

ARTICLE 19

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INTERNATIONAL
MEDIA SUPPORT

No Justice for Journalists in Ukraine, Belarus and Russia

September 2011

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ARTICLE 19 and International Media Support (IMS) present this report on Ukraine, Belarus and Russia as part of their work fighting impunity and promoting and strengthening free media in the region. The report was compiled in follow-up to an international conference organised by ARTICLE 19 and International Media Support (IMS) in Kyiv, Ukraine on 16 September 2010 – the tenth anniversary of the disappearance of opposition journalist Georgiy Gongadze, to whom the report is dedicated.

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Executive Summary

Over the past 10 years, disappearances and killings of journalists in Ukraine, Belarus and Russia have been met with an inadequate response from these governments. The result in all three states has been the emergence of a climate of impunity, violations of journalists' human rights, and a chilling effect on freedom of expression.

Following a foreword by ARTICLE 19 Executive Director Agnès Callamard and International Media Support (IMS) Executive Director Jesper Højberg and an introduction by German Federal Minister of Justice Sabine Leutheusser-Schnarrenberger, the report examines a number of cases of journalists who have disappeared and/or been killed in connection with their professional activities since 2000 in Ukraine, Belarus and Russia.

None of these cases have been fully solved; although there have been arrests and prosecutions in some of them, none of the instigators and few of the perpetrators have been brought to justice.

The following cases have been profiled in detail in this report:

In Ukraine:

- Vasyl Klymentyev, disappeared on 11 August 2010
- Igor Aleksandrov, killed on 7 July 2002
- Georgiy Gongadze, disappeared on 16 September 2000

In Belarus:

- Aleh Byabenin, killed on 3 September 2010
- Veronika Cherkasova, killed on 20 October 2004
- Dmitriy Zavadsky, disappeared on 7 July 2000

In Russia:

- Malik Akhmedilov, killed on 11 August 2009
- Natalya Estemirova, killed on 15 July 2009
- Anastasia Baburova, killed on 19 January 2009
- Magomed Yevloyev, killed on 31 August 2008
- Anna Politkovskaya, killed on 7 October 2006
- Magomed Varisov, killed on 28 June 2005
- Maxim Maximov, killed on 29 June 2004
- Alexi Sidorov, killed on 9 October 2003
- Yuriy Shchekochikhin, died on 3 July 2003
- Vladimir Sukhomlin, disappeared on 4 January 2003

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- Valery Ivanov, killed on 29 April 2002
 - Eduard Markevich, killed on 9 September 2001
 - Victor Popkov, disappeared on 2 June 2001
 - Vladimir Kirsanov, disappeared on 17 May 2001
 - Igor Domnikov, killed on 16 July 2000
 - Vladimir Yatsina, disappeared on 19 July 1999

The report also contains a number of recommendations to the authorities in Ukraine, Belarus and Russia, as well as to the international community, on the legal and political measures needed to protect journalists and defend the right to freedom of expression in these countries. These recommendations are largely the product of discussions which took place during the conference organised by ARTICLE 19 and International Media Support (IMS) in Kyiv, Ukraine on 16 September, 2010, 'Ten Years On, No Justice for Georgiy Gongadze: the Need to Find New Ways to Fight Impunity.' A summary of the conference is also provided in the report.

Foreword

On 16 September 2000, Ukrainian investigative journalist Georgiy Gongadze disappeared; his body was found over six weeks later. Gongadze had been investigating corruption within then-Ukrainian President Leonid Kuchma's inner circle, and in the months leading to his death, reported that he was under surveillance and had been receiving threats. Over the next years, the Ukrainian authorities focussed more on denying official involvement in Gongadze's kidnapping and murder than on identifying those responsible for the crimes. More than 10 years later, there is still no justice for Georgiy Gongadze.

Since 2000, many other journalists have disappeared or been killed in connection with their professional activities in Ukraine, Belarus and Russia. It is quite sobering to examine the case profiles contained in this report, as they highlight the devastating human impact of the corruption and impunity that continues to stifle democratic development and the emergence of a climate conducive to freedom of expression in these countries.

In the more than 10 years which have passed since Gongadze's disappearance, he has become a symbol for journalists

throughout the region, providing an example of the bravery of investigative journalists, who under such repressive regimes often become human rights defenders themselves. His case also serves as a constant reminder of the injustice for the victims and their families as the instigators – and often the perpetrators – of these tragic killings continue to walk free. For these reasons, we dedicate this report to Georgiy Gongadze and his widow Miroslava, who continues to fight for justice for Georgiy and other journalists who have been targeted for their work.

ARTICLE 19 and International Media Support (IMS) also remain committed to pursuing justice in these cases, and greater protection of freedom of expression in Ukraine, Belarus and Russia and more broadly throughout the region. We hope that this report renews the sense of urgency among the relevant authorities regarding the need to re-invigorate the investigations into these cases and to start taking seriously their international commitments to human rights and freedom of expression.

Dr Agnès Callamard

Executive Director, ARTICLE 19

Jesper Højberg

Executive Director, International Media Support

Introduction

As long ago as the seventeenth century, Hugo Grotius, one of the most eminent founders of modern international law, recognised that the problem of impunity granted by state entities was one of the most pertinent threats to justice and the rule of law. Ever since, officials have found ways to make exceptions from prosecution, thereby undermining the very basis of the rule of law.

This is why fighting impunity must be the cornerstone in striving for a just society. Nobody should be above the law. And this, of course, should also apply to the murderers of Anna Politkovskaya in Russia and of Georgiy Gongadze in Ukraine. These two incidents, however, are merely famous examples of a whole series of crimes in which the criminals have been able to evade prosecution due to the failing ability or will of state officials to act.

In my former role as rapporteur on the Gongadze case for the Parliamentary Assembly of the Council of Europe, and as co-rapporteur on Ukraine, I called for the responsible individuals to be brought to justice. Some progress has been made in the Gongadze case. The conviction of three police officers in 2008 and the arrest of former general and Ukrainian Interior Ministry official Oleksiy Pukach in 2009 are, to some extent, achievements. It is of equal importance, however, to guarantee the safety of the alleged offenders and to ensure they have a fair trial.

Scenarios such as the violent death of Mr Pukach's former superior, ex-Interior Minister Yuriy Kravchenko, found dead with two gunshot wounds to the head on the morning of the day he was due to be interrogated by the prosecutor's office, show the challenges of conducting such investigations.

By the nature of their profession and their investigatory work, political journalists are prone to develop tense relationships with state authorities. In view of this fact, their rights (as is the case with all civil rights) need to be specially protected and safeguarded in all countries and legal systems.

In Germany, for example, we are about to revise our criminal law with the intent of enhancing freedom of the press, waiving journalists' criminal liability for assisting in the "betrayal of state secrets," an offense that has provided the grounds for searching the personal property of investigative journalists for evidence.

I strongly support the fight against impunity and the strengthening of civil rights everywhere. I hope that many new and practical ways will be found to change the deeply unsatisfactory legal situation we face in so many countries worldwide.

Sabine Leutheusser-Schnarrenberger, MP 1
German Federal Minister of Justice
Berlin, June 2011

Methodology

The findings of this report are based on the experience of ARTICLE 19 and International Media Support (IMS) in their work in Ukraine, Belarus and Russia. The research and analysis for this report were conducted by ARTICLE 19 staff, with valuable input provided by International Media Support (IMS).

Specific research for this report included analysis of relevant reports by local, regional, and international media, non-governmental organisations and inter-governmental organisations, as well as consultation with relevant experts on the selected countries and cases. ARTICLE 19 staff also conducted original interviews for one selected case per country, excerpts from which are provided in the report.

The report's recommendations were developed as an outcome of discussions during the conference organised by ARTICLE 19 and International Media Support (IMS) in Kyiv, Ukraine on 16 September 2010, 'Ten Years On, No Justice for Georgiy Gongadze: the Need to Find New Ways to Fight Impunity.' The experts who attended the conference did not receive any material compensation for their participation.

The cases selected for inclusion in this report represent those which ARTICLE 19 believes to be among the most serious examples of unsolved disappearances and killings of journalists over the past 10 years in Ukraine, Belarus and Russia. While this list is not exhaustive, these cases have had a particularly chilling effect on freedom of expression in these countries and more broadly in the region. None of them has been solved, as the instigators, and often the perpetrators, of these attacks have not been identified and brought to justice.

Background

Violence against journalists in Belarus, Russia and Ukraine, in particular killings and disappearances of journalists over the last 10 years, has been met with an inadequate response from these governments. The result in all three states has been the emergence of a climate of impunity, violations of journalists' human rights, and a chilling effect on freedom of expression. Assaults on journalists constitute not only attacks against individual victims and their families, but also represent an attack on the broader right freely to receive and share information.

It is important in this respect to refer to the international obligations of Russia and Ukraine under the European Convention of Human Rights (ECHR), which Belarus also aspires to ratify. In 2007 the Parliamentary Assembly of the Council of Europe expressed its deep concern about the numerous assaults on journalists and threats to their lives: "The Assembly recalls the legal obligation of member states, in accordance with Articles 2 and 10 of the ECHR, to investigate any murders of journalists as well as acts of severe physical violence and death threats against them. This obligation stems from the individual journalists' rights under the Convention as well as from the necessity for any democracy to have functioning media free from intimidation and political threats. Where attacks against journalists can be carried out with impunity, democracy and the rule of law suffer." ²

Such impunity was exemplified by the

disappearance and subsequent killing of Ukrainian journalist Georgiy Gongadze in 2000. On 14 September 2010, two days before the tenth anniversary of his disappearance, the Ukrainian General Prosecutor's Office announced that it had concluded its investigation. It named former Minister of Interior Yuriy Kravchenko as the instigator and mastermind behind Gongadze's disappearance and killing. It took 10 years to come to this conclusion, and still, many doubts remain as to whether he was in fact the person who ordered Gongadze's killing, as crucial evidence was never appropriately investigated. Concerns have been raised that in Ukraine, investigations into the disappearance of Kharkiv-based journalist Vasyl Klymentyev in August 2010 will follow a similar course. As such disappearances are rare in Ukraine, Klymentyev's disappearance came as a blow to the journalistic community and was an immediate test for the relatively new political regime to show its

commitment to democracy and the rule of law. These disappearances, combined with physical attacks and increased pressure on independent media, have led local media organisations to express concern that Ukraine's media environment will soon mirror the situation in neighbouring Russia, where an atmosphere of intolerance towards expressing opinions critical of the government has developed.

According to the UN Special Rapporteur on Freedom of Expression, Russia is considered one of the most dangerous countries in the world for journalists. In June 2010 he called on “the Philippines, Somalia, Iraq, Pakistan, the Russian Federation and Mexico (the States accounting for the greatest number of journalists’ deaths, in descending order) to adopt the measures necessary to guarantee the protection of journalists.”³ The reaction of the Russian government to his concerns was both disappointing and dishonest. Its representative stated that although there are attacks against journalists in the Russian Federation, “in every case a careful investigation is undertaken and the guilty receive the punishment they deserve,”⁴ irrespective of whether these assaults are linked to their professional activities. As evidenced by many of the case profiles

included in this report, this is simply untrue, as in the majority of cases the perpetrators are never found.

Such an approach is also evident in Belarus, where there are striking parallels between Georgiy Gongadze's case and that of cameraman Dmitry Zavadsky. Zavadsky disappeared in Minsk in July 2000 and his body has never been found. This occurred during a spate of politically motivated disappearances of high-ranking politicians in Belarus in 1999 and 2000. The death in September 2010 under suspicious circumstances of Aleh Byabenin, a Belarusian human rights activist, journalist and the founder and editor of an independent news web-site Charter '97, has raised the fear of further attacks against journalists. Although Belarus has allowed an international review of the initial investigation into Byabenin's death, there is little hope that his case, which the authorities immediately classified as a 'suicide', will be independently investigated.

Although it is difficult to establish the exact number of journalists killed in these countries because of their profession, there is overwhelming evidence that this number is high. No overall figure is available, as these governments do not publish

relevant statistics and non-governmental organisations⁵ use varying indicators and information systems to log and monitor developments. The available figures range from a total of 13 confirmed professionally linked murders, nine disappearances and 29 unconfirmed murders between 2000 and 2010 in Ukraine, Belarus and Russia⁶ to 26 confirmed murders, including disappearances⁷, with Russia topping this list with 22 murders. By October 2010 the database held by the International Federation of Journalists⁹ for Russia listed 53 cases with a clear link between a journalist's death and his or her work since 2000 (15 of whom had been directly targeted, 31 killed in alleged accidents, and seven deaths during crossfire and terrorist acts). Reporters Without Borders listed 21 journalists murdered in Russia between March 2000 and July 2007. No matter what the difference in these estimates, it is clear that the lives of journalists in Ukraine, Belarus and Russia are at significant risk due to the nature of their work. None of the instigators of these fatal attacks and relatively few of the perpetrators has been brought to justice.

Looking at the Gongadze case and the disappearances in Belarus, including that of Zavadsky, the current German Federal

Minister of Justice, Sabine Leutheusser-Schnarrenberger, MP, then-rapporteur of the Parliamentary Assembly of the Council of Europe on the Gongadze case and co-rapporteur on Ukraine, reported in 2008 that “the Gongadze case has become, in Ukraine and beyond, a powerful symbol for the struggle between civic movements in defence of freedom of expression, on the one side, and what is often perceived as the repressive forces of a certain political establishment, on the other.”⁹

This report shows in detail how these governments have failed in their responsibility to bring to justice those responsible for the killings of journalists. It offers recommendations to the main stakeholders – governments, inter-governmental organisations and civil society – as to how they should go about fighting impunity for these crimes. There is a long way to go. To ensure that those journalists who lost their lives reporting on issues of public importance did not die in vain, it is of the utmost importance to continue working towards a safer and more secure media environment in all three countries.

The profiles included in this report show that the public reaction of the authorities in Ukraine, Belarus and Russia has set the

tone for investigations into cases of violence against journalists. A lack of political will to address this issue, or even to consider the professional activities of a journalist as the reason behind the killings and disappearances is prevalent in the cases included below. There are many more than the 22 cases in Ukraine, Belarus and Russia which have been outlined in this report. However, it often becomes impossible to establish an official motive linked to the professional activities of a journalist because of the lack of immediate and effective investigation by the authorities and their reluctance to share information with relatives, lawyers, and the general public. In particular, when the death of a journalist involves an alleged suicide, the authorities rarely open a criminal investigation, preventing the establishment of a link between the death of a journalist and his or her professional activities.

Recommendations

Based on the findings of this report and the outcome of the conference 'Ten Years On, No Justice for Georgiy Gongadze: the Need to Find New Ways to Fight Impunity' held in Kyiv, Ukraine on 16 September 2010, ARTICLE 19 and International Media Support (IMS) have developed recommendations for Ukraine, Belarus and Russia. Over the last 10 years, numerous deaths and disappearances of journalists in these countries have attracted worldwide attention and condemnation. These include the killing of Georgiy Gongadze in Ukraine in 2000, the disappearance of Dmitriy Zavadsky in Belarus in 2000, and the murder of Anna Politkovskaya in Russia in 2006. Many more incidents have been recorded by local and international monitors. Yet, in all three countries, none of the instigators of these crimes and few of the perpetrators has been brought to justice.

ARTICLE 19 and International Media Support (IMS) call on the authorities of Ukraine, Belarus and Russia to adopt all necessary political and legal measures to protect journalists and defend the right to freedom of expression in their societies, in accordance with their international responsibilities. More specifically, they should:

- Recognise publicly that journalists

are vulnerable to violence specifically because of the work they do. This should always from the outset be considered a possibility in any investigation of an attack, a death or a journalist's disappearance

- Publicly condemn attacks, deaths and disappearances without prejudice, and refrain from any negative propaganda about the journalist in question;
- Design and implement an effective policy to promote and protect journalists, enabling them to work in a free and safe environment
- Train their public officials, especially those working in law enforcement, on how to offer an effective and rapid response when a journalist is threatened, including emergency measures (safe houses, etc.) to protect him or her from even greater harm
- Put in place appropriate and acceptable protection mechanisms for journalists under threat
- If an attack takes place, launch an immediate, effective and independent investigation in order to bring both the perpetrators and the instigators to justice. When there is a possibility of involvement by local authorities or other government bodies, such an investigation should be moved to a different authority

outside of their jurisdiction or sphere of influence

- Provide up-to-date, continuous information about the development of such investigations, in the first instance to the family and their lawyers, and also to the general public
- Put in place specific measures to prevent the repetition of such acts
- Pay special attention to facilitating the work of civil society and media organisations that deal with freedom of expression and the protection of journalists
- Remove statutes of limitations on crimes of national importance
- Sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and apply the principle of universal jurisdiction in their territories.

To inter-governmental organisations and the international community it is recommended to:

- Prioritise the protection of journalists as part of their human rights concerns in their respective agendas with Ukraine, Belarus and Russia
- Assist Ukraine, Belarus and Russia to comply with their international human rights obligations under international law, including following up on the

implementation of relevant decisions and judgments of international human rights bodies such as the European Court of Human Rights and the United Nations Human Rights Committee

To civil society and media organisations it is recommended to:

- Continue to monitor the situation with regard to the protection of journalists and the right to freedom of expression in Ukraine, Belarus and Russia, in particular combining their efforts in support of investigations into attacks and ill treatment of journalists and raising their concerns not only at the national level, but also at bilateral, regional and international levels, using new technology
- Consolidate documentation, for example through a central website/portal, enabling the provision of information at the national and international levels to the general public, which should be further engaged and encouraged to take part in demonstrations or campaigns aimed at combating and eliminating impunity
- For media organisations, provide adequate safety and self-protection guidance to their employees, giving them security equipment as necessary, and offering training to both their permanent and freelance employees.

Country Profiles

Establishing whether the murders and disappearances of journalists in Ukraine, Belarus and Russia are linked to their profession is difficult. The authorities are hesitant to open investigations about such possible links, possibly in order to protect the perpetrators and instigators because of their own involvement or as a result of corrupt relationships.

The profiles included in this report have been compiled from various sources and show that the level of impunity for such crimes is unacceptable. The most telling indicator is that not one of the instigators has been brought to justice, and it is only in rare cases that the true perpetrators are found and sentenced.

Ukraine

In the last 10 years fatal physical attacks against journalists in Ukraine with a clear established link to their professional activities have been relatively rare; however, the criminal investigations into such cases have yet to be successful in bringing the instigators to justice, as is evidenced by the three profiles of killed/disappeared journalists included below. In particular, when the motive for such a crime appears to be corruption, there is a clear lack of incentive on the side of the state authorities to solve the case. In some instances the lack of solidarity amongst the journalistic community is low and crimes against journalists are under-reported.

The following cases of deaths or disappearances of journalists in Ukraine have been outlined below:

11/08/2010 – Vasyly Klymentyev

07/07/2001 – Igor Aleksandrov

16/09/2000 – Georgiy Gongadze

Vasyly Klymentyev¹⁰

Disappeared: 11/08/2010, age 67 in Kharkiv, eastern Ukraine.

Role: Editor-in-chief of the Kharkiv-based Novyi Styl newspaper.

Focus: Corruption and socio-economic issues. Klymentyev was a journalist, known for his work on corruption, particularly in universities, hospitals, law enforcement and taxation authorities. In his last articles he criticised the local prosecutor as well as the head of the regional fiscal police. Klymentyev was in possession of images showing lakeside villas belonging to local officials which were

going to be published in Novyi Styl as part of reporting on corrupt local officials.

Case details: According to local newspapers, Klymentyev was seen leaving his home in Kharkiv on 11 August 2010 with an unknown man in a BMW. He has not been heard from since. After refusing to accept money in exchange for not publishing a bribery report on the regional prosecutor's office, he had reportedly been receiving threats. A year and a half before his disappearance, he reported that he was aware he was under surveillance by local police. Klymentyev's partner reported him missing with the Kharkiv regional police on 12 August 2010. Seven days after he disappeared his mobile phone was found in an empty boat on the Pechenezhskoye Lake.

Investigation: Local police started an investigation, suspecting "premeditated murder." The case was later transferred to the Interior Ministry. According to the Kyiv-based news agency UNIAN, the Kharkiv police

announced a reward of 20,000 Ukrainian hryvnas (about US \$2,500) for information that would help locate Klymentyev. No suspects or motives have so far been identified. According to the Minister of Interior, Anatoliy Mohyliov, the disappearance was likely related to Klymentyev's professional activities. In November 2010 the General Prosecutor, Viktor Pshonka, announced that the investigation had narrowed its scope and was near to completion, without giving any details. In April 2011, police announced that they had questioned more than 3,000 people in the course of the investigation.

Current status: The investigation is ongoing. Government's response: Viktor Yanukovich, the current president of Ukraine, promised that he would personally follow the investigation into Klymentyev's disappearance. The Interior Minister, Anatoliy Mohyliov, stated that police officials might have been involved in the disappearance of Klymentyev, and moved the overall coordination of the investigation to the national level.

Ihor Aleksandrov¹¹

Died: 07/07/2001, age 44, in Slavyansk, Eastern Ukraine.

Role: Director of Tor, an independent television company based in Slavyansk.

Focus: Government corruption. Aleksandrov presented the television programme 'Bez Retushi' ('Without Censorship'), in which he regularly criticised government corruption at the national and regional levels. In the run-up to the 1999 presidential election, Aleksandrov's television station was one of the few that provided airtime for opponents of President Leonid Kuchma. In 1998, he was banned from journalistic work for five years and sentenced to two years in prison after reporting that a Member of Parliament had an illegal monopoly on vodka sales. He was acquitted after appealing to the European Court of Human Rights.

Case details: Unknown assailants attacked Aleksandrov as he entered Tor's office on 3 July 2001. Screams and moans were heard from inside the building and Aleksandrov was found covered in blood with his head cracked open and two baseball bats left nearby. He was taken to a hospital immediately but died on 7 July 2001 without ever having regained consciousness.

Investigation: Yuri Verediuk, a homeless man, was arrested in August 2001 and was charged with Aleksandrov's murder; however, on 17 May 2002, the Donetsk Appeals Court in Slavyansk decided that there was not enough evidence against him and released him. The

court also urged the authorities to reopen the criminal investigation. In September 2002, the Ukrainian parliament launched an investigative commission in order to clarify Aleksandrov's murder. During the investigation, the commission accused the Ukrainian Security Service of having falsified evidence in the case. Two police officers, Oleh Tambobtsev and Yevhen Drozdov, were found guilty of falsification in connection with the investigation and sentenced respectively to six and six and a half years in prison in May 2006. Other police officers were also charged with falsification of the investigation in 2007, but were acquitted upon appeal in February 2009. On 7 July 2006, five members of a local criminal group, the '17th district,' were convicted of Aleksandrov's murder by the Luhansk Court of Appeals. Aleksandr Rybak and Dimitri Rybak were sentenced respectively to 15 and 11 years' imprisonment as the instigator and organiser of the murder. Aleksandr Onishko and Ruslan Turusov pleaded guilty and were sentenced respectively to 12 years and six years in prison as perpetrators, while their accomplice, Sergei Koritski, was sentenced to two and a half years in prison. Although there is reason to believe that Aleksandr Rybak (a former member of the Ukrainian Secret Service) was one of the instigators, having featured in Aleksandrov's TV programmes, the conduct of the initial investigation indicates that high-

ranking law-enforcement officials were also involved who have not been held to account.

Current status: Despite an appeal by the prosecutor to the Supreme Court, the sentences were not found to be too lenient. On 23 May 2007, the court upheld the ruling of the Luhansk regional court. The investigation was closed.

Government's response: Three days after Aleksandrov's death, then-President Kuchma publicly ordered the police and prosecution to make every effort to solve the murder and indicated that the criminal investigation should be moved from the local to the national level. However, this was rebuked by the then-local prosecutor Viktor Pshonka (Ukraine's current General Prosecutor), who was responsible for the initial criminal investigation.

Georgiy Gongadze¹²

The disappearance and subsequent murder of Georgiy Gongadze in 2000 is one of the most reported cases of violence against journalists in Europe, and one of the few in which the European Court of Human Rights has issued a ruling¹³. His wife, Myroslava Gongadze, has been instrumental in keeping the attention and pressure on the Ukrainian government to not simply "forget" about the case. She continues to work from abroad to ensure that

the instigators behind the kidnapping and murder of her husband are brought to justice.

Disappeared: 16/09/2000, age 31.

Role: Investigative journalist, co-founder and editor-in-chief of the opposition news website *Ukrainska Pravda*.

Focus: Domestic politics. Hryhorij Omelchenko, an opposition politician, argued that Gongadze's disappearance and murder were related to him being in possession of documents that exposed corruption within the president's inner circle.

Case details: Gongadze disappeared on 16 September 2000. His body was found on 3 November 2000 in a forest in the Taraschanskyi Rayon approximately 40 miles from Kyiv. His corpse had been decapitated and doused in dioxin. It appeared that his body had also been doused in petrol, which had failed to burn the corpse completely. For months before his disappearance Gongadze had been telling his relatives and colleagues that he was receiving threats and was under surveillance, about which he wrote an open letter to the General Prosecutor on 14 July 2000. In December 2000, Oleksandr Moroz, the leader of the Socialist Party, released recordings which, after prolonged testing, have proven to be likely evidence that

President Kuchma, his Chief of Staff Vladimir Litvin and Interior Minister Yuriy Kravchenko discussed how to silence Gongadze. They discussed whether he should be deported to his native country, Georgia, or whether he should be kidnapped by Chechens because he had "gone too far." Immediately following his disappearance in September 2000 there were mass demonstrations demanding the resignation of the Kuchma government.

Investigation: When a body was found in November 2000, without formal identification, investigators immediately rejected that it was Gongadze's corpse. However, his colleagues travelled to the village Taraschanska and found jewellery belonging to Gongadze. In addition, an x-ray of the corpse's hand showed that it was, in fact, Gongadze's. The authorities finally confirmed that it was Gongadze's corpse in 2003. The local prosecutor who headed the case was convicted for abuse of office and falsification of evidence in May 2003. Ihor Honcharov, a former police officer and a key witness, died in police custody due to injuries sustained while he was detained in August 2003. The European Court of Human Rights stated that "until December 2004, the State authorities were more preoccupied with proving the lack of involvement of high-level State officials in the case than with discovering the truth about the circumstances of the disappearance

and death of the applicant's husband." Viktor Yushchenko promised to examine the case and launched a new investigation upon becoming president in 2005. On 1 March 2005, he announced that the murder had been solved and that the suspected killers, who were officials at the Interior Ministry, had been arrested. On 4 March 2005 former Minister of Interior Yuriy Kravchenko was found dead in his house just before he was supposed to testify as a witness. Valeriy Kostenko, Mykola Protasov and Oleksandr Popovych, all of whom had been Ukrainian Interior Ministry officials, were accused of the murder in March 2005. Protasov was sentenced to 13 years in prison and Kostenko and Popovych each to 12 years in prison. However, to date no one has been charged with giving the order for Gongadze's murder. The main suspect, Oleksiy Pukach, was not arrested until 22 July 2009. He had been the head of the main criminal investigation department. With his testimony it was possibly to locate Gongadze's skull later that month.

Current status: On 14 September 2010, the General Prosecutor announced that the investigation was closed and concluded that the sole instigator behind the kidnapping and murder of Gongadze was the then-Minister of Interior, Yuriy Kravchenko. The decision to

deny reopening the investigation was retracted in October 2010. On 2 March 2011, the Court of Appeals rejected an appeal by Gongadze's widow, Miroslava, resulting in reclassification of the case as 'killing on verbal demand,' effectively downgrading it from its previous status as 'contract killing.' On 24 March 2011, the Prosecutor indicted former President Kuchma on charges of abuse of office that led to Gongadze's murder. Kuchma faces up to 12 years in prison if convicted.

Government's Response: Yuriy Smirnov, the then-Interior Minister, stated in May 2001 that the murder was solved, arguing that it had been committed by two hooligans. The murder investigation became a major topic of the 2004 presidential election, won by Viktor Yushenko. He awarded Gongadze the title 'Hero of Ukraine' on 23 August 2005. However, in contrary moves in 2007 and 2009, he also gave awards to several individuals previously involved in the failed criminal investigation, including the former General Prosecutor, Potebenko, who had clearly stalled and blocked the investigation. Vladimir Litvin, the current Speaker of Parliament and formerly Kuchma's chief of staff, has denied any connection to covering up official involvement.

Interview

Myroslava Gongadze (widow of Georgiy Gongadze)¹⁴

“The authorities of the countries where crimes against journalists are committed should understand that they won’t get away with it”

Q: “The case of your husband, Georgiy Gongadze, in Ukraine, has a lot in common with cases in Belarus and Russia. What are the reasons for these cases not being properly investigated, despite international pressure and a huge public interest?”

A: “The lack of serious investigations into crimes against journalists is an international issue. But it is especially acute in post-Soviet countries. Journalists investigating corruption, abuse of power and other illegal actions of officials or oligarchs, perform extremely useful but dangerous work. Georgiy, like Anna Politkovskaya and Dmitriy Zavadsky, understood the risks of his job, but couldn’t act differently, because he considered his work to be important to society. By destroying them, the authorities tried to demonstrate their power and intimidate other journalists. These cases are not being investigated for several reasons. The main reason is that they involved government or law enforcement representatives, corrupted through and through, and an investigation would reveal this. Government representatives have no political will to investigate crimes that were committed with their direct or indirect

involvement. The second reason is the lack of a transparent legal system and the absence of any pressure on law enforcement officials in post-Soviet countries to initiate such investigations. The third reason is the absence of effective international legal mechanisms to investigate crimes against journalists in the countries where they were committed and where state agencies stand in the way of investigations. Post-Soviet countries also have an old criminal system, restricting the rights of victims in such cases; their families are not allowed to look at case materials or assist the investigation, not to mention the outright moral abuse of the victims by investigators in such cases.”

Q: “Are there any developments in the investigation of Georgiy’s case? Is there hope for any developments in the near future? What could speed up the investigation?”

A: “Unfortunately, there has been little recent progress in the case. Apart from the arrest of General Pukach, who was directly involved in the killing of Georgiy according to the evidence and his own confession, the Ukrainian Prosecutor’s Office failed

to make any additional charges or arrests. The people who ordered this crime were not named either. Charges against General Pukach will be passed to the court shortly, but not knowing who ordered the crime makes it impossible to determine the extent of guilt of the accused. In this situation it's hard to hope that the people who ordered Georgiy's murder will be named. The case can only be investigated provided there is political will of the leadership of the country and a considerably strengthened investigation team."

Q: "Many international organisations are trying to deal with impunity for killings of journalists. How do you see these actions and what could be a more effective approach?"

A: "International human rights organisations are doing an extremely good job by attracting attention to such crimes and making the authorities understand that they won't get away with it. The attention of the international community as well as the active work of international human rights defenders account for some of the progress in Georgiy's murder investigation. Three police officers have already been punished in connection with this case, and another one is awaiting his sentence, but

the instigators have not been identified. Unfortunately, the authorities ignore the requirements of international organisations, the media and the public. I believe a special investigation mechanism for such cases should be established by the Council of Europe, the United Nations and the International Criminal Court. This would allow for the transfer of such cases to an international court in order to start up proceedings against the leaders of the countries who have been implicated. Unless the authorities feel a danger of being punished for deliberate action or inaction, involvement in or covering up for such crimes, nothing will change."

Q: "A lot of international organisations are developing programmes to prevent attacks on journalists and to help journalists protect themselves. How are these programmes relevant for Ukraine?"

A: "I am confident that the more journalists know about their rights and are able to defend them, the more effectively they will perform their work and public service. Also, having noticed the danger, a journalist will be able to react quicker and avoid possible threats. Educational programmes for journalists are extremely effective and important."

Belarus

Belarus is well known for its authoritarian regime and limited media freedom. The disappearance of journalist Dmitry Zavadsky in 2000 followed a number of high-profile disappearances of politicians in 1999. The lack of any resolution in these cases, the implication of high-level government officials, and the further deterioration of the human rights situation resulted in the establishment of a UN Special Rapporteur on Belarus from 2004 to 2007. In 1997 Belarus' special guest status at the Council of Europe was suspended due to its lack of progress in the areas of democracy, human rights and the rule of law. In 2004 the European Union introduced sanctions, including a travel ban for top officials implicated in human rights violations, including the disappearances of journalists. The death of the journalist Aleh Byabenin in the run-up to the 2010 presidential election had a detrimental impact on the last remaining vestiges of independent media, in particular the Internet.

The following cases of deaths or disappearances of journalists in Belarus have been outlined below¹⁵:

03/09/2010 – Aleh Byabenin

20/10/2004 – Veronika Cherkasova

07/07/2000 – Dmitry Zavadsky

Aleh Byabenin¹⁶

Died: 03/09/2010, age 36, near Minsk, Belarus.

Role: Opposition activist and journalist, founder and editor-in-chief of the website charter97.org.

Focus: Byabenin reported on human rights abuses, corruption and opposition activities

for the charter97.org website, which he founded. He was a prominent opponent of the Lukashenka regime and was targeted frequently by the government for his work. The website charter97.org was attacked by the Belarusian authorities on several occasions. Staff members were interrogated and kidnapped and equipment was confiscated. Byabenin was heavily involved in the campaign of opposition candidate Andrei Sannikov for the presidential election in December 2010.

Case details: Byabenin died under suspicious circumstances. On 3 September 2010, he was found by his brother and his friends hanging from the stairway of his summer house outside of Minsk. He was supposed to

meet his friends at the cinema the previous evening. When he did not turn up, his friends tried to call him but failed to reach him on his phone. Instead they received a text message from Byabenin's phone saying that he could not respond to the calls because he was driving to his summer house. The authorities claimed immediately that an autopsy established that Byabenin had committed suicide.

Dzyarzhynsk police investigators who examined the house claimed to have discovered two empty bottles of Belaruski Balsam, a strong herbal liqueur. However, according to his friends and family he did not drink Balsam. The investigation stated that no marks of violence were found on the body, which has been contradicted by his family. No suicide note was found. Based on their examination of available case material, OSCE experts indicated in November 2010 that the cause and manner of death was suicide by hanging. Their mandate had been limited to a technical assessment of the available case material and evidence provided by the General Prosecutor's office, and they did not conduct a separate independent investigation. Their conclusions were strongly disputed by the Belarusian human rights community, which considered the 'technical assessment' by the OSCE experts too limited

to come to such a conclusion, and continue to call for a full and thorough, independent investigation.

Investigation: The first public response by the Minsk Prosecutor's Office immediately confirmed Byabenin's death as a suicide, denying any link to his professional activities. It is still unclear when his death occurred. Police experts who examined the scene the next day, on 4 September 2010, estimated that Byabenin died at about 2 pm on 3 September 2010, whereas the death certificate later issued to the family dated the death to 2 September 2010. On 9 September 2010, the preliminary verdict of the investigator was that at the time of his death, Byabenin was in a severe state of alcoholic intoxication. According to the Deputy Prosecutor General, Andrei Shved, the investigation focussed primarily on two scenarios: suicide and murder staged as suicide.

Current status: The investigation into Byabenin's death was closed on 3 December 2010. No criminal investigation was ever opened.

Government's response: On September 9, 2010, in response to a call from a number of international organisations – including the

European Parliament, the Council of Europe, and the OSCE Representative on Freedom of the Media, Dunja Mijatovic – for a full and transparent investigation into the case, the Belarusian government declared that it was willing to allow the OSCE experts to study the circumstances surrounding the death of a prominent opposition journalist. On 1 October 2010, at a press conference for Russian journalists, President Lukashenka responded that he had not heard about Byabenin until the day he hanged himself.

Veronika Cherkasova¹⁷

Killed: 20/10/2004, age 44, in Minsk, Belarus.

Role: Reporter for the trade union newspaper Solidarnost.

Focus: Before Veronika Cherkasova started working at Solidarnost in 2003, she worked for independent newspapers such as Belorusskaya Delovaya Gazeta and Belorusskaya Gazeta. Cherkasova was known for a series of articles entitled “The KGB is Still Following You” in which she wrote about the methods of surveillance used by the Belarusian Security Services to monitor citizens.

Case details: Cherkasova was murdered in her apartment. She had just returned from a regional trip and was discovered dead in her apartment, having been stabbed about 40 times mainly around her throat. No money or other valuable goods were missing. Shortly before her death, Cherkasova was investigating the alleged arms sales between Belarus and Iraq under the Saddam Hussein regime, as well as a money-laundering scheme. Since the only items missing from her apartment after the murder were pictures she had taken during her trip to Iraq, it is suspected that her death might be related to her investigation into the arms sale. Human rights organisations such as the Committee to Protect Journalists and Human Rights Watch, and inter-governmental organisations such as the Council of Europe, have criticised the Belarusian government failing to investigate the murder. In particular, there has never been an investigation into a possible link between her work and the murder, as the focus of the criminal investigation was limited to a domestic dispute. Cherkasova’s murder was included in a 2008 report of the Parliamentary Assembly of the Council of Europe as one of the ‘unelucidated deaths of independent journalists.’

Investigation: The only suspects to be interrogated in relation to the murder, by

the Criminal Investigations Department, were Cherkasova's family members. Her son and father were interrogated multiple times over a period of several months for more than three hours each time. On 1 February 2005, a group of police officers appeared at her son's school and tried to force him to take part in a forensic psychiatric examination, which was prevented by his teachers. Amnesty International expressed concern that the investigators were trying to pressurise Cherkasova's family to confess the murder. In 2007 the Criminal Investigation Department stopped proceedings against her family members due to 'insufficient evidence.' According to local Belarusian journalists, the prosecutor consistently ignored crucial evidence, which they believed indicated that the murder was directly related to Cherkasova's professional activities.

Current status: The criminal investigation was suspended in February 2007.

Government's Response: The public authorities never acknowledged that Cherkasova's murder could be linked to her work and only investigated the murder as a case of 'domestic violence.'

Dmitriy Zavadsky¹⁸

Abducted: 07/07/2000.

Officially declared dead: 28/11/2003, age 29, in Minsk, Belarus.

Role: Worked as a cameraman with the Russian public television network ORT. From 1994 to 1997, he was the personal cameraman for President Aleksandr Lukashenka.

Focus: In July 1997 he and ORT reporter Pavel Sheremet were arrested for filming a report about the vulnerability of the Belarus-Lithuania state border. Zavadsky covered the second Chechen war in 1999.

Case details: Zavadsky disappeared on 7 July 2000 when he was supposed to meet Pavel Sheremet at the airport in Minsk. He was last seen at the airport shortly before Sheremet's flight arrived from Moscow and his car was later found locked and parked outside the airport. Zavadsky's wife and Sheremet reported that Zavadsky had been receiving phone calls from an unknown person who insisted on meeting him. On the day of his disappearance, Zavadsky indicated that he was being followed by two unknown men. Like opposition leaders Viktor Gonchar and Yuriy Zakharenko who had disappeared a year earlier, Zavadsky received threatening

phone calls for several months before his disappearance. Zavadsky's body was never found, but he was officially declared dead three years after his disappearance.

The masterminds of this crime are considered to be the former head of the national Security Council, Viktor Sheiman, the then-head of the Ministry of Internal Affairs, Yuri Sivakov, and a former security officer in the interior ministry, Dmitriy Pavlichenko. In 2004, the Parliamentary Assembly of the Council of Europe adopted a resolution stating that the "information gathered by the rapporteur leads it to believe that steps were taken at the highest level of the state to actively cover up the true circumstances of the disappearances, and to suspect that senior officials of the state may themselves be involved in these disappearance." The Parliamentary Assembly demanded that the Belarusian government conduct an independent investigation into the role of then-General Prosecutor Sheiman, then-Minister of Sports Yuri Sivakov and Dmitriy Pavlichenko.

The demand for the authorities to disclose the truth about Zavadsky's disappearance has been consistently included in resolutions of the UN Human Rights Committee and the OSCE Parliamentary Assembly. Several high-

ranking officials, including Sheyman, were banned from travelling to the United States and the European Union for their likely involvement in Zavadsky's and other political disappearances.

Investigation: In August 2000, the police investigation concluded that Zavadsky's disappearance was a pre-meditated crime and identified five suspects. Police ruled out the theory that Belarusian security agents had been involved in the crime. On 14 March 2002, four men were found guilty of abducting Zavadsky. Those convicted were officers of the Ministry of Internal Affairs (MVD) special police unit 'Almaz': Valery Ignatovich and Maxim Malik (both sentenced to life imprisonment), former MVD Academy cadet Alexei Guz (sentenced to 25 years in prison), and Sergei Savushkin (sentenced to 12 years in prison). The trial proceedings were held behind closed doors, with no credible reason given why the trial should not be open to public scrutiny. Repeated requests from domestic human rights organisations for access to the proceedings were rejected. No evidence of involvement of those convicted of Zavadsky's abduction was presented to the general public. All of those convicted pleaded not guilty. The investigation failed to find the body of the disappeared journalist. The criminal investigation into the disappearance

was opened and re-opened several times by the General Prosecutor's Office, but did not reveal any new information.

they claimed employed the 'Almaz' unit to eliminate a number of Belarus' opposition figures.

Current status: The investigation is closed, following a decision of the Office of Belarus General Prosecutor on 5 May 2006. Government's response: Senior officials, including former Minister of Interior Mikhail Udovikov, alleged that Zavadsky's disappearance was set up by members of the local opposition and his ORT colleague Pavel Sheremet to wrongly implicate the government. Later on, in response to an anonymous e-mail sent to independent media outlets stating that security services were involved in the case, the Belarusian State Security Council indicated that Chechens were responsible for the disappearance.

This account was supported by President Lukashenka, who dismissed four senior officials on the basis that this was done within a plan to organise a coup against him and to use the case to compromise his position. In June 2002, two officials of the Prosecutor General's Office, Dmitriy Petrushkevich and Oleg Sluchek, assigned to the case, fled to the United States, where they obtained asylum. They alleged that the case was organised by officials in President Lukashenka's immediate inner circle, which

Interview

Svetlana Zavadskaya (wife of Dmitriy Zavadsky)¹⁹

“There is no hope of any imminent development in the investigation”

Q: “The case of cameraman Dmitriy Zavadsky has a lot in common with cases in Russia and Ukraine. What are the reasons for these cases not being properly investigated, despite international pressure?”

A: “The main reason for not investigating these cases is the involvement of the authorities themselves in the crimes. Unfortunately, for the same reason, the international community can not influence the situation. The thing is, no one has the right to interfere in the internal affairs of a sovereign state, and the authorities in Belarus, Ukraine or Russia have no wish to let someone from outside assist with an independent investigation. The international community can only make statements and pass resolutions condemning the situation. We should thank the international community for at least one thing: close attention to these cases. At the same time, international organisations have no real mechanisms to change the situation with similar cases.”

Q: “Are there any developments in the investigation of Dmitriy’s case? Is there hope for any developments in the near future and what could speed up the investigation?”

A: “There have been no changes in the official

investigation. Moreover, the case has been suspended for four years already. Interestingly enough, the Parliamentary Assembly Report ‘Disappeared persons in Belarus’ names a number of suspects, among them former high-level Belarusian officials. However, none of these suspects have been detained or even questioned in the past 10 years, despite all the public pressure both inside and outside of the country. There is no hope for any imminent developments in the investigation unless there is a miracle and President Lukashenka decides to invite international experts to investigate the case. If Lukashenka really wanted the guilty to be punished, there wouldn’t be a need for international experts, as there are enough means and forces for this purpose in the country itself. It’s only the will that’s missing.”

Q: “Many international organisations are trying to deal with impunity for killings of journalists. How do you see these actions and what could be a more effective approach?”

A: “I know that many international organisations are doing a great job addressing the issue of impunity in cases of journalists. This work is very important, as it helps to draw attention to this issue. It’s a pity they are not in a position to obligate the

authorities to perform real investigations. All the work of international organisations, all of the statements and appeals, and even the UN resolutions, are advisory, as opposed to mandatory, in nature. Regimes such as the Belarusian and the Russian governments just ignore all of them and act as they wish. The only way out of this situation is to create an international mechanism, possibly within the UN or the OSCE, that would be able to force the authorities to perform impartial investigations into these cases, reporting on them to the UN and the OSCE.”

Q: “A lot of international organisations are developing programmes to prevent attacks on journalists and to help journalists protect themselves. How are these programmes relevant for Belarus?”

A: “Every country has its specific context, and perhaps not all recommendations can be applied in a particular country, as the regimes and their methods differ throughout the world. Some fight against journalists brazenly and openly, others are sly and cunning and some demonstrate a pretence for democracy and love for journalists. Such programmes should be available in each particular country, providing for its specific context. But, in any case, such programmes are necessary.”

Russia

The nearly fatal attack on journalist Oleg Kashin on 6 November 2010 resulted in an unprecedented reaction from President Medvedev, who strongly condemned the attack, saying that the state has to guarantee the right of journalists to tell the truth about people and developments in the country. He even went as far as to indicate that the state should take special measures when there is an attack on the lives of journalists in light of the public importance of their work. Following these statements lawmakers introduced draft legislation, which would increase the penalty for physical attacks against journalists; however, they did so without consulting the journalistic community. Despite promises by the Russian authorities to the international community, there has been little or no movement in the investigations into the 16 unsolved cases of killings of journalists outlined below, as none of the instigators have been brought to justice, showing the lack of independent, timely and conclusive investigations.

The following cases of deaths or disappearances of journalists in Russia have been outlined below²⁰:

11/08/2009 – Malik Akhmedilov
15/07/2009 – Natalya Estemirova
19/01/2009 – Anastasia Baburova
31/08/2008 – Magomed Yevloyev
07/10/2006 – Anna Politkovskaya
28/07/2005 – Magomed Varisov
01/07/2004 – Maxim Maximov
09/10/2003 – Alexi Sidorov
03/07/2003 – Yuriy Shchekochikhin
07/01/2003 – Vladimir Sukhomlin
29/04/2002 – Valery Ivanov
09/09/2001 – Eduard Markevich
02/06/2001 – Victor Popkov
17/05/2001 – Vladimir Kirsanov
06/05/2000 – Igor Domnikov

01/02/2000 – Vladimir Yatsina

Malik Akhmedilov²¹

Killed: 11/08/2009, age 33, in Makhachkala, Dagestan, Russian Federation.

Role: Deputy editor-in-chief and leading investigative correspondent of *Khakikat*, an Avar-language newspaper and Editor-in-chief of *Sogratl*, a monthly political magazine.

Focus: In his work for *Sogratl*, Akhmedilov focussed on political and civil life in Dagestan, including cases of police violence and assassinations. At *Khakikat*, he was very critical of Dagestani federal forces and local law enforcement agencies for suppressing religious and political dissent under the guise

of an 'anti-extremism' campaign.

Case details: Akhmedilov was shot at by several unidentified assailants when leaving his home on 11 August 2009, and died on the spot. The assailants emerged from a parked Lada sedan car with darkened windows and no number plates. An eyewitness described having seen this same vehicle near Akhmedilov's house in the days preceding the attack. Ali Kamalov, editor-in-chief of Khakikat, as well as the chairman of the Dagestani Union of Journalists, believed that the killing was politically motivated. Dagestan is one of the most dangerous republics in the Russian Federation, where since 1992 at least 11 journalists have been killed because of their professional activities. In not one of these cases were the instigators brought to justice.

Investigation: The investigation is being carried out by the Investigative Department of the Investigative Committee of the Procuracy for Dagestan. In August 2009, on the day after the murder, the Committee asserted that Akhmedilov's professional activities were only one possible motive for the murder; other possible motives included personal enmity and personal debts. There is no further information available about the investigation.

Current status: The investigation is ongoing.

Government's Response: There does not appear to have been any direct response by the Russian authorities. However, there has been international pressure on the authorities to resolve the case. The Director-General of UNESCO, Koïchiro Matsuura, released a statement after Akhmedilov's death, encouraging the authorities to "spare no effort in seeking to bring the culprits to justice."

Natalya Estemirova²²

Killed: 15/07/2009, age 50, between Grozny and Gazi-Yurt, Chechnya, Russian Federation.

Role: Freelance investigative journalist, regular contributor to Novaya Gazeta, an independent newspaper, and the Caucasus news website Kavkazsky Uzel. She was a member of the board of Memorial, a prominent Russian human rights organisation, and a consultant for Human Rights Watch.

Focus: Estemirova covered human rights abuses in Chechnya, including abduction, torture and extrajudicial killings. As one of few people reporting on human rights in Chechnya, she documented many cases of abduction and murder with possible links to the Kremlin-appointed Chechen president, Ramzan Kadyrov. In 2009, Novaya Gazeta was compelled to formally terminate cooperation

with Estemirova due to a series of threats, purportedly from the Chechen authorities, so her subsequent articles were published under an assumed name. Estemirova worked closely with investigative journalist Anna Politkovskaya and human rights lawyer Stanislav Markelov, both of whom were also murdered, in 2006 and 2009 respectively.

Case details: Estemirova was kidnapped in Grozny on 15 July 2009. When leaving her apartment in Grozny for work, she was forced by four men into a white sedan while shouting out that she was being kidnapped. Several hours later, her body was found by the side of a road 50 miles away in neighbouring Ingushetia. She had been shot twice in the heart and once in the head. No belongings were reported missing.

Investigation: An investigation was immediately opened at the federal level by the Investigative Committee under the General Prosecutor's office. Russia's Deputy Interior Minister, Arkady Yedeleev, stated that four lines of enquiry were being pursued: murder linked with the victim's professional or public activities; a provocation by armed gang leaders aimed at discrediting the Chechen authorities; violent robbery; and domestic crime. In February 2010 the Investigation Committee reported that it had identified

Estemirova's murderer as Alkhazur Bashaev, who had been killed during an operation by Special Forces in the autumn of 2009. This account was amended in October 2010 to include two of his brothers, only one of whom is still alive. Their reason for killing her was stated as fear that information that Estemirova possessed about their links to Chechen fighters would become public. However, local law enforcement officials admitted that they already knew about those links before her death, and doubted this version of events.

As the case file is not accessible for external review, it is not possible to verify if any other version has been pursued, and Estemirova's colleagues have called for more information about the investigation to be provided. They have remarked that at the beginning of the investigation there seemed to have been real movement; however, as time has passed, the investigation has become less focussed.

Current status: The investigation is ongoing.

Government's response: The Russian President, Dmitry Medvedev, publically condemned Estemirova's murder the next day and stressed the importance of finding and punishing the perpetrators. The same day Chechen President Kadyrov reportedly said "A defenceless, innocent woman has been

killed. We will do everything to shed light on this.” However, in response to statements by the director of Memorial, Oleg Orlov, accusing Kadyrov of being morally responsible for Estemirova's death, Kadyrov responded by suing Orlov for libel.

Anastasia Baburova²³

Died: 19/01/2009 age 25, in Moscow, Russian Federation.

Role: Trainee journalist at Novaya Gazeta newspaper since October 2008 and a well-known anti-fascist activist.

Focus: Covered politics and the activities of extremist groups, notably exposing neo-fascist and racist violence. She was also an active anti-fascist and environmental campaigner. At Novaya Gazeta, she focussed in particular on Nazi groups throughout Russia.

Case details: Baburova was shot on Prechistenka Street in Moscow on 19 January 2009 together with Stanislav Markelov, a human rights lawyer, when leaving a press conference about the early release of Colonel Budanov, who had been convicted for the murder in Chechnya of Elsa Kungaeva in 2000. Markelov represented the Kungaeva family and protested against the release of

Budanov. Elsa Kungaeva's case was part of Anna Politkovskaya's coverage of human rights abuses in Chechnya. Anastasia Baburova's last article for the independent newspaper Novaya Gazeta was an interview with Markelov, which included a reference to Budanov. She was the fourth Novaya Gazeta journalist to be killed. Markelov died instantly, while Baburova died in hospital a few hours later. It was not immediately clear why Markelov and Baburova were targeted. Markelov's involvement in numerous legal cases, including some related to human rights violations in Chechnya and on behalf of Novaya Gazeta, led to several possible motives, but the favoured explanation was that nationalists had taken revenge for the anti-fascist activities of both Markelov and Baburova. In November 2010, after members of neo-fascist movements attacked the audience during the screening of a documentary of Baburova in Novosibirsk, two major film festivals cancelled their screenings of the film for fear of further attacks.

Investigation: The criminal investigation into Markelov and Baburova's murders was declared solved in November 2009 after two alleged ultra-nationalists, Yevgenia Khasis and Nikita Tikhonov, were arrested and charged with the murders. Khasis' murder charges were dropped and replaced with aiding in murder and illegal acquisition of firearms.

As the main suspect, Tikhonov has indicated that he 'accidentally' and 'involuntarily' shot Baburova. Novaya Gazeta journalists expressed concern that this would immediately qualify him for a less harsh sentence, and have also called for the investigation to include the possibility that Tikhonov was only hired, and it should be clarified who were the masterminds behind the killings.

Current status: On 6 May 2011, Tikhonov and Khasis were convicted for Baburova's murder and sentenced to life and 18 years in prison, respectively. The judge stated that other accomplices who had yet to be identified had been involved in the crime.

Government's Response: On the day after Baburova's murder, the Ministry of Foreign Affairs stated that it considered her death tragic, but the international and national reactions were 'artificially politicised' and used for negative purposes to discredit Russia, highlighting a preconceived notion of the absence of a free press and persecution of journalists in the country. At the end of January 2009, Russian President Dmitry Medvedev expressed his condolences to Baburova's family and colleagues. Prime Minister Vladimir Putin did not publically express his condolences and only acknowledged the case after journalists raised

it during a state visit to Germany a short time later.

Magomed Yevloyev²⁴

Killed: 31/08/2008, age 37, in Nazran, Ingushetia, Russian Federation.

Role: Freelance journalist, chief editor and owner of the opposition website Ingushetia.ru, former public prosecutor and businessman.

Focus: In 2001, Yevloyev started the website Ingushetia.ru, which was openly critical of the Ingush government. The website's remit was initially neutral, but became more political over the years and started to report on kidnappings, murders, and terrorism in Ingushetia and to cover the second conflict in Chechnya. Subsequently, Yevloyev and his family became the targets of serious threats from the Ingush authorities. In the months immediately prior to Yevloyev's death, the site covered anti-government protests and called for Ingush President Murat Zyazikov's resignation. The Ingush authorities filed a number of lawsuits against the site. In June 2008, a district court in Moscow ordered the website's closure on the grounds of extremism. Despite the court's decision, Yevloyev and his colleagues continued to publish on the website, arguing that, as the server was based

in the United States, Russian law had no jurisdiction.

Case details: Upon his return on 31 August 2008 on a flight from Moscow, Yevloyev was arrested in relation to a criminal case investigating an explosion. While being taken by car to nearby Nazran, Yevloyev received bullet wounds to his temple and was later admitted to hospital where he died in surgery. Ingush police declared his death to be an accident. Local human rights organisations believed he was intentionally assassinated in order to suppress dissent in the region. While still on the plane, Yevloyev had texted his colleague Magomed Khazbiyev, informing him that President Zayzikov was also on the flight. According to an unconfirmed report, the two had argued while on board.²⁵

Investigation: A criminal investigation into the case was opened in September 2008. After several collapsed trials, on 11 December 2009, Ibragim Yevloyev (no relation), a former chief bodyguard of the Ingush Minister of Interior, was convicted for “incidental infliction of death,” “as a result of inappropriate professional behaviour.” He was sentenced to two years’ imprisonment and a ban on working in law enforcement. On 2 March 2010, the Supreme Court reduced Yevloyev’s sentence to “supervised residence” and

lifted the ban. In July 2010, he was killed. Yevloyev’s relatives have continued to dispute the investigation’s conclusion that the shooting had been accidental, and his lawyers made numerous appeals to include the fact that Yevloyev’s arrest had been illegal (as an order for his arrest was given only after his death) and that the investigation ignored substantial information and did not question relevant witnesses.

Current status: The investigation has been closed. Yevloyev’s relatives have reportedly applied to the European Court of Human Rights. His father has requested the Investigative Committee under the General Prosecutor’s Office to reopen the case, based on new information about the number of people in the car when Yevloyev was shot.

Government’s Response: In October 2008, one month after Yevloyev’s death, Russian President Dmitry Medvedev removed President Zyazikov of Ingushetia from power and replaced him in a visible move in response to the case.

Anna Politkovskaya²⁶

Anna Politkovskaya’s murder in October 2006 remains the most high profile murder of a journalist in Russia, and possibly in the entire

former Soviet Union. Her case demonstrates both the lack of the independence of the judiciary in Russia and the absence of political will to bring to justice the perpetrators and instigators of her murder and other murders of journalists.

Died: 07/10/2006, age 48, in Moscow, Russian Federation.

Role: Investigative journalist for the independent newspaper Novaya Gazeta, an active human rights campaigner and the author of several books, mainly on Chechnya.

Focus: Politkovskaya covered politics and violations of human rights, predominately in Chechnya. She also covered the second conflict in Chechnya, travelling extensively within the region. The majority of her articles for Novaya Gazeta reported on the deteriorating human rights situation there. Politkovskaya also published several books on the subject including *Dirty War: a Russian Reporter in Chechnya* (2001) and argued that the Chechen President Ramzan Kadyrov should be tried for human rights abuses. She was also very outspoken about her views on then-Russian President Vladimir Putin and published *Putin's Russia* in 2004. A *Russian Diary* was published posthumously in 2007, covering the period from 2003 to 2005,

which she described as the death of Russian parliamentary democracy.

Case details: On 7 October 2006 Politkovskaya was killed in the elevator of her apartment block. She was shot four times, twice – and fatally – in the heart, then once in the shoulder and once in the head. Her body was discovered shortly afterwards by a neighbour and the murder weapon was left lying next to her. The main motive for her murder has always been considered to be linked to her work, but because her highly critical publications involved a variety of actors, ranging from the Russian military, Chechen fighters and the Kadyrov administration in Chechnya to the Federal Security Services (FSB), it is still not known who ordered her killing and why. Her attempts to mediate during the hostage-taking by Chechen fighters in 2002 at a Moscow theatre were unfavourably viewed as 'unpatriotic', and as she travelled to Beslan, to mediate during the school siege in 2004, she was poisoned on the plane. In October 2010 her family's lawyer appealed to the General Prosecutor's Office to be informed about the developments in the criminal case, which since September 2009 have stalled. The alleged murderer is reportedly hiding in Belgium; there is great scepticism, however, about how he managed to flee Russia and why after three years the Russian security services

have been unable to secure his arrest. No information is available about those who might have ordered the murder.

Investigation: Following a one-year investigation, in August 2007, 10 people were arrested for the murder, including former and current members of the Russian security services and a Chechen gang leader. In November 2008, the trial against three of the men originally arrested, who were considered accomplices, started at the Moscow military district court. This started with a scandal as the judge claimed jury members had requested for it to be held behind closed doors, which they publicly denied. The absence of the alleged murderer and inability of the prosecution to link the accused to the evidence presented resulted in the acquittal of all four men in February 2009. The Supreme Court quashed the acquittal and ordered a retrial, against the wishes of the defence, the prosecution and the family. In September 2009, the Supreme Court ordered the General Prosecution to re-investigate the involvement of the accused in the murder as part of the overall criminal investigation. No further developments were evident or made public since, despite a call from the family for such information in October 2010.

Current status: The investigation is ongoing.

Government's Response: Three days after the murder, during a visit to Germany, then-Russian President Vladimir Putin denied any knowledge or involvement of the Russian authorities and claimed the killing had been orchestrated to cause a wave of anti-Russian sentiment internationally. He stated that "...perhaps because Ms Politkovskaya held very radical views she did not have a serious influence on the political mood in our country... in my opinion murdering such a person certainly does much greater damage from the authorities' point of view, authorities that she strongly criticized, than her publications ever did." ²⁷

Interview

Sergei Sokolov (Editor-in-chief, Novaya Gazeta)²⁸

“We must learn to defend journalists before something happens to them”

Q: “The case of Anna Politkovskaya has lot in common with cases in Belarus and Ukraine. What are the reasons for these cases not being properly investigated, despite international pressure?”

A: “Taking into account the crime pattern, I am not ready to say whether these cases have common grounds. These crimes were differently organised, and, obviously, pursued different goals, had very distinct client figures and different executors. At the same time, the common pattern is the participation of law enforcement officers and intelligence services (even though they had different motives), and the reluctance of the system to expose and hunt itself. A pull on an ordinary executor would reveal a terrible tangle of crimes, and so many ‘fat asses’ would be thrown off their chairs. It is perfectly understandable to those who are involved in the investigation and who protect the system. The executors enjoy the impunity for yet another reason: exposure of these crimes could lead their countries to political collapse, and the authorities won’t allow this to happen. Thus, double protection is obtained – both criminal and state conspiracies.”

Q: “Are there any developments in the investigation of Anna Politkovskaya’s case? Is there hope for any developments in the near future and what forces could speed up the investigation?”

A: “Anna’s relatives, friends and colleagues were satisfied that, following the jury’s acquittal, the case was not sent back to court, but that a new investigation was started. Both Anna’s supporters, as well as the General Prosecution, were unanimous that there was a need for further investigation, which is rare. And, now we have a further investigation. Apart from this there isn’t anything to say. The investigation is being conducted behind closed doors, despite the explicit requests by the victims to have an open inquiry. At the moment, I am rather pessimistic about the immediate prospects of the case being solved any time soon. I am afraid that this case will be dragged out for a long time. The only way to achieve the change is to change the regime. We need to build a new government on democratic and transparent principles. Only upon the establishment of a real civil society and independent judiciary could we hope for the case to be solved.”

Q: “Many international organisations are trying to deal with impunity for killings of journalists. How do you see these actions and what could be a more effective approach?”

A: “Unfortunately, the issue of impunity as such is only raised after the death of a journalist. And this is absolutely not right, because impunity for the killings of journalists follows any illegal detention of a reporter for which no one is held accountable, and continues when no one investigates the threats he receives, which is then followed by an attack. The next step is murder, as state and business representatives (violence against journalists is always connected with these closely intertwined entities) are by then used to the fact that you can do practically anything with a journalist, as you won’t be held to account. The fact that this habit has been formed is largely our own fault, colleagues. We start to groan when a journalist is shot or seriously injured in his own house, but somehow our publications fail to strongly respond to any pressure on the press. This also applies to international organisations and human rights defenders. We must learn to defend journalists before something happens to them. Any threat, any attack, any detention should cause an immediate uproar that continues all the way to the trial, where the guilty parties get their

‘just desserts’. Then, maybe, we’ll be less frequently meeting at the funerals of our colleagues and printing their obituaries.”

Q: “A lot of international organisations are developing programmes to prevent attacks on journalists and help journalists protect themselves. How are these programmes relevant for Russia?”

A: “They are very relevant, though I think the journalistic community and national media organisations in each country should develop such programmes for themselves. The specific contexts are very different everywhere. I don’t understand, how a Frenchman, for example, can teach a Russian journalist how to minimise the danger of telephone threats. We are not able to apply the same solutions universally as the contexts differ. For example, the Western European advice would be to contact the police immediately. Here it would be better not to do this immediately, as it is likely that your call would end up on the desk of someone connected to those same institutions or people who were involved in the attack. The trouble with the media community in the post-Soviet space is that it is very isolated and sometimes even divided into hostile groups. We must get rid of this in the first place.”

Magomed Varisov²⁹

Died: 28/06/2005, age unknown, in Makhachkala, Dagestan, Russian Federation.

Role: Journalist for Novoye Delo, Dagestan's largest weekly newspaper, and head of the Centre for Strategic Initiatives and Political Technologies in Dagestan.

Focus: Varisov covered politics, crime and terrorism in the North Caucasus region. Before becoming a journalist, he had been a member of the national council and worked for the Ministry of Nationalities. At Novoye Delo, he had his own page dedicated to political analysis, which often contained critical content, including criticism of the local administration, the Russian army as well as the Dagestani opposition.

Case details: Varisov was shot on the morning of 28 June 2005 while driving home. Several unknown persons fired at his car with automatic machine guns and Varisov suffered fatal injuries, dying at the scene. His driver, who was wounded, was taken to hospital while Varisov's wife escaped unhurt. Varisov had been the subject of various threats, including repeated phone calls, which he had documented in articles for Novoye Delo. He believed that unknown individuals were

following him and unsuccessfully sought help from the police. Three days before his death, an interview with Varisov was published in German newspaper Berliner Zeitung, in which he indicated that the local administration in Dagestan did not have the situation in the border zone with Chechnya under control. It was widely reported that Varisov's murder was the result of a contract killing, and on 1 July 2005 a Wahhabi terrorist group, Shariah Jamaat, claimed responsibility for the attack. In a discussion with the Committee to Protect Journalists in September 2010, the Investigative Committee of the General Procuracy indicated that it would seriously consider the investigations of 19 cases of journalists killed because of their professional activities, including that of Varisov.

Investigation: A criminal investigation was opened immediately after Varisov's murder, at which point officials appeared to agree that Varisov's death was linked to his work as a journalist. On 25 October 2005, local officials of the Ministry of Internal Affairs announced that three fighters had been killed as part of a separate operation, and shortly afterwards, officials announced that Varisov's case had been closed.

Current status: Case closed.

Government's response: Immediately after Varisov's murder, a local representative of the Ministry of Interior of Dagestan linked it to his professional activities, and said the Ministry was looking into different possible motives, in particular Varisov's strong criticism of local armed groups.

Maxim Maximov³⁰

Disappearance: 29/06/2004, age 41, in St Petersburg, Russian Federation; suspected to have been murdered shortly afterwards at an unknown location.

Role: Investigative reporter working for Gorod magazine in St Petersburg, and a lead reporter for the Agency for Journalistic Investigations.

Focus: Maximov covered politics, corruption and crime. He had published articles on power struggles in the criminal underworld as well as the activities of 'black brokers.' Immediately before his disappearance, Maximov had written about the murder of Galina Starovoitova, a State Duma deputy killed in 1998.

Case details: Maximov disappeared after leaving his home in St Petersburg on 29 June 2004. It is widely believed that he was murdered, although his body has never been

found. He was last known to be alive on the evening of 29 June 2004 when he made a call from his mobile around 8 pm, which placed him in the city centre. Maximov's co-workers raised the alarm a few days later when he did not show up for work and could not be reached at home. A search was mounted by the police along with Maximov's colleagues from Gorod magazine and the Agency for Journalistic Investigations. A month later, on 28 July 2004, Maximov's Ford Escort was discovered in a car park near the St Petersburg hotel. His cell phone was also later recovered by Maximov's colleagues, but no further evidence was found. In June 2005 the Agency for Journalist Investigations, which had been independently investigating Maximov's death, released a statement which claimed that Maximov was killed in a premeditated assassination and that they knew the names of those responsible. Local prosecutors, however, failed adequately to follow up on this information.

Investigation: The Prosecutor's Office of the Central District of St Petersburg opened a criminal investigation into Maximov's disappearance in early July 2004. Based on the materials found during the search for Maximov, the Prosecutor's Office concluded that there was sufficient reason to believe he had been murdered. A year after his

death, in June 2005, three police officers (Mikhail Smirnov, deputy head of the sixth police department, and two investigators, Lev Pyatov and Andrei Bochurov) were implicated in his disappearance and assumed death. They were detained on charges of falsifying evidence in several criminal cases and suspected of assigning two contract killers to murder Maximov. It appeared that Maximov had possessed information about the three police officers engaging in illegal activity and had planned to publish it. In November 2007 a jury trial acquitted the three for lack of evidence. In a discussion with the Committee to Protect of Journalists in September 2010, the Investigative Committee of the General Procuracy indicated that it would seriously consider the investigations of 19 cases of journalists killed because of their professional activities, including that of Maximov.

Current Status: The investigation has been suspended.

Government's response: There has been no public response.

Alexey Sidorov³¹

Date: 09/10/2003, age 31, in Togliatti, Samara Region, Russian Federation.

Role: Editor-in-chief of the Togliatti Review (Tolyattinskoe obozrenie).

Focus: Covered social and political issues in Samara. Sidorov was appointed editor-in-chief of the Togliatti Review in May 2002, after the murder of his predecessor, Valery Ivanov.

Case details: Sidorov was attacked near his home in the evening of 9 October 2003 after driving home from work in the city centre. He was stabbed several times in the chest by an unknown assailant as he walked towards his apartment block. Managing to get to the building's entrance stairwell, Sidorov's calls for help were heard by his wife. He died while waiting for an ambulance, which took forty minutes to arrive. It is thought that if Sidorov had received prompt medical attention he would have survived, since none of his eleven stab wounds were individually fatal. A specific motive for his murder was not identified, apart from an attempt to force the closure of the Togliatti Review.

Investigation: Three days after the attack, the local prosecutor's office stated that Sidorov's death was the result of an 'everyday crime'. Yevgeny Maininger, a neighbour of Sidorov's and a young man with no previous convictions, then came forward to confess that he had quarrelled with Sidorov and subsequently

stabbed him. This version of events was challenged by Sidorov's colleagues and family who claimed that Maininger had been hired to kill him. Maininger, charged with murder on 21 October 2003, later withdrew his confession, claiming that he had been coerced into giving it by police. There were reports that he was subjected to several beatings in detention and the evidence against him was predominantly circumstantial. A trial took place during the summer of 2004 but was compromised by revelations that the police investigators had committed numerous violations of the Criminal Code while gathering evidence. Subsequently, on 11 October 2004, Maininger was acquitted of any involvement in Sidorov's death. Sidorov's family, along with Maininger, unsuccessfully petitioned the Prosecutor's Office for the investigators involved in Sidorov's case to be criminally charged. In the autumn of 2007, the case was reopened after a businessman from Krasnodar came forward as a potential new witness, but the lack of substantial evidence resulted in the case being closed again shortly thereafter.

Current Status: The case was reopened in September 2010 under an order from the Head of the Investigation Committee of the General Prosecutor's Office, as part of a wider investigation into another three high profile killings, including that of Sidorov's predecessor

Valery Ivanov. In November 2010, the Samara Oblast's Investigative Committee announced that police had identified a suspect who may have been involved in other high-profile killings in the region, including Sidorov's.

Government's response: The day following Sidorov's murder, then- Minister of Internal Affairs Boris Gryzlov announced that Sidorov's professional activities were considered the main motive considered behind his murder. "As we remember that this is the second employee of this paper [the Togliatti Review] [to have been killed], it is a matter of honour that we solve this crime."

Yuriy Shchekochikhin³²

Date: 03/07/2003 age 53, in Moscow, Russian Federation.

Role: An investigative reporter as well as deputy editor for Novaya Gazeta, Shchekochikhin was also a State Duma Deputy, a political commentator and a human rights activist.

Focus: Politics, human rights, organised crime and corruption. Shchekochikhin was well known for his investigations into Russia's criminal underworld and was a UN expert on organised crime. An avid campaigner, he

vocally opposed Russia's military interventions in Chechnya. As a State Duma Deputy for the Yabloko party, he was a member of both the Security Committee and the Committee for the Prevention of Corruption. According to Shchekochikhin, he became a parliamentarian in order to gain access to documents that a regular journalist would never see. He was not exempt, however, from threats, and he was often thought to be under surveillance. In the year before his death, Shchekochikhin was part of a parliamentary commission investigating whether the 1999 Moscow apartment bombings were within the responsibility of the FSB. He had tried to uncover possible criminal activity of FSB officers in a money-laundering case, as part of which he planned a visit to the United States to discuss the case with the Federal Bureau of Investigation. It was expected that as well as implicating FSB officers, Shchekochikhin would also call for the resignation of several of the Prosecutor General's deputies from the corruption committee.

Case details: Shchekochikhin died suddenly on 3 July 2003 after a short period of illness. In late June, with a high temperature and severe skin irritations, he had been admitted to the Central Clinical Hospital, where he was put into an induced coma after his lungs and kidneys began to fail. Due to the nature of his

death and the politically sensitive nature of his work, there were many suggestions of foul play including that he had been poisoned.

Investigation: According to the official report Shchekochikhin died of Lyell's syndrome, described as a rare allergic syndrome which affects the immune system as well as internal organs. Citing medical confidentiality, this information was not released straight away, not even to Shchekochikhin's family. Instead, the journalist's friends and family believed that his death had been caused by poisoning, possibly by Thallium, motivated by his work both as an opposition politician and as a journalist. This version of events gained momentum after other members of the Kovalev Commission were targeted and after another vocal critic of the government, Alexander Litvinenko, died under similar circumstances in 2006. Although the authorities had refused to open an investigation after Shchekochikhin's death, one was eventually initiated in April 2007, followed by a criminal case in April 2008. However, in 2009 Vladimir Markin, an official with the Investigative Committee, said that the investigation had found no evidence that Shchekochikhin had been poisoned, reiterating the official line that he had died from an acute allergenic syndrome. The Investigations Committee of the Prosecutor General's Office officially closed the case in

April 2009, giving the official cause of death as Lyell's syndrome. Shchekochikhin's son Konstantin stated at the time his intention to contest the decision, saying that he still had doubts regarding the circumstances of his father's death.

Current Status: On 16 September 2010 the case was re-opened on the basis that new information had come to light.

Government's response: As the initial reason for his death was a fatal illness, there was no response from the government with regards to a link to his professional activities. However, immediately following his death, then-Speaker of the State Duma Gennadiy Zelenzov did state that Shchekochikhin had worked in difficult circumstances and had received a lot of threats, meaning some may have wished to silence him as he never compromised.

Vladimir Sukhomlin³³

Died: Abducted on 04/01/2003, Sukhomlin was killed sometime between then and 08/01/2003 when his body was discovered, age 23, in Moscow, Russian Federation.

Role: Internet journalist and editor of Serbia.ru and Chechnya.ru websites.

Focus: Information warfare, military issues. Sukhomlin's background was in computer programming and at the age of 16 he began to pioneer the development of modern technology. He started the websites Serbia.ru, during the NATO bombing of Serbia in 1999, and later Chechnya.ru, after the second Russian invasion, to counter online media manipulation by terrorist and extremist organisations. Sukhomlin was probably best known, however, for developing the Military Historical Forum. An online portal, popular among military experts, the Forum was considered to be one of Russia's largest sources of news and analysis on military-related subjects. After Sukhomlin's death, Ruslan Pukhov, director of the Center for Analysis of Strategies and Technologies, described him as an "authority in the world of the Internet and among those involved in military issues."

Case details: Sukhomlin was abducted on 4 January 2003 on his way to meet a client. He was thought to have been pushed into a waiting car, and as he was driven away he made a phone call to the police, which was recorded. His body was found four days later in an area of wasteland on the outskirts of the city, in the Solntsevo region of Moscow.

Investigation: A criminal case was initiated on 6 January 2003 after Sukhomlin's relatives reported him missing. On 8 January 2003, after Sukhomlin's body was discovered, two Moscow police officers, Ivan Goncharov and Denis Vorotnikov, from the Balashikha district, were apprehended as possible suspects in his murder. A third man, Denis Melikhov, a private security guard, was also detained. All three confessed that they had abducted Sukhomlin under an order from Dmitriy Ivanychev, a director of a company called Plastorg, who had hired them to beat up the journalist in exchange for US \$1,150. Sukhomlin sustained multiple injuries from the attack, which were documented in photographs that they claimed had been handed over to Ivanychev. On 28 April 2004, a jury at the Moscow Municipal Court convicted Goncharov, Vorotnikov and Melikhov, but acquitted Ivanychev. Goncharov and Melikhov were sentenced to 18 and 14 years' imprisonment respectively for premeditated murder, while Vorotnikov received a 10-year sentence for participating in a crime and intentionally causing severe bodily harm. The judge, Pyotr Shtunder, also ruled that the three should pay 2.5 million roubles compensation to Sukhomlin's family. However, no one has yet to be successfully convicted for ordering the contract on Sukhomlin.

Current Status: Closed after the trial and

conviction of the killers in 2004.

Government's response: No reaction.

Valery Ivanov³⁴

Died: 29/04/2002, age 32, in Togliatti, Samara Region, Russian Federation.

Role: Chief-editor, Togliatti Review newspaper, and a member of the Togliatti City Council.

Focus: Organised crime, corruption and social issues in Togliatti. Ivanov established the Togliatti Review in 1996, with his friend and colleague Alexei Sidorov (see above). The paper was unique in documenting the widespread problems surrounding petty and organised crime in the region. Initially starting as a thrice-weekly publication, the demand grew enough to justify expansion and by 2002 was also publishing daily and weekly editions. Ivanov launched a successful political career after his election to the city council in 2000.

However, as the paper became more popular, Ivanov and Sidorov became the targets of death threats and various legal actions. The paper's staff was also occasionally questioned by FSB officers, who wanted to them to identify their sources. In the months prior to his death, Ivanov had become increasingly

focussed on possible financial links between local politicians and criminal groups. He had been in the middle of investigating allegations that Togliatti law enforcement officers had pocketed assets belonging to a crime boss killed in 1998.

Case details: Ivanov was shot in his car while it was parked outside of his apartment building around 11 pm on 29 April 2002. A man had approached the vehicle, knocked on the window and, after Ivanov lowered it, fired at the journalist six times, fatally wounding him. Eyewitnesses reported seeing a man in his mid- to late-twenties fleeing the scene.

Investigation: A criminal case was opened on 30 April 2002 under Article 105 of the Criminal Code, which relates to murder. There was little doubt that Ivanov's killing had been premeditated, and investigators publically stated that he had died as the result of a contract killing linked to his journalistic work. The deputy head of criminal investigations with the Togliatti police, Yuriy Kulenkovich, stated that Ivanov's murder had been ordered by local criminals unhappy with articles the journalist had published about their gang's operations in the city. Officials announced on a number of occasions that they knew who had ordered the contract, as well as the identity of the actual killer, but the investigation

was halted in 2003 after no suspects were publically named or charged. The principal suspects, however, were thought to be two Chechen crime lords, Igor Sirotenko and Suleiman Akhmadov, who were known to have left Togliatti shortly after Ivanov's death. Both have since died. Most of the case files have remained outside of public access, even to Ivanov's family. Ivanov's widow, Yelena Ivanova, believes that the police and prosecutors were not interested in solving the case, working actively on it for only a few months. The investigation has been suspended since 2002. Ivanov's family unsuccessfully sought access to his case files three times between 2004 and 2006, and their lawyer, Karen Nersisian, has said "We never found out which potential versions of the crime they investigated – or whether they did anything at all."

Current Status: The case was reopened in September 2010 under an order from the Head of the Investigation Committee of the General Procurator's Office, as part of a wider investigation into another three high-profile killings in Togliatti, including Aleksei Sidorov, who took over as editor-in-chief after Ivanov's death (see above).

Government's response: Despite a million-ruble reward and personal supervision of the case by the Prosecutor General, the case

remained unsolved. The Mayor of Togliatti was reported to have acted strangely after Ivanov's death, failing to express his condolences to the journalist's family. It is unknown whether he or his deputies were ever questioned in relation to the possible link between the murder and the city's fuel and oil contracts.

Eduard Markevich³⁵

Died: 09/09/2001, age 29, in Reftinsky, Russian Federation.

Role: Editor-in-chief, Novy Reft newspaper.

Focus: Socio-economic issues in Reftinsky. Prior to establishing Novy Reft in 1997, Markevich worked for the local administration on youth activities in Reftinsky. However, after he lost his job for protesting against the local authorities, Markevich's focus turned towards journalism. He, along with a group of sympathisers, decided to stand as candidates in local elections. Believing that the media was crucial to influencing public opinion, Markevich then started Novy Reft.

Case details: Markevich was killed around 9 pm on 19 September 2001 in Reftinsky as he returned home. He was halfway across the internal courtyard of his apartment block when he was shot in the back and the bullet, which

passed through his heart, fatally wounded him. It was later reported that the bullet used was one normally employed in bear hunting and was fired from a double-barrelled shotgun at close range. At the time of Markevich's shooting, there were other people in the courtyard who described an unfamiliar person present immediately before and after the attack. Eyewitnesses also reported a white car leaving the scene and by 9.30 pm, the traffic police in the area had received instructions to apprehend the suspect. The car was quickly spotted and the driver, a member of a local gang, was taken into custody.

Investigation: A criminal case was opened on 20 September 2001 by the local prosecutor's office under Article 105 of the Criminal Code, which relates to murder; however, it was transferred a few days later to the Sverdlovsk Region investigations department. The suspect, who had been found with a large sum of cash, was released after 10 days due to insufficient evidence, but it was reported that he had not been interrogated. A lack of results led to the closure of the preliminary investigation on 20 May 2002, before being re-opened and closed again in September 2002 and February 2003, respectively. Markevich's family felt that after an initial period of activity, the investigation was not taken seriously and became a purely formal exercise.

Markevich's wife, Tatyana, continued to publish in *Novy Reft*, and the paper explored the circumstances of his death in a number of articles. They argued that at the time of his murder, Markevich had been examining evidence of possible misuse of state property and had asked friends to photograph and document activity at a particular state-owned building. Tatyana eventually had to close down the newspaper and move away from Reftinsky in October 2002, after continued harassment and threats caused her to fear for her family's safety. The investigation was indefinitely suspended in August 2008, but was taken up by the Investigative Committee of the Procuracy as part of a revision of criminal investigations into attacks against journalists.

Current Status: The investigation was reopened in September 2010.

Government's response: Markevich's widow and mother, along with national and international monitoring organisations, made numerous appeals to the Russian authorities, including President Putin, in an attempt to have his case reopened. All were forwarded to the Prosecutor General's office, which repeatedly stated that there were no new grounds to do so.

Victor Popkov³⁶

Date: 02/06/2001 age 55, in Krasnogorsk, Russian Federation.

Role: Freelance correspondent with the Moscow-based *Novaya Gazeta* newspaper, human rights activist and head of humanitarian organisation Omega.

Focus: Human rights in conflict areas in the former Soviet Union, particularly in the North Caucasus. Popkov travelled extensively around the former Soviet Union visiting war-torn regions. He began working in Chechnya not long after the start of the first conflict and in January 1995, he successfully pleaded with Chechen armed guards at the presidential palace to release many of the captured Russian soldiers. Popkov was a non-partisan figure who seemed to, at times, cooperate with as well as aggravate both sides in his quest for peace. He was very vocal in his criticism of Russia's re-invasion of Chechnya in 1999, and held a 40-day hunger strike in protest. He also met with then-Chechen President Aslan Maskhadov in the hope that he might be able to reopen communications between the Russian and Chechen authorities. His efforts were not fruitful and in April 2000, Popkov received a warning from the Russian Press Ministry, after his interview with Aslan Maskhadov was published in *Novaya Gazeta*. Popkov continued to travel

throughout Chechnya, delivering aid as well as documenting the aftermath of devastating Russian 'mop-up' operations and the suffering of ordinary Chechen civilians.

Case details: On 18 April 2001, Popkov, along with Chechen doctor Rosa Muzarova and a driver, left the town of Alkhan-Kala to deliver aid and medical assistance. Their ambulance was overtaken by another vehicle, and an unknown person fired at them from point-blank range. All three were seriously wounded, particularly Popkov, who was hit twice in the head. Despite this, the group was held up for more than an hour at a military checkpoint. Popkov was later transferred to Moscow, but he died without regaining consciousness. Popkov had previously received threats from both Chechens and Russians. In September 2000, along with Natalya Estemirova, he was held up at a military checkpoint while monitoring the humanitarian situation in Chechen mountain villages. The journalists were taken to a Russian military camp where they were detained for 24 hours before being released without documents. A few days later Popkov was beaten by Russian soldiers.

Investigation: No one has ever been charged in relation to Popkov's death. Speaking in September 2003, Natalya Estemirova alleged that the killers had been Islamic

fundamentalists, working in conjunction with the Russian military, and that it could be possible to bring them to justice.

Current Status: Unknown.

Government's response: Not available.

Vladimir Kirsanov³⁷

Date: Disappeared 17/05/2001, age unknown, thought to have been murdered shortly after, in Kurgan, in the Urals region of the Russian Federation.

Role: Journalist and editor-in-chief of Kurganskije Vesti newspaper.

Focus: Economics, corruption and social issues in Kurgan and the surrounding region. Kirsanov started his career at the Kurgan i Kurgantsy newspaper, where he focussed primarily on issues related to the local economy. In the late 1990s, he wrote a series of articles about the office of Kurgan Governor Oleg Bogomolov and what he believed to be its inefficient management, which led to his greater involvement in opposition politics. Kurgan i Kurgantsy was associated with Mayor Anatoly Yelchaninov, who was planning to challenge Bogomolov in the 2000 election, and over time, Kirsanov became a key supporter

of Yelchaninov. During the electoral campaign a group of local industrialists founded a new paper, Abzats, with Kirsanov as editor-in-chief. He wrote a number of pro-Yelchaninov pieces and co-produced a pamphlet, Oleg's Story, detailing the corruption present within the local economy under Governor Bogomolov's leadership. Yelchaninov failed to oust the incumbent in the December elections, but the payment that Kirsanov received for his work at Abzats allowed him to establish his own paper in January 2001. The Kurganskije Vesti newspaper was less politically focussed but continued to highlight cases of corruption. Kirsanov's articles were often reproduced in other local as well as national papers.

Case details: Vladimir Kirsanov left for work during the morning of 17 May 2001, but did not arrive at the office of the Kurganskije Vesti newspaper. He was never seen alive again.

Investigation: A criminal case was opened on the day of Kirsanov's disappearance related to a break-in at the journalist's home, which was reported to police by his wife Larisa Chertova. Traces of blood belonging to the journalist were found in the garage and the boot of his car, which was discovered parked near the newspaper's office block. Investigators surmised that he had been killed in the garage, and that the car, which had

been used to dispose of his body, was left near Kirsanov's workplace to prevent relatives and colleagues from becoming suspicious right away. The nature of the disappearance resulted in another case being initiated four days later under Article 105 of the Criminal Code, which relates to murder. In 2001, after making an appeal to the Prosecutor General, Kirsanov's wife was permitted to view her husband's case files briefly on one occasion. She identified several weaknesses in the initial investigation, which she believed to have been far from active. Three people were questioned in the immediate aftermath of Kirsanov's disappearance, and then there was a gap of three months before anyone else was questioned. The link between Kirsanov's work and his disappearance was also poorly examined in comparison to the attention given to the possible link to his brother's business activities, and interviews with political figures were considered to have been only superficial.

Current Status: Since 2002, the decision to suspend the case has been reviewed several times, firstly by the Prosecutor General's office and periodically since by Kurgan's regional prosecutor's office, which has found no grounds to overturn the decision and re-open the case.

Government's response: The Governor of

the Kurgansk Oblast reacted to an article implicating him in the disappearance of Kirsanov, stating that he had instructed the head of the Kurgan regional internal affairs department and the local procuracy to put maximum efforts into finding him. He indicated he knew there were people who did not want Kirsanov alive, but stated that he wanted him to be found to tell the truth about what had happened to him. After the closure of the investigation, the head of the Kurgan regional internal affairs department, Colonel Boris Timonenko, put forward the theory that Kirsanov's disappearance was linked to a series of articles had written after the regional elections in December 2000, which connected officials to crimes committed in Kurgan and the neighbouring region of Sverdlovsk.

Igor Domnikov³⁸

Date: 16/07/2000 age 42, in Moscow, Russian Federation.

Role: Journalist for the Moscow based newspaper, Novaya Gazeta. Domnikov was also editor of the paper's special projects section.

Focus: Regional socio-economic issues, particularly in Lipetsk, Western Russia. Domnikov joined Novaya Gazeta in 1998,

after deciding to move to Moscow from Norilsk where, while running his own paper, he had come under increasing pressure from the local authorities. However, he retained his interest in regional politics. Between May 1999 and February 2000, Domnikov wrote a series of articles about Oleg Korolyov, a recently elected governor, and his administration in the Lipetsk region. While these articles would have been a cause of irritation to the administration in Lipetsk, according to Sergei Sokolov, Novaya Gazeta's deputy editor, Domnikov's particular 'acidic' style of writing would have particularly inflamed the authorities.

Case details: A neighbour found Domnikov bleeding heavily and barely conscious in the stairwell of his apartment block around 8 pm on 12 May 2000. He had been violently attacked by an unknown assailant who had hit him several times on the head with a hammer, which was recovered near the crime scene. Domnikov was taken to hospital where he underwent surgery but slipped into a coma. He died from his injuries two months later on 16 July 2000, never having regained consciousness. It was initially suggested that Domnikov might not have been the intended target of the attack. His colleague from Novaya Gazeta, Oleg Sultanov, lived in the same building, and in the months prior to the attack claimed to

have been the subject of death threats from the FSB. However, as time passed, a direct link was made between Domnikov's murder and his articles on Lipetsk. Novaya Gazeta, through their own investigations, discovered that then-vice governor of the Lipetsk Region Sergey Dorovski had been so insulted by the journalist's writings that he recruited a Moscow businessman, Pavel Sopot, to bring Domnikov to Lipetsk for a 'chat.' Sopot was an associate of Eduard Tagiryarov, the head of the Tagiryarovskiye, a violent criminal gang based in Tatarstan, with whom he reportedly sought advice on how to deal with journalists after his meeting with Dorovski.

Investigation: The gang were arrested in 2003 after the unrelated murder of a Tatar businessman. They stood trial in September 2006 for numerous crimes committed since 1997, including extortion, rape, eight kidnappings and 23 murders, including Domnikov's. Convictions were handed down in August 2007, and the group were given sentences ranging in length from 18 years to life in prison. However, due to a lack of evidence, both Sopot and Dorovski were reclassified as witnesses and ultimately released without charge. While the actual killers were convicted, the case against those who ordered Domnikov's death has never been successfully resolved.

Current Status: On 11 November 2010, the Investigative Committee of the Procuracy sent the case for re-consideration to the General Procuracy.

Government's response: No public reaction; however, in the wake of the near-fatal attack on Oleg Kashin on 8 November 2010, President Medvedev called for the security and safety of journalists. The decision of the Investigative Committee to refer the case to the General Procuracy for re-consideration, together with another high-profile case (the attack on Mikhail Beketov, which was linked to his coverage of the Khimki forest highway), came immediately after Medvedev's public reaction.

Vladimir Yatsina³⁹

Disappeared: 19/07/1999, age 50, from Ingushetia, Russian Federation. Thought to have been killed on 20/02/2000 in southern Chechnya.

Role: Photographer for news agency Itar-TASS.

Focus: War and conflicts. Yatsina had been travelling to the North Caucasus on a freelance assignment to photograph Chechen fighters based in Ingushetia when he disappeared.

Case details: Yatsina disappeared on 19 July

1999 after arriving by aeroplane in Nazran, Ingushetia. It was reported that he was abducted by Chechen rebels and transported to Chechnya. A month later, the kidnappers made contact with Yatsina's family and demanded a ransom of two million US dollars in exchange for his release. According to ITAR-TASS, they received similar requests. In November 1999, Yatsina managed to make a call to his family from captivity, telling his wife that he was being moved to a safer location. It was the last time they heard from him.

Investigation: After his abduction, ITAR-TASS worked closely with government officials in attempting to secure Yatsina's release, but to no avail. On 9 February 2000, the Interior Ministry set up a special task force to investigate the photographer's disappearance, but refused to negotiate with the hostage-takers. At an FSB press conference held on 28 February 2000, two recently released hostages, Alisher Orzaliyev from Kazakhstan and Kirill Perchenko from Moscow, claimed that Yatsina had been killed in southern Chechnya eight days earlier. They claimed they had been held with Yatsina, who being unable to keep pace with the other hostages whilst being moved, was shot by his captors. They confirmed seeing Yatsina's dead body still lying by the side of the road when they returned the following day; however, his body was never

found. Yatsina's wife, Svetlana Golovenkova, told the Committee to Protect Journalists that she and other family members had learned of the death from television news reports and were not officially informed.

Current status: An investigation was launched into the circumstances of Yatsina's abduction, which seems to have been deliberately engineered by his fixer, Magomed Usupayev, before he fled the country. In 2005, after Yatsina's wife Svetlana Golovenkova had filed a complaint with the Prosecutor General's Office, the authorities placed Usupayev's name on Interpol's international wanted list. It was later discovered that he had relocated to Sweden in 2002, and in October 2006, Usupayev was arrested by Swedish police. The Russian authorities filed for extradition, but this was rejected by the Swedish authorities. Referring to Yatsina's case, the Council of Europe noted in 2000 "that the kidnapping of journalists by certain Chechen groups is unacceptable and calls for the immediate release of all the civil hostages."

Government's response: The then-Minister of Justice raised the issue of Usupayev's extradition with his Swedish counterpart during a visit to Stockholm, indicating they had provided extensive evidence of his involvement in Yatsina's disappearance.

Kyiv Conference on Impunity

'Ten Years On, No Justice for Georgiy Gongadze: the Need to Find New Ways to Fight Impunity' (Conference Summary: Kyiv, Ukraine, 16 September 2010)

In light of the cases outlined above and to honour Georgiy Gongadze and other journalists in Ukraine, Belarus and Russia who have disappeared and/or were killed because of their profession, ARTICLE 19 and International Media Support (IMS) brought together over 70 experts, journalists, public officials and representatives of inter-governmental organisations, including the Organization for Security and Co-operation in Europe (OSCE), at a conference in Kyiv, Ukraine on 16 September 2010.

In addition to commemorating the tenth anniversary of the disappearance of Georgiy Gongadze, the conference specifically looked at two other high-profile cases in the region: the murder of Anna Politkovskaya in 2006 in Russia; and the disappearance of Dmitriy Zavadsky in 2000 in Belarus. In none of these three cases have the masterminds behind the killings been brought to justice. The objective of the conference 'Ten Years On, No Justice for Georgiy Gongadze: the Need to Find New Ways to Fight Impunity' was to continue to raise the issue of murders and disappearances of journalists in the region and to redefine advocacy strategies to fight impunity in a constructive way, with the ultimate goal of bringing the killers of journalists to justice.

Jane Møller Larsen, Programme Manager for International Media Support (IMS), opened the conference, stressing the need for "[...] Threats, attacks and assassinations of journalists to be investigated and punished. Not solemnly to give justice to the respective journalists and their families but also to

secure that media can work professionally in a given context - to secure pluralism and diversity of the media and avoid self-censorship." Nathalie Losekoot, Senior Programme Officer for Europe, for ARTICLE 19, pointed out that the conference had a sad urgency, taking place in the wake of the August 2010 disappearance of Kharkiv editor Vasyi Klymentyev in Ukraine and the suspicious death of Aleh Byabenin in Belarus on 13 September 2010.

In his keynote speech, Dr Roland Bless, the Director of the Office of the OSCE Representative on Freedom of the Media highlighted the authorities' far too prevalent willingness to classify many of the murders as unrelated to the journalists' professional activities as "alarming." Here he echoed former OSCE Representative on Freedom of the Media Miklós Haraszti in saying that "Impunity breeds further violence, and practically blesses the most brutal type of censorship without saying so."

Specific highlights by participating experts included:

- The three governments have not been successful in protecting journalists in the pursuit of their profession nor in bringing the masterminds of these attacks to justice, and in combination with journalists' lack of knowledge of their rights, they and their legal representatives feel increasingly vulnerable and aware that 'anything could happen'
- The authorities in Ukraine deliberately obstructed the investigation into the disappearance and murder of Georgiy Gongadze and in particular tape recordings of the alleged masterminds
- The authorities in Belarus have consistently ignored requests to re-open the investigation into the disappearance of Dmitriy Zavadsky, despite their failure to locate his body
- The authorities in Russia have not taken any serious measures adequately to investigate the killing of Anna Politkovskaya and have refused to make trial records available
- There is a gap in both the implementation and the provisions in national and international legal mechanisms to combat impunity, which allows masterminds, in particular government officials, to feel safe and unaccountable
- Concerted international action by non-governmental and inter-governmental organisations, such as the Office of the OSCE Media Freedom Representative, the European Court of Human Rights, and others, is indispensable to any campaign
- Different interest groups, including non-governmental organisations, media and legal representatives should consolidate their actions to ensure that individual authorities are addressed with specific and practical recommendations and requests preventing general and opaque responses
- A lack of communication prevents the consolidation of documentation about individual cases by investigative authorities, as well as in the media and through non-governmental organisations. These would be helped by a central website/portal, where information could

be gathered, so this is available, up-to-date and concise, in different languages, and including clear legal terminology

- Civil society needs to start to use new technology, engage in social media, and be more creative in developing advocacy at the regional level, using bilateral meetings between government officials of Belarus, Ukraine and Russia to continue to raise questions about the protection of journalists

The widow of Georgiy Gongadze, Myroslava Gongadze, joined the conference via Skype from the United States. “[...] Law enforcement initially tried to cover the crime, linking his death to debts, committed by drug addicts and other nonsense. Now finally the Prosecutor General’s office has admitted that Kravchenko, the then-Minister of Interior, was involved in killing Gongadze. Of course, he wasn’t the only one; he didn’t have personal motives to kill Georgiy. But the decision of the Prosecutor General’s office confirms that the governmental machine was involved in Ukraine to kill political opponents and journalists.” She added that there is a need for additional international legal mechanisms to fight impunity for the killing of journalists; “As long as there is no effective international pressure on authorities and they won’t be

arrested when they are travelling abroad; they will continue doing whatever they want, and we will be helpless.”

Participants stressed the importance of an international expert group to investigate crimes against journalists in the regions outside of the countries’ capitals to ensure continuation, consistency of terminology and follow-up in all cases until the perpetrators and those who ordered the murders or disappearances have been brought to justice.

Conclusions

None of the masterminds behind the murders or disappearances of the journalists included in this report have been brought to justice. Even though in the profiles included above a clear link has been established between their deaths and their professional activities, such as their investigative reporting on corruption, politics or human rights, as a motive this has rarely been accepted, and investigations are either blocked or botched. In more than half of these cases, political opposition can be identified as a motive for the murder or disappearance, with a number of cases apparently linked to the media outlets the journalists were working for, such as Novaya Gazeta in Russia (which has lost five journalists since 2000). Another prevalent motive has been reporting on corruption, while the conflict in Chechnya and general human rights reporting also frequently feature as potential motives. However, such leads are not followed through.

Lack of political will

As the case profiles show, it is first and foremost political will that is missing. This is enhanced by the lack of an independent judiciary as evidenced, for example, by the Zavadsky case. In many of these cases, the investigations seem to have started off vigorously, with certain results. However, it seems that as soon as the authorities have 'woken up' to the fact that the outcome could potentially be damaging to local administration or other government institutions, in particular the police, the investigations stall. Important evidence is overlooked, misplaced or simply not followed up, often due to the reluctance of the investigative authorities to link the crime to the journalists' professional activities. This specifically occurs when it concerns an alleged suicide or fatal illness; such situations are

often not criminally investigated, leaving an easy get-out clause for the authorities.

Window-dressing by public authorities

In most of these cases – unless it was impossible to do so because of the prominence of the journalist – the relevant authorities have been reluctant to link the death or disappearance to the professional activities of the journalists. In Russia, for example in high-profile cases, such as those of Anna Politkovskaya and Natalya Estemirova, the Russian authorities needed to respond and were unable to deny a direct link to these journalists' profession. The public reaction of President Putin indicates the lack of public importance and urgency attached to such murders. President Kadyrov of Chechnya went even further in his commentary regarding the

death of Natalya Estemirova: “Why would Kadyrov kill women that no one needs?”

[Estemirova] never had any honour or sense of shame. And still I appointed her head of a [civil society advisory] commission with the mayor of Grozny as her deputy. I wanted to be objective about addressing the issue. But she didn't like it. She would say stupid things.”⁴⁰

The brutal and almost deadly attack on the Russian journalist Oleg Kashin, who worked for the daily Kommersant, at the beginning of November 2010, resulted in an unprecedented show of support and an immediate reaction from the Russian administration. President Medvedev strongly condemned the attack and said that “the state has to guarantee the right of journalists to tell the truth about people and developments in the country.” He even went as far as to indicate that the state should take special measures when there are attacks on the lives of journalists in light of the public importance of their work. Following his reaction, the Investigative Committee of the Procuracy initiated a review of the case of Igor Domnikov, who has been mentioned in this report. While his murderers have been convicted, the instigators of his murder remain at large.

The flurry of public activity by both the

Ukrainian and Russian administrations at opportune moments, and in particular around anniversaries of the murders, shows there is certainly an understanding within their government apparatuses that there has to be a public reaction from their side. However, these reactions are often just ‘window-dressing,’ while closer to the date of anniversary or a politically opportune moment there is a sudden development in the criminal investigation, specifically in high-profile cases. As time passes such actions become less and less believable. Statements published about the developments in the cases seem to have become largely a public relations exercise to keep national and international critics satisfied.

Investigations without results

Public pressure by both national and international organisations, such as the Committee to Protect Journalists, which met with the Head of the Investigative Committee, Aleksandr Bastrykin, in September 2010, have also given a new impulse to re-open previously closed cases in Russia. However, the mere reopening of criminal investigations does not necessarily lead to results, and without transparency and the involvement of family members and colleagues, there is a fear that these are just empty gestures. The general lack

of disclosure of information, even to relatives, is exemplified by the use of closed trials in a number of cases, such as the Belarusian Zavadsky case.

Although legislation in Ukraine attributes higher sentences to attacks on journalists because of their profession, it is rarely used. Similar legislation is now proposed in Russia, following the attack on Kashin. However, the journalistic community in Russia has little faith that further legislative measures will improve the protection of journalists or solve the murders of their colleagues.

Journalists afraid to stand up for their rights and those of their colleagues

One of the main issues, also highlighted by Sergei Sokolov, the editor-in-chief of Novaya Gazeta, and mentioned by participants of the international conference, is the overall lack of knowledge of journalists of their rights, and their fear of standing up for their rights. In combination with the impunity for the murder of their colleagues, they and their legal representatives feel increasingly vulnerable and aware that 'anything could happen.' This makes the overall journalistic community particularly vulnerable to attack as their ability and willingness to join solidarity actions is limited, even in terms of widely and in-depth

publishing about attacks on their colleagues.

International obligations

It is important to remember that impunity for attacks against and disappearances and killings of journalists places the governments of Ukraine, Belarus and Russia in breach of their obligations under international and European human rights law. This concerns in particular the positive obligations in relation to the rights to freedom of opinion and expression, the right to life and the right not to be subject to torture, cruel, inhuman or degrading treatment. The International Covenant on Civil and Political Rights has been ratified by all three states and the European Convention on Human Rights has been ratified by Russia and Ukraine.

Civil society lacks an integrated approach

A visible lack of coordination and consolidation of civil society activities to support the protection of journalists becomes apparent when studying the individual case profiles. National and international non-governmental organisations are involved in most of these cases, but each with its own system of qualification and plan of action, and although links between the three countries are strong, no regional actions take place. Joint reactions

do occur, but long-term and continuous action is rare, and approaches to individual governments are often general, allowing for general and opaque responses. In particular the follow-up and use of the recommendations made by relevant monitoring institutions and/or systems, such as the Parliamentary Assembly of the Council of Europe or the Universal Periodic Review before the United Nations shows there is a lack of combined efforts. Informing and following up on these recommendations is crucial, but lacks an integrated approach. Opportunities here are ample, such as for example with Belarus, which as part of its Universal Periodic Review committed to implementing the recommendations “that violations against human rights defenders, journalists and students are effectively investigated in order to bring those liable to justice (Norway);” and “ensure that these crimes against political activists and journalists are independently and impartially investigated and that their perpetrators are brought to justice (Czech Republic).”

Endnotes

¹ Sabine Leutheusser-Schnarrenberger, MP, is the current German Federal Minister of Justice. This introduction is an adaptation of her contribution to the ARTICLE 19/ International Media Support (IMS) conference, 'Ten Years On, No Justice for Georgiy Gongadze: the Need to Find New Ways to Fight Impunity,' held in Kyiv, Ukraine on 16 September 2010.

² Parliamentary Assembly of the Council of Europe, Resolution 1535 (2007), 'Threats to the lives and freedom of expression of journalists', <http://assembly.coe.int/main.asp?Link=/documents/adoptedtext/ta07/eres1535.htm>

³ <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.23.pdf>.

⁴ Statement of the representative of the Russian Federation during the interactive dialogue with special rapporteurs during the 14th Human Rights Council – unofficial translation, <http://portal.ohchr.org/portal/page/portal/HRCExtranet/14thSession/OralStatements/030610/Tab2/Tab/Item3-ID-Russian%20Federation.pdf>.

⁵ The main organisations tallying the killing and disappearances in Ukraine, Belarus and Russia include the Center for Journalism in Extreme Situations, the Glasnost Defence Foundation (Russia only), the Committee to Protect Journalists, the International Federation of Journalists, and Reporters Without Borders.

⁶ The Center for Journalism in Extreme Situations' database holds information on the killings of journalists in the former Soviet Union since 1991, and categorises deaths as related to work, unconfirmed motive or lack of investigation, or deaths unrelated to the journalist's work <http://memorium.cjes.ru/stat.php>.

⁷ These numbers only include murders in which the Committee to Protect Journalists has confirmed the motive as work-related. <http://cpj.org/killed/terminology.php>.

⁸ The International Federation of Journalists database can be found here: <http://journalists-in-russia.org>. See also Partial Justice: An investigation into the deaths of journalists in Russia, 1993-2009 (Brussels & Moscow, June 2009) <http://www.ifj.org/assets/docs/104/092/b4ec068-fe7585c.pdf>.

⁹ Parliamentary Assembly of the Council of Europe, Doc. 11686 11 July 2008 - Investigation of crimes allegedly committed by high officials during the Kuchma rule in Ukraine – the Gongadze case as an emblematic example <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11686.htm>.

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Journalist,' 23 August 2010, http://www.rferl.org/content/Press_Group_Concerned_About_Fate_Of_Missing_Ukrainian_Journalist_/2135499.html; Lvova, Elena, 'Missing Kharkiv editor ran small newspaper covering corruption,' Kyiv Post, 2 September 2010, <http://www.kyivpost.com/news/nation/detail/80896/>; Harding, Luke, The Guardian, 'Missing, presumed dead: disappearance of Ukrainian journalist deepens media fears,' 8 September 2010, <http://www.guardian.co.uk/world/2010/sep/08/ukraine-press-freedom>; Kyiv Post, 'Police: Klymentyev's disappearance connected to his professional work,' 4 October 2010, <http://www.kyivpost.com/news/nation/detail/84940/#ixzz16IDEdHt9>; UNIAN, 'Pshonka predicts Klymentyev case will be resolved soon,' 4 November 2010, <http://www.unian.net/rus/news/news-404664.html>; and Radio Free Europe/Radio Liberty, 'Thousands questioned in search for missing Ukrainian journalist,' 11 April 2011, http://www.rferl.org/content/thousands_questioned_in_search_for_missing_ukraine_journalist/3553679.html.

¹¹ Information on the case is available from a number of sources, including: Committee to Protect Journalists, '37 journalists killed for their work in 2001,' 3 January 2002, <http://cpj.org/2002/01/37-journalists-killed-for-their-work-in-2001afghan.php>; Reporters Without Borders, 'Five men get prison sentences for fatal beating of regional TV chief in 2001,' 12 July 2006, <http://en.rsf.org/ukraine-five-men-get-prison-sentences-for-12-07-2006,10905.html>; Committee to Protect Journalists, 'Europe and Central Asia 2001,' <https://cpj.org/attacks01/europe01/ukraine.html>; Ilchuk, Turas, Kyiv Weekly, 'Murderers of journalist Aleksandrov convicted,' 12 July 2006, <http://paper.weekly.ua/?art=1152643401>; Center for Journalism in Extreme Situations, memorandum, <http://www.memorium.cjes.ru/?pid=4&id=7815>; United Nations document CCPR/C/UKR/CO/6, 'NGO Progress Report on the Follow up of the Concluding Observations,' October 2006, http://www2.ohchr.org/english/bodies/hrc/docs/ngos/CCPR_Centre_coalitions_NGOs_ukraine.pdf; and Ukraine Today, 'Accused of murders, falsification of Aleksandrov case released in courtroom,' 19 February 2010, http://www.ua-today.com/modules/myarticles/article_storyid_19622.html.

¹² Information on the case is available from a large number of sources, including: International Federation of Journalists, The Gongadze inquiry, An investigation into the failure of legal and judicial processes in the case of Georgiy Gongadze, September 2010, <http://www.ifj.org/assets/docs/246/136/96b8af6-000e788.pdf>; Parliamentary Assembly of the Council of Europe, Investigation of crimes allegedly committed by high officials during the Kuchma rule in Ukraine – the Gongadze case as an emblematic example, <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc08/EDOC11686.htm>; BBC, 'Ukraine official sentenced over journalist murder,' 7 May 2003, <http://news.bbc.co.uk/1/hi/world/europe/3007275.stm>; European Court of Human Rights, Case of Gongadze v. Ukraine, final judgment 8 February 2006, <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=788827&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C>

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¹³ European Court of Human Rights, Case of Gonggadze v. Ukraine, final judgment 8 February 2006, <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=788827&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649>.

¹⁴ Interview conducted by ARTICLE 19, August 2010.

¹⁵ The police investigation into the death in October 2005 of a fourth Belarusian journalist, Vasily Grodnikov, who worked for the opposition newspaper Narodnya Volya, was closed nearly straight away in November 2005. His case is included as one of the unelucidated deaths of independent journalists in Belarus in a report by the Parliamentary Assembly of the Council of Europe. His brother, who had found the body, reported signs of a struggle in his apartment, but the investigation concluded that Grodnikov fell while intoxicated. Although the General Prosecutor's Office re-opened the investigation, in December 2005 it declared that no crime had been committed as Grodnikov died as a result of "his careless actions." No criminal investigation was conducted.

¹⁶ Information on the case is available from a number of sources, including: Index on Censorship, 'Suspicion over suicide of Belarus activist Aleh Byabenin,' 4 September 2010, <http://www.indexoncensorship.org/2010/09/belarus-aleh-byabenin/>; Committee to Protect Journalists, 'Journalist found dead in Belarus; CPJ calls for investigation,' 8 September 2010, <http://cpj.org/2010/09/journalist-found-dead-in-belarus-cpj-calls-for-inv.php>; Marples, David, 'The Byabenin Affair in Belarus,' Kyiv Post, 13 September 2010, http://www.kyivpost.com/news/opinion/op_ed/detail/82110/; Interfax, 'The Minsk region Prosecutor's Office extended the term of inquiry into Byabenin's death,' 5 October 2010, <http://www.interfax.by/news/belarus/80365>; and Khalip, Irina, 'Lukashenka smiles,' Novaya Gazeta, October 13, 2010, <http://www.novayagazeta.ru/data/2010/114/06.html>.

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¹⁹ Interview conducted by ARTICLE 19, August 2010.

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