series of articles alleging that high-ranking government officials siphoned huge sums of money abroad via certain Moscow banks. The government took advantage of the fact that she was not a Russian national (Morar was born and raised in Moldova, graduated from Moscow State University and was formally employed by the *New Times*). In late 2007, as she was returning from a foreign business trip, she was stopped at the border and denied entry to Russia. She has since been barred from entering Russia.

Provincial governments are less squeamish and less subtle. Reporters are often harassed, attacked, and even murdered, as cases of Togliatti and Khimki demonstrate. Occasionally, however, brave and committed reporters, acting as both journalists and human rights advocates, can sometimes make a difference and force local administrators to account for their performance.[26]

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What about press freedom in Russia? The Kremlin repeatedly uses the existence of media diversity to prove that Russia does not have serious problems with freedom of the press. With so many media outlets, the argument goes, the government cannot possibly control all of them.[27]

It is true that the Kremlin tolerates free and critical voices, but it only does so as long as they remain politically irrelevant and have no impact on decision making. Indeed these media, and their limited audiences, may be referred to as "liberal ghettos."[28] The Kremlin is highly committed, however, to making sure that discontent does not spill over into political activism of any sort. So far it has mostly achieved this goal, drawing largely on manipulative techniques and generally refraining from more punitive measures.[29]

Controlled National Television

One reason why liberal outlets are marginal is that the media environment in Russia is dominated by three major national TV channels. The circulation of an average liberal daily or weekly is only tens of thousands, while national audiences are in tens of millions. A vast majority of the Russian adult population relies on them as their main or only source of national or international news.[30]

The three national channels work in a top-down manner, with one-way communication between the state and the citizens. As far as political and public affairs

coverage is concerned, they are the government's primary tool for shaping public opinion.

During the first post-communist decade, the state did not have full control over television media. Of the three major channels, one was government controlled, one was created and owned by media tycoon Vladimir Gusinsky, and another was effectively controlled by business magnate Boris Berezovsky. In 2000, when Putin first became president, one of his primary goals was to reconsolidate the state. He steadily weakened all centers of power that could challenge the Kremlin authority: regional governors, the political opposition, the legislature, big business, and, of course, the national TV channels.[31] During Putin's first term, Gusinsky and Berezorsky were threatened with prosecution and chose to flee Russia. After the subsequent takeover of their assets by the state, abetted by the political consolidation of the elites, all three channels were transformed into Kremlin political resources. By the end of Putin's first term, the control over national TV channels was honed to perfection.[32]

News coverage of the national channels is closely coordinated with the Kremlin, so that coverage is fairly similar from one channel to another.[33] State control is by no means coercive: top television managers are members of the political elite and are the Kremlin's willing partners. As far as political coverage is concerned, the message stays on cue—whatever the problems Russia may be facing, Putin and Medvedev are firmly in charge, and any political alternative is inconceivable. Both President Medvedev and Prime Minister Putin are assured of ample presence on all three channels. This TV operation helps maintain high approval ratings for both leaders and a sense that there are no alternatives to the ruling tandem. From October 2008 through February 2010, Medvedev's approval rating never dropped below 68 percent; Putin's stayed between 76 and 86 percent despite the ongoing economic crisis.[34] No one else in Russia comes close to their level of public support. The three channels perfectly serve the political goals of the government to shape electoral opinion by boosting, playing down, or ignoring an issue, a figure, or a group and instilling sentiments that benefit the political interests of the leadership. This is a sophisticated operation that capitalizes on and deepens existing suspicion of the West and frustration over Russia's diminished status in the world.

Just as there is a lack of political competition in the public realm, there is no competition among the three channels as far as political coverage is concerned. When it comes to entertainment shows, however, the competition is fierce. Though all three channels operate as commercial entities that rely on advertising revenues, they remain tightly controlled by the state.[35]

Combining state propaganda with a lucrative business operation works because it generates state-of-the-art television entertainment, sustains audiences, and thus

attracts advertisers. The advertising market was more robust and growing in the years preceding the current financial crisis, but even now national TV channels remain profitable.[36] To many in Russia—especially provincial, older, less educated, and poorer constituencies—free national television is the only entertainment they can afford. Once they are glued to the screen by soap operas and other appealing shows, they also watch national news on the same channels.

It is not that the Russian audience takes every word and image at face value. Years of exposure to Soviet propaganda has taught people to treat government messages with a degree of skepticism. Russian audiences' acceptance of the rules of the game enables the Kremlin to count on the support of the "national television constituency." It is this majority that constitutes the electoral base of today's leadership. The more sophisticated and inquisitive audiences may easily pick from a broad range of today's media sources: cable TV in any language, the Internet and its new communications, and of course the domestic "liberal ghetto" of relatively independent media. Unlike in the Soviet days, there is no shortage of alternative sources, but rather a shortage of demand.[37]

Controlled television is an indispensable resource built by Putin and shared by Medvedev. Medvedev may sound more liberal than Putin, as he emphasizes the importance of freedom and talks about the need to follow the rule of law, but on the issue of television media Medvedev sees little problem with the way national TV is handled. "Mass media has developed not badly at all," he said in a meeting with a popular Russian weekly newspaper *Argumenty i Fakty*. "In its quality and the means used, Russian television is among the best in the world…And it is not 'pro-government,'" he added.[38]

Russia's national TV outlets and its liberal media are strikingly different in their choices of news priorities and newsmakers, as well as in general tone. To keep the liberal media even more marginal, they are completely separated from the national channels There is no format such as the American tradition of "Meet the Press"; critically-minded print or web journalists do not appear on national television lest they imbue the electoral base with unwelcome ideas.

Another trick that keeps the relatively independent media marginalized is limiting their access to decision makers. Top policy makers or even their press officers do not hold regular public briefings. When Putin was president, he held one press conference per year attended by about one thousand journalists from all over Russia and beyond. This is hardly a format in which pointed policy questions may be asked. The Kremlin press pool is a closed group of trusted journalists.[39] Those who have access to the ruling elite do not ask unwelcome questions and those who are more inquisitive do not have access.

As a result of the Kremlin-orchestrated redistribution of media assets undertaken during Putin's presidency, the majority of prominent media ended up in loyal hands. While the transfer of media ownership does not always mean a prompt abandonment of editorial independence, it does make media outlets more vulnerable. Metal magnate Alisher Usmanov, for example, may have generally refrained from interfering with news coverage by *Kommersant* since he bought it in 2006, but it seems unlikely that he will choose to anger the government and risk his business interests for the sake of press freedom.

While fears of a crackdown may be real, the primary factors driving the marginalization of liberal media are the tightly controlled political environment and the lack of public interest in political participation.

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Controlled Political Environment

The political regime that Putin built has the appearance of having democratic institutions, but they have been radically emasculated. There is little separation of powers, hardly any political opposition, election results are largely preordained, and decision making is heavily centralized and non-transparent.[40] The system is dominated by the top figure, unchallenged and uncontested. This was the stature Putin achieved by the end of his second term as president. In his capacity as prime minister he retains a similar status, while President Medvedev is endowed with a similar kind of supremacy by virtue of being Putin's partner. Loyalty to both among the political elites is an inherent element of the political order.

Some of the stories reported by the liberal media would likely cause broad public discussion or even political scandal if the political environment were more open. In Russia, this discussion is strongly limited because the legislature is dominated by a pro-Kremlin force that will not discuss issues or conduct investigations if the Kremlin disapproves such initiatives.[41] The courts are similarly lacking in independence and cannot be relied on as arbiters if alleged wrongdoings by the government are involved. In politically sensitive cases, judicial rulings are easily bent by the executive. Even the rulings of the Constitutional Court appear to be driven by loyalty to the Kremlin rather than rule of law. Two judges of the Constitutional Court who persisted in holding independent opinions were recently pressured into quitting.[42]

The Kremlin's leverage over lawmakers makes it possible to pass almost any bill the government needs without much discussion. Though the existing media

law is fairly liberal and has not been rewritten since its adoption immediately after the collapse of the USSR, amendments to other legislation such as the electoral law and the law on extremism impose additional restrictions on the media.[43] These amendments, which enable the Kremlin to suspend or even close publications, are rarely enforced. But their very existence, combined with selective law enforcement, increases the vulnerability of the media.

This is a major reason why in Russia media may report news, but not to the extent that it generates political fallout. The media can inform, but they do not have an impact. While there may be freedom of expression, there is hardly press freedom if the latter is understood to serve as a mechanism of public accountability.

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Since liberal media operate at the discretion of the government, self-censorship has become common among journalists, though the degree of self-restriction varies. The Russian media's lack of impact raises doubts about the meaning of journalistic effort—what is the point of digging deep and disclosing facts if they do not make a difference anyway? This also changes the nature of opinion and editorial writing: one is bound to preach to the converted in the "liberal ghetto" if the government will not pay attention to outside policy analysis. What is the point of arguing that more transparent and competitive decision making can reduce corruption and improve the quality of governance if the exercise of unchallenged power is the very essence of the current regime? The former editor of the op-ed page of *Kommersant* agreed that this environment forced him to re-format his section: "When you tell the government what to do, you feel stupid, because they are not listening. Everybody knows that they aren't. Nobody's pretending that they are. You can't reach out to the other side."[44]

The Public Mindset as a Factor of Reduced Media Role

By the late 1990s, Russia had made a decisive shift toward a market economy, but politically and socially it was ready for a return to the traditional political pattern based on the dominance of the state with an uncontested ruler concentrating power in his hands. When Vladimir Putin emerged as the new leader in 2000, he followed this pattern.[45]

The experience of the first post-communist decade failed to teach the majority the values of political rights, normative principles of democracy, or the advantages

of a reduced state role in the economy. The Russian people did not come to regard these ideas as a means to make their lives better, seeing them curtailed or compromised during Putin's tenure was therefore not regarded as a significant loss. Polls consistently show that a vast majority of Russians is in favor of the dominance and further expansion of the state in the economy and prefer the "current Russian system" to western democratic models.[46] The paternalism that Putin offered was accepted with a sense of relief; people did not want the shared responsibility of decision making and the uncertainty that came with it.

Of course it helped Putin tremendously that the price of oil increased and raised Russia's status in the world, but it should not be seen as a tradeoff in which people sacrificed their political rights in exchange for higher living standards. In fact, it was a sense of fatigue and a desire to lean on a leader who would be firmly in charge and assume the responsibility for Russia and its people.

When Putin emasculated the fledgling political institutions and, one by one, the channels of public participation were clogged, the public looked on with indifference. The majority unequivocally preferred the paternalism of the 2000s to the pluralism of the 1990s, and the current economic crisis so far has not changed this. The liberal constituencies may have been angry and bitter, but even in these circles there has been very little desire to organize and demand a return of political rights. Voicing discontent within the limits of the "liberal ghettos" appeared to be an acceptable arrangement. Active public groups are small, scarce, and enjoy very limited support.

The independent media can only work as an instrument of public accountability if the public demands that the government be held accountable. Independent media may play a crucial role even in undemocratic regimes if the public is keen to act, as the examples of Yugoslavia under Slobodan Milosevic and Ukraine under Leonid Kuchma demonstrated. In each of these cases it took just a few (or even a single) independent non-government media outlets to help people organize and eventually remove the government. But the media cannot *generate* activism that is not there, and in Russia, at least for now, it is simply not there.

If the public is generally indifferent and atomized, independent media will remain politically ineffective. Worse, it will gradually lose part of its independence, since the government easily encroaches on the public space if the society is apathetic and fragmented. Whereas in the Soviet days there was a shortage of sources of alternative, non-government information, today there is a shortage of public demand—both for a free press as well as for political participation or government accountability. While this is a blessing for the Kremlin elite who are anxious to secure the political status quo and consolidate their decision making powers, it is a curse for Russia's democratic development.

A Chance for Greater Press Freedom?

The impact of independent media is inseparable from the larger issue of political pluralism. One way toward more pluralistic politics would be a public split of the Russian elites. Such a split prompted change during *perestroika* in which political pluralism, if often taking unsightly forms, was behind the vibrant political journalism of the 1990s.

During his presidency, Putin managed to consolidate the elites by a mixture of intimidation and opportunity. In addition to his paternalistic model of state-society relations, the consolidation of the elites was greatly abetted by high oil prices. Huge export revenues meant plenty of opportunity for enrichment. Putin presided over the distribution of access to power and property (the two being closely entangled in Russia), and his authority as the arbiter of this distribution was universally recognized. One had to be insane to challenge the superior arbiter, since such disloyalty led to the loss of opportunity, property and, in some cases, freedom. That is why powerful interests stay loyal and conflicts among them are resolved behind the scene. This arrangement works well as long as the resources are plentiful. Even as they have become more limited due to the current economic crisis, there is still enough to sustain stability. But what will happen when the resources deplete, and the elites have to share the "losses," and not the "profits?"[47] If the incentive to stay loyal is no longer there, the differences among the elites may come to the fore, and it will be a matter of time before elite factions reach out to the public to muster support. This would mean a return to political pluralism and competitive politics in Russia.[48] If this were to happen, it would mean a simultaneous transformation of media into a vehicle of politics; freedom of expression would translate into press freedom; and the skills of independent journalism currently in low demand would once again become essential.

Without public demand for political rights and civil liberties—press freedom included—attempts by outside actors to promote democracy or improve the human rights situation are unlikely to make a difference. The Kremlin's anti-American propaganda has repeatedly portrayed such attempts as meddling with Russia's domestic affairs and motivated by ulterior motives such as spying or otherwise harming Russia.[49] This perception is easy to instill when the target audience does not care much about human rights violations or compromised democratic procedures. In fact, people in Russia believe that today they have more freedom than they did in the 1990s.[50]

In their letter to President Barack Obama, over seventy U.S. lawmakers may have expressed concern about the killings of Natalia Estemirova, Stanislav Markelov, and Anastasia Baburova, but outside liberal and human rights circles the majority of Russians would hardly know their names. ♔

NOTES

[1] "Russians about the murder of Anna Politkovskaya," *Levada Center*, 19 October 2006, http://www.levada.ru/press/2006101901.html.

[2] The rally held in downtown Moscow on 8 October 2006 was originally staged as a protest against the harassment of ethnic Georgians. After the news came of Politkovskaya's death on 7 October, human rights activists called for people to join the anti-discrimination event and express their anger over her murder. About a thousand people showed up at the rally, but it is hard to say how many came on Anna Politkovskaya's behalf. Among the signs at the rally were "Anna, a great daughter of Russia" and "She defended you!" See also, "Well-known human rights activists gathered at a rally in Moscow," *Gazeta.ru*, 8 October 2006, http://www.gazeta.ru/2006/10/08/last219170.shtml.

[3] Nina Ognianova, "Anatomy of Injustice: The Unsolved Killings of Journalists in Russia," (special report, Committee to Protect Journalists, New York: 2009), 20, http://cpj.org/reports/CPJ.Anatomy%20of%20Injustice.pdf.

[4] Ognianova, "Anatomy of Injustice," 37.

[5] For an illustration of public indifference and cynicism, see the results of a Moscow poll taken by the Levada Center shortly before the election of the city legislature in October 2009. 38 percent expected the election to be manipulated, 29 percent thought it would be fair, while 34 percent found it hard to answer. To the question of whether they believed rumors that the Moscow mayor was corrupt (the mayor's wife is the only woman billionaire in Russia), 66 percent said they believed the rumors. "Muscovites on elections to the Moscow City Duma," *Levada Center*, 2 October 2009, http://www.levada.ru/press/2009100200.html. After the election the allegations of fraud and rigging—by journalists and several political parties—were plenty and quite a number of suits were filed. None of the complaints had any effect. Muscovites were unimpressed by both the rigging and the complaints. They had expected the election to be rigged and assumed that they cannot change this. They simply chose not to come to the polls—the turnout was quite low. A vast majority of the Russian people (over 80 percent) do not think they make a difference in national affairs or even in the affairs in their locality. See also, "Public opinion—2008," *Levada Center*, 2008, 86, http://www.levada.ru/om2004.html.

[6] The term "Kremlin" is used throughout the article as a general reference to the ruling elite, the Putin-Medvedev tandem, and a close circle of those who take part in government policy making.

[7] Freedom House, "Country Report: Russia 2005" (report, Freedom House, Washington: 2005), http://www.freedomhouse.org/template.cfm?page=363&year=2005&country=6818.

[8] Transparency International, "Corruption Perceptions Index 2009," 2009, http://www.transparency.org/policy_research/surveys_indices/cpi/2009/cpi_2009_table. Russia ranks 146th in the list with the same score as Cameroon, Ecuador, Kenya, Sierra Leone, Ukraine, and Zimbabwe. High corruption is broadly recognized by Russian officials. See also, First Deputy Prosecutor General of the Russian Federation Alexander Buksman, "Corruption has become part of our lives," (interview, *GZT.RU*: 26 September 2009), http://www.gzt.ru/topnews/politics/216582.html.

[9] Anna Politkovskaya, "Disappearing people," *Novaya Gazeta*, 10 September 2001. This was a rare case when a reporter's investigation did have a serious impact. This may be because it happened early in Putin's presidency when it was not yet easy to ignore a thoroughly reported media story or, as sometimes happens, the prosecution may have been a product of inter-agency tensions.

[10] Sergey Mashkin, Andrey Salnikov, and Ruslan Sakaev, "Murderers of Politkovskaya May Be Hiding in Siberia," *Kommersant*, 25 October 2006, http://www.kommersant.com/p716117/Politkovskaya_Murder_Suspect/.

[11] Ognianova, "Anatomy of Injustice," 21.

[12] Suspect who issued passport to alleged murderer of Politkovskaya appears in court," *Newsru.com*, 13 March 2009, www.newsru.com/arch/russia/13mar2009/anna.html.

[13] A detailed description of the trial can be found in Keith Gessen, "The Accused," *New Yorker* (23 March 2009), 42.

[14] In June 2009, the Military Collegium of the Russian Supreme Court recalled the acquittal and ordered a new examination of the case, but Politkovskaya's colleagues are skeptical that that truth will be established. See "Acquittal overturned in murder of Politkovskaya," *Nezavisimaya gazeta*, 26 June 2009, http://www.ng.ru/politics/2009-06-26/3_process.html.

[15] The assessments differ depending on the criteria used by various agencies. The Committee to

Protect Journalists (CPJ) estimates that sixteen journalists have been murdered since 1999. See, "Getting Away with Murder 2009," (report, Committee to Protect Journalists, New York: 23 March 2009), http://cpj.org/reports/2009/03/getting-away-with-murder-2009.php). According to the Glasnost Defence Foundation (http://www.gdf.ru/), more than one hundred journalists have been murdered since 2000. See, "Russian NGO Records Deteriorating Situation for Journalists in Russia," *The Other Russia*, 15 January 2008, http://www.theotherrussia.org/2008/01/15/russian-ngo-records-deteriorating-situation-for-journalists-in-russia/.

16 "Beketov, Michael: Chief editor of 'Khimki truth,'" Lentapediya, http://lenta.ru/lib/14193261/; and Nina Ognianova, "Beketov still recovering from attack a year later in Russia", Committee to Protect Journalists, 4 December 2009, http://cpj.org/blog/2009/12/beketov-still-recovering-from-attack-a-year-later.php.

17 Another example in which the motives seem clear but the crime remains unsolved is the case of *Togliatti Review*, a newspaper in the Russian automakers' city Togliatti described by the *Washington Post* as a "place where oil resources became the fodder for an eager, petty, mafia, where gang killings occurred regularly and where bribes were measured in centimeters—the height of the stack of money." See Margaret Paxson, "Dying for The Truth In Russia," *Washington Post*, 19 October 2003. The paper was investigating corruption at the automobile factory and city hall, as well as other crimes, until the chief editor was assassinated. After his death, his deputy took over and the paper, defying the obvious risk, bravely continued its muckraking pursuit. Several months later the new editor was also murdered. For the Togliatti story, see Peter Baker, "In Russian City, Publish and Then Perish," *Washington Post*, 24 October 2003. The investigator came up with a suspect whose guilt was strongly doubted even by the victims' families. He was eventually released, and the crimes remain unsolved. See Denis Korablyov, "Finance Ministry does not recognize moral harm," *kasparov.ru*, 16 November 2006, http://www.kasparov.ru/material.php?id=455C4C58A10EE.

18 James Rodgers, "Murder of Lawyer Shocks Russians," *BBC News*, 20 January 2009, http://news.bbc.co.uk/2/hi/7839858.stm.

19 Natalia Estemirova collected information about human rights violations in Chechnya involving both federal forces and local authorities. She was a fierce critic of the Chechen government and the Chechen President Ramzan Kadyrov in particular. According to her human rights colleagues in the Moscow Memorial Society, Kadyrov had threatened Estemirova. Though no formal charges have ever been brought against Kadyrov, many in human rights circles hold him personally responsible for the assassination of Estemirova. See "Human rights activist Natalia Estemirova murdered in Russia," Amnesty International, 16 July 2009, http://www.amnesty.org/en/news-and-updates/news/human-rights-activist-natalia-estemirova-murdered-in-russia-20090716. Over the past few years, those known as Kadyrov's rivals and adversaries were murdered in Chechnya, Moscow, Dubai, and Vienna. As Moscow-based political analyst Stanislav Belkovsky said in an interview, "One could hardly ignore the fact that over the last two years, practically all those who could have challenged Kadyrov's grip on power have departed this life." See "President Kadyrov's one-time rival killed in Dubai," *France 24*, 30 March 2009, http://www.france24.com/en/20090330-president-kadyrov-one-time-rival-yamadayev-killed-dubai-chechnya-russia.

20 *Caucasian Knot*, http://www.kavkaz-uzel.ru/.

21 "Beslan: svideteli dayut pryamuyu navodku," *Novaya Gazeta*, 11 November 2005, http://www.novayagazeta.ru/data/2005/88/00.html; and "Byli deijstviya, kotorye byli pokhozhi na shturm," *Kommersant Vlast*, 29 August 2005, http://www.kommersant.ru/doc.aspx?fromsearch=8c151dc9-bc27-4555-a7dd-3e6c8d2de72d&docsid=604393. For information on how the Russian authorities rejected a negotiation initiative, see http://www.novayagazeta.ru/data/2007/66/19.html and http://grani.ru/Events/Terror/m.100562.html.

22 Natalia Morar, "Kak vyvodili den'gi s DISKONTom," *New Times*, 24 December 2007, http://new-times.ru/articles/detail/5683/. Natalia Morar, "Sedstevenny komitet pri MVD Rossii zakryl ugolovnoe delo o vyvode vysokimi chinovnikami deneg cherez rossijsky bank 'DISKONT' i Raiffaizen," *New Times*, 20 August 2007, http://newtimes.ru/articles/detail/10770/.

23 "Kto oplatil 'Yugansk,'" *Vedomosti*, 3 June 2005, http://www.vedomosti.ru/newspaper/article.shtml?2005/06/03/92916. State company Rosneft' which took over Khodorkovsky's major oil asset, may now be facing a seizure of property following a legal battle by Khodorkovsky's company managers in foreign courts. See also: "Yukos Wins Rulings in Its Rosneft Battle," *Wall Street Journal*, 19 March 2010, http://online.wsj.com/article/SB10001424052748704207504575129231999438738.html.

24 The second trial is regarded as a travesty of justice by legal professionals and observers in Russia and abroad. Their opinion and analyses are often cited in the Russian media outlets described in this section. For a more formal assessment, see Sabine Leutheusser-Schnarrenberger, "Member of the

Bundestag: Khodorkovsky has no chance,", (interview, *Deutsche Welle*, 3 March 2009), http://www.dw-world.de/dw/article/0,,4069855,00.html; and Mikhail Khodorkovsky, "Modernization: Generation M," *Vedomosti*, 21 October 2009, http://www.vedomosti.ru/newspaper/article/2009/10/21/216863.

25 Alan Cullison, "Russia Blocks Re-Entry Of Opposition Journalist," *Wall Street Journal*, 17 December 2007.

26 Maria Eismont, "Small-town Newspapers," *Pro et Contra*, January/February 2007, 43-55.

27 For instance, Putin in his speech on 5 June 2006 at the 59th World Newspaper Congress said, "In a country that today counts 53,000 periodical publications, we could not control them all even if we wanted to. Even if the state had such a desire it would be impossible. There are more than 3,000 TV and radio companies in Russia," http://eng.kremlin.ru/speeches/2006/06/05/1842_type82912type84779_106514.shtml.

28 The author earlier used this term to describe the limited audiences of President Obama's speech during his visit to Moscow in July 2009. See Masha Lipman, "Words for a Russian Ghetto," *Washington Post*, 9 July 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/07/08/AR2009070803510.html.

29 The beginning of 2010 was marked by a rise in public activism. Numerous street protests were staged in many Russian cities. See: "Thousands in Russia protest government in "A Day of Wrath," *Washington Post*, 21 March 2010 and "Russian Protests Seeking Ouster of Putin Fall Short," *New York Times*, 20 March 2010, http://www.nytimes.com/2010/03/21/world/europe/21russia.html. News of injustice and blatant rights violations have generated ourbursts of anger on the Web. In some instances public outrage even helped to hold perpetrators to account. See: "Car Crash Thrusts LUKoil Into PR Nightmare," *Moscow Times*, 5 March 2010, http://www.themoscowtimes.com/business/article/car-crash-thrusts-lukoil-into-pr-nightmare/401032.html and "The Head of the Interior Ministry Will Report to Medvedev," *Newsru.com*, 10 March 2010, http://www.newsru.com/russia/10mar2010/dtp.html. But as of this writing, these public expressions look like a mood not a movement: they are disconnected and lack organization, a leader or a plan—not enough to challenge the existing pattern of governance of nontransparent decision-making confined to a limited group at the top of the executive branch.

30 According to Levada Center polling data, a steady number of Russians, exceeding 80 percent, watch TV daily; in 2009 the number was 86 percent (compared to only 11 percent who said they read newspapers daily). Ninety-four percent said they learn about the developments in Russia and in the world from TV. Asked which media they would rather pick if they wanted to learn more about a particular piece of breaking news, 74 percent said they would pick TV. Radio, print, and the Internet each received under ten percent. See, "Public Opinion—2009," *Levada Center*, 2009, 123-124. To illustrate the dominance of the three major channels as newscasters, another *Levada Center* poll asked Russians, "Do you watch news on TV and, if so, on what channels do you watch news more or less regularly?" The responses were Channel One (78 percent), Channel Rossiya (68 percent), NTV (54 percent). The next top ranked channel received 10 percent. Ibid., 125.

31 For a detailed account of how Putin's Kremlin took national TV under state control, see Masha Lipman and Michael McFaul, "Putin and the Media," in *Putin's Russia: past imperfect, future uncertain*, ed. Dale R. Herspring, 2nd ed. (Rowman & Littlefield Publishers, 2005).

32 The way in which the Kremlin perfected control may be illustrated by a comparison of the TV coverage of three tragedies—the sinking of Kursk submarine, the Moscow theater siege, and the terrorist attacks of the Beslan school. See Maria Lipman and Michael McFaul, "The Media and Political Developments," *After Putin's Russia: past imperfect, future uncertain*, eds. Stephen K. Wegren and Dale R. Herspring, 4th edition, (Rowman & Littlefield Publishers, 2010), 116-117.

33 Konstantin Gaaze and Mikhail Fishman, "Efir dlia dvoikh," *Newsweek Russia*, 4 August 2008, http://www.runewsweek.ru/country/9021/. The coordination of the news agenda with the Kremlin aides was described in the summer of 2008 by Gaaze and Fishman. Though the actual procedure has evolved since then, the political and public affairs coverage on all three national channels is still essentially the same: Putin and Medvedev are never challenged, and national television channels are used by the Kremlin as a political resource.

34 Rankings of Russian leaders and the situation in the country," Levada Center, 4 March 2010, http://www.levada.ru/press/2010030404.html.

35 State control is not solely based on state ownership: the Kremlin has ensured that politically significant media assets remain either in government control or in loyal hands where the Kremlin can control properties that are technically private. TV channel *Rossiya* is part of a behemoth state-owned company VGTRK (All-Russian State Television and Radio Broadcasting Company). Channel One is

51 percent owned by the state (the ownership of the remaining 49 percent is not fully disclosed). NTV was taken over by the government-controlled gas monopoly Gazprom in 2001 and incorporated into Gazprom-Media, the gas giant's media holding company. It later changed hands again and today is controlled by a bank called *Rossiya* (not related to the TV channel of the same name) whose largest shareholder and board chairman is Yury Kovalchuk, broadly believed to be a close friend of Vladimir Putin (See Boris Nemtsov and Vladimir Milov, "Putin and Gazprom," (independent expert report, Moscow, 2008), 16, http://www.milov.info/cp/wp-content/uploads/2008/09/putin-i-gazprom.pdf. The same bank reportedly owns a controlling stock in the National Media Group (NMG). See "REN TV and the 'fifth channel' get all the news," *Kommersant*, 16 October 2009, http://www.kommersant.ru/doc.aspx?DocsID=1256532). NMG is one of the largest privately owned media groups in Russia and includes two national TV channels with smaller audiences as well as a number of other media assets.

[36] For estimates of the Russian advertising market, see analysis by The Russian Association of Communication Agencies, http://www.akarussia.ru/market/.

[37] In the USSR state censorship was ubiquitous—every word printed or broadcast had to undergo preliminary approval by communist censors. Alternative sources were either underground (Samizdat) or smuggled from abroad. In later decades there was a growing sense that the official information was all lies, and Russians developed a keen interest in foreign broadcasts such as the Voice of America, the BBC, Deutsche Welle or Radio Liberty. Listening to these broadcasts despite government attempts at signal jamming increased a sense among the public that foreign voices represented the voice of truth. Estimates of how many people in the USSR listened to foreign broadcasts vary from 8 million to 30 million, depending on the period and on the different methods used by researchers. See V.A. Kozlov, S.V. Mironenko, and O.V. Edelman, "Sedition: dissidence in the USSR under Khrushchev and Brezhnev, 1953-1982," (Moscow: Materik, 2005). Today, the Soviet sense of constraint and censorship is gone as alternative news sources are easily available. Tabloids, glossies, and other entertaining media outlets are plentiful and interest in critical, non-government media is much less keen.

[38] "Meeting with the staff of the newspaper 'Arguments and Facts,'" *Arguments and Facts*, 29 April 2009, http://www.rost.ru/medvedev/report-29-04.html. At least once, however, Medvedev admitted indirectly that Russian TV is not free. In his annual address to the Russian parliament in 2008, he said, "Experience shows that it is practically of no use to persuade the bureaucrats to 'leave the media in peace.' No bureaucrat can obstruct discussion on the Internet or censor thousands of channels at once." He suggested that "instead of persuading, we should work more actively to expand the free internet and digital television space." President of Russia, "Address to the Federal Assembly of the Russian Federation," Moscow, 5 November 2008, http://eng.kremlin.ru/speeches/2008/11/05/2144_type70029type82917type127286_208836.shtml. It is common in Russian official rhetoric to blame impersonal "bureaucrats" when in fact Kremlin interference is involved. The recommendation to develop new media may well-intentioned, but for at least the near future, the impact of the national TV channels speaking in one voice can easily overcome the impact of the new media diversity. "Fast development of cable TV and the Internet notwithstanding…Russia still remains a country of traditional…television. Almost 90 percent of the Russian population watch TV every day," writes Anna Kachkaeva, Russia's leading TV expert in "Glamurny totalitarizm: Televizionnaya indistriya v epokhu stabil'nosti (2004-2007)" and "Glamorous totalitarianism: The Television industry in an era of stability (2004-2007)" in *Teleradioefir: Istoriya I sovremennost*, (Moscow: Elitkomstar, 2008), 41.

[39] Peter Baker, "In Russian Media, Free Speech for a Select Few," *Washington Post*, 25 February 2005.

[40] The operation of the Russian political system as a hybrid regime, and the role of media in this operation, is discussed in Nikolai Petrov, Maria Lipman, and Henry E. Hale, "Overmanaged Democracy in Russia: Implications of Hybrid Regimes," (forthcoming paper, Carnegie Endowment for International Peace, February 2010).

[41] For instance, the Duma refused to hold a substantial discussion of the assassination of Politkovskaya after a small group of deputies suggested that the killing be put on the Duma agenda. A similar initiative was voiced after the murders of Markelov and Baburova. In both cases the initiatives were declined by the overwhelming majority of lawmakers. In January 2007, a few months after Politkovskaya was killed, the Russian delegation to the Parliamentary Assembly of the Council of Europe (PACE) emphatically opposed a recommendation contained in a PACE resolution, "Threats to the lives and freedom of expression of journalists," (report of the Committee on Culture, Science, and Education, Doc. 11143, 23 January 2007). Opposition to the recommendation was voiced personally by the head of the Russian delegation to PACE, Chairman of the State Duma International Affairs Committee Konstantin Kosachev. Kosachev argued that "the conduct of a parliamentary investigation is always an expression of lack of trust in the investigating authorities, and this could disrupt their work." See, "Parliamentary investigation into Politkovskaya's murder removed from PACE draft resolution," *newsru.com*, 25 January 2007, http://www.newsru.com/russia/25jan2007/pase.html. These are

but two examples out of too many; as far as sensitive political issues are concerned, the Duma never acts against the interests of the ruling elite.

[42] The two judges routinely disagreed with the rest of their colleagues on political issues but their opinions never made a difference. Eventually they made public statements saying that the Constitutional Court is not independent, but coordinates its ruling with the Kremlin. After that their colleagues voted for their resignation. See L. Nalbandyan, "Judge Kononov: There Are No Independent Judges in Russia," *Sobesednik*, 27 October 2009, http://www.sobesednik.ru/politics/kononov_sb_41_09/. See also, Pilar Bonet, "Entrevista: Vladímir Yaroslávtsev, Juez del Tribunal Constitucional de Rusia: 'En Rusia mandan los órganos de seguridad, como en la época soviética,'" *EL PAÍS*, 31 August 2009.

[43] Reporters Without Borders, "Alarm About Proposed Amendments to Law on Extremism," 14 April 2008, http://www.unhcr.org/refworld/docid/480467301c.html.

[44] Personal communication of the former op-ed editor of *Kommersant*, Kirill Rogov. To avoid feeling "stupid" Rogov called his page "Commentary" and reformatted it to make it look like "a lighter version of a political journal." The result was something different from an American or British op-ed, but it produced excellent political writing. Eventually, however, *Kommersant* top editors decided to discontinue the opinion page altogether.

[45] For more on the shift of the Russian mindset in post-communist years, see: Maria Lipman, "Media Manipulation and Political Control in Russia," (programme paper, Chatham House, London: 2009), http://www.chathamhouse.org.uk/files/13290_300109lipman.pdf.

[46] "Public opinion—2009," *Levada Center*, 2009, 104-105. In the opinion of Igor Yurgens, the director of the Instutite of Modern Development (INSOR—President Medvedev chairs INSOR's board of trustees) and a vocal proponent of liberal reforms, in political, economic, and social spheres: "About 70 percent of our population do not believe in the market, democracy, or 'the West.' [In their view] all these trappings of democracy, electivity or a multiparty system is, to put it mildly, 'not ours,' and to put it in a hard manner, 'alien.'" Interview with Yurgens, *Ekho Moskvy*, 25 June 2008, http://www.echo.msk.ru/programs/razvorot/523135-echo.phtml. INSOR is a think-tank whose board of trustees is headed by president Medvedev. "Public opinion—2008," *Levada Center*, 2008, 21.

[47] For a detailed and insightful discussion of the perceptions of democracy in today's Russia, see Kirill Rogov, "Democracy 2010: The Past and Future of Pluralism in Russia," *Pro et Contra*, September/December 2009.

[48] Calls for political reform that would bring back more pluralism, competition, and meaningful elections are common on the pages of liberal media and among small groups of the Kremlin opponents. Recently, however, these ideas were voiced at much higher levels, such as the January 2010 session of Gossovet with President Medvedev, "RF State Council meeting on the development of political system," *Regnum News Agency*, 22 January 2010, http://www.regnum.ru/news/1245754.html; and the recent report from INSOR, "Russia in the 21st Century: Vision for the 21st Century," (Institute of Contemporary Development), 18 January 2010, http://www.insor-russia.ru/files/INSOR%20Russia%20in%20the%2021st%20century_ENG.pdf. Such discussion, however, does not indicate that the Kremlin is keen to implement reforms that will undermine its grip on power.

[49] Christian Lowe, "Russia Accuses U.S. of Meddling, Aiding Radicals," *Reuters*, 13 April 2007, http://www.reuters.com/article/idUSL134962020070413.

[50] In 1997, 42 percent said they felt free in Russia. In 2003, this number rose to 66 percent and in 2008 it grew further to reach 70 percent. See, "Public opinion—2008," *Levada Center*, 2008, 86 (table 11.6). An insightful explanation of this perception is found in the above-cited article by Kirill Rogov.