

# **DIRECTING FROM ABOVE: POLITICAL CENSORSHIP IN THE RUSSIAN MEDIA**

By  
Svetlana Zibareva

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Supervisor: Professor Miklos Sukosd

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## **Abstract**

The media as a means of expression of the public opinion is considered to be not only the element of democracy but also the indicator of regime. Having started in the mid-1990s, a backward transition of Russia to a political regime of authoritarianism has fully or partially destroyed almost all political and social institutions, the media among the most violated ones. Applying various forms of political censorship to the most popular and influential mass media outlets the state forces them to express its ideology. The grave consequences of such censorship vary from voluntary editorial self-censorship and lack of objectivity to outlet closing and numerous infringements upon journalists, some with a lethal outcome.

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The freedom of mass communication shall be guaranteed. Censorship shall be banned.

The Russian Constitution<sup>1</sup>

## Introduction

After the dissolution of the Soviet Union and adoption of the new Constitution, Russian citizenry got a new country and new liberties and rights that they were deprived of during the communist regime. This birth of a new state was marked with the “collapse and restructuring” of all the main institutions, mass media traditionally being considered as a “fourth estate” along with executive, legislative and juridical powers.<sup>2</sup> Gorbachev’s introduction of *glasnost*, a state official policy of gradual openness and transparency of political system combined with freedom of information, and *perestroika* in middle 1980s helped a lot in breaking the censorship of the Soviet regime, where all information published or transmitted used to be controlled and ideologically washed by the Communist party and KGB, and giving freedom of speech and press to media. However, the Russian media enjoyed the independence for about a decade and then the new state started to centralize it by imposing its control, implementing censorship, using it as a mean of constructing favorable public opinion, as a tool for business-political groups’ “information wars.”<sup>3</sup>

Recently, under Vladimir Putin’s regime, people experienced the control of the state over the public and social life, expressed in full or partial destruction of almost all political and social

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<sup>1</sup> The Constitution of the Russian Federation (1993), art. 29, sec. 5, <http://www.constitution.ru/en/10003000-01.htm>.

<sup>2</sup> Andrei Richter, “The Russian Press After Perestroika”, in *Russian Media Law and Policy in the Yeltsin Decade*, ed. Monroe E. Price, Andrei Richter, and Peter K. Yu (The Hague: Kluwer Law International, 2002): 5.

<sup>3</sup> In Russian reality the term ‘information wars’ means the deliberate use of all possible mass media to form a biased public opinion towards one of the candidates against the others during the election campaigns; a peculiar feature of Russian politics. Having appeared during presidential campaign in 1996, information wars have been one of the main PR techniques in the 2<sup>nd</sup> half of 1990s and early 2000s.

institutions (trends, however, which started even in the mid-1990s). Though in his “State of Russia Address” in 2000 Putin declared that “[T]he most important task [...] is to learn how to use state instruments for securing all freedoms – personal freedom, entrepreneurial freedom, freedom of development of institutes of civil society,”<sup>4</sup> in practice it worked the opposite way.

Legislative and judicial branches of power, oppositional political parties, small and mid-sized businesses, and private mass media turned out to be in the most vulnerable position. On the one hand, there is no doubt that contemporary Russia is freer than it was in Communist time, as the control over its citizens has weakened. On the other hand, people are still encroached on their legitimate rights to assemble freely or express their attitudes to political leaders. Again it is the state that decides on whether prohibit or permit the sources of unfavorable for them information. Researchers express common opinion that there is “a shift in emphasis from the impartial rule of law to a preferential rule *by* law, aimed at rewarding government supporters and punishing those perceived to be threats or enemies of the regime” and call this process a “steady erosion of the content, if not the formal institutions, of Russian democracy.”<sup>5</sup>

The freedom and independence of the media has been greatly violated during recent years. Its interactions with the state became the focus of the different scholars, journalists, political observers and nongovernmental organizations (*inter alia*, Freedom House, Media Law and Policy Institute, Committee to Protect Journalists, Glasnost Defence Foundation, Reporters Without Borders) who discuss the main issues from different angles: historical, legislative, methodological, political; and different aspects: mainly the press and broadcasting levels.

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<sup>4</sup> Vladimir Putin, “State of Russia Address” (Moscow, July 8, 2000).

<sup>5</sup> Kathryn Stoner-Weiss, *Countries at the Crossroads 2007: Country report – Russia*, (Freedom House, n.d.): 2 – 3, <http://www.freedomhouse.org/template.cfm?page=140&edition=8&ccrpage=37&ccrcountry=166>.

The present project tries to be innovative in the sense that the existing literature in English mostly covers only Yeltsin's period and the authors' approaches are considerably subjective. The majority of researches in this field introduce only the development of and restrictions on the media in the 1990s. However, there are still several problems which have not yet been addressed: absence of analytical works on the state of mass media development during the early years of Putin's presidency; focus of the majority of researchers only on specific aspects (i.e. avoiding the generalizations, thus, excluding the holistic approach). Another problem is the lack of comparative researches on media and state interaction within one political and societal model during different time-periods (e.g. Soviet and post-Soviet epochs), or, on the contrary, on the peculiarities of this interaction representation in several, for example, democratic "western" and / or "democracy in transition", models. Nevertheless, those researches when taken under the complex analysis present rather objective and multi-dimensional overview of the field. In most of the cases the sources of the information about the relationship between the state and the media are provided by various non-governmental Russian and international organizations, which show grave concern for state violation of constitutionally guaranteed freedom of communication and citizenry rights "to freely look for, receive, transmit, produce and distribute information by any legal way."<sup>6</sup> The most prominent researches in this area were done by Monroe E. Price and Andrei Richter who observed and analyzed the long and harsh process of emergence and development of the Russian mass media.

Though scholars usually define the common problems as troubles of transitional period and oppression of the journalism on the one hand, and the imperfectness of existing legal base on the other, they generally use various approaches, such as: introduction of various scenarios, or analysis of contradictory tendencies of analytic narratives. Moreover, their researches are

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<sup>6</sup> The Constitution of the Russian Federation (1993), art. 29, sec. 4.

based on the different types of materials. Many researchers emphasize the specificity of one or another concept when applying them to the Russian situation. For example, Monroe E. Price speaks about the evolution of rules<sup>7</sup>. He stresses that the term “independence” is both key and ambiguous, because, depending on the definition of independence, the image of media as “profit of independence” is formed. Price points out that in the 1990s the state already took an aggressive position in information policy-making, as he bases his research on the observation of the main media laws and shows how the evolution and strengthening of those laws during the Yeltsin’s decade led to a “new information blockade.”<sup>8</sup> In chapter II of the present paper where the concept of censorship in Russia is discussed I refer to Price’s and others findings on media legislation<sup>9</sup> and extend them with an observation of recently appeared laws from the perspective of degree of “independence” and “censorship.”

The most interesting methodological findings are presented by Foster, who defines, examines and applies four divergent theories to show “why Russia’s democratic model of information rights has become a formula for authoritarian rather than popular control.”<sup>10</sup> This approach is based on the strong criticism of widely spread laissez-faire theory that was first applied to US democracy. According to Foster, the conflict “between democracy and free speech is by no means a purely American concern. It is a global phenomenon.”<sup>11</sup> He stresses the importance of the Russian example which can serve as a model for the countries in-transition. Moreover,

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<sup>7</sup> Monroe E. Price, “Law, Force, and the Russian Media”, in *Russian Media Law and Policy in the Yeltsin Decade*, ed. Monroe E. Price, Andrei Richter, and Peter K. Yu (The Hague: Kluwer Law International, 2002), 31 – 46.

<sup>8</sup> Price (2002), 46.

<sup>9</sup> See also: Anna Kachkaeva, Ilya Kiriya and Grigory Libergal, *Television in the Russian Federation: Organizational Structure, Programme Production and Audience*, (Strasbourg:European Audiovisual Observatory, 2006), [http://www.obs.coe.int/online\\_publication/reports/tv\\_russia\\_internews2006.pdf](http://www.obs.coe.int/online_publication/reports/tv_russia_internews2006.pdf). (2006); and Marion Irmer, *Russian media system*. (2006), [http://www.tu-ilmenau.de/fakmn/uploads/media/Russia\\_Report\\_2.pdf](http://www.tu-ilmenau.de/fakmn/uploads/media/Russia_Report_2.pdf).

<sup>10</sup> Frances H. Foster, “Information and the Problem of Democracy: the Russian Experience”, in *Russian Media Law and Policy in the Yeltsin Decade*, ed. Monroe E. Price, Andrei Richter, and Peter K. Yu (The Hague: Kluwer Law International, 2002): 95.

<sup>11</sup> Foster, 95.

he argues that all the theories that are considered to be democratic (informed citizenry theory, the defense of democracy theory, the popular mandate theory, and the parental theory) tend to deepen authoritarian control over information. He also claims them to be a sign not only peculiar to Russia, but to any other “democratic” country.

Laura Belin is one of the scholars who look at the problems of the Russian media from a historical perspective.<sup>12</sup> She underlines the dual role of the Russian media in the mid-1990s. On the one hand, there is a clearly expressed transition of possession and strengthening of the control over information; on the other hand, the author stresses that by the end of 1990s the mass media brought the Kremlin to the troubles in the sense of both domestic and international image. For Belin, taking control over information is a part of bigger trend, namely, consolidation and unification of the power, introduced by Putin already in his first years of ruling. She shows the duplicity of theoretical and practical politics, as she considers that Putin has somewhat continued Yeltsin’s legacy, who, though, made a transition in his actions from certain claims to mixed messages.<sup>13</sup> As she concludes, “[T]he lack of public resistance, combined with the apparent success of the Kremlin’s media strategy during the 1999 and 2000 elections, suggested that Putin’s approach to media issues is unlikely to change much in the coming years.”<sup>14</sup>

In my thesis I analyze the development of the Russian media from the mid-1990s till the end of the Putin’s presidency (2008). The focus of the research the following problems are of special concern: the ways the state imposes censorship on the media and the reasons for such imposition. I hypothesize that *the Russian mass media under current regime has lost its*

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<sup>12</sup> Laura Belin, “The Kremlin Strikes Back: The Reassertion of State Power over the Russian Media”, in *Russian Media Law and Policy in the Yeltsin Decade*, ed. Monroe E. Price, Andrei Richter, and Peter K. Yu (The Hague: Kluwer Law International, 2002), 273 – 302.

<sup>13</sup> Monroe E. Price also shares the same point of view on this problem.

<sup>14</sup> Belin, 301.



*freedoms and independence and is being transformed into a mean of expression of the state ideology.*

Based on the current state of art described above, several questions for the present research arise: How and to what extent has the further change of the regime towards authoritarianism influenced the development of the Russian media? Does the state apply censorial policy to all the mass media outlets or to selected ones only? What is the degree of media objectivity in terms of Russia's political realia? What is the reaction of the media community and citizens towards the censorial actions of the state? How has the media legislation changed and how have the new media-related laws and policies being applied during the period of Putin's presidency?

Russia is usually referred to the group of countries in-transition, which exist in a "grey zone", as Carothers defines it, where democratic features co-exist with "serious democratic deficits, often including poor representation beyond voting, frequent abuse of the law by government officials, elections of uncertain legitimacy, very low levels of public confidence in state institutions, and persistently poor institutional performance by the state."<sup>15</sup> Nevertheless, I consider Russia and the Russian media case to be unique ones in a way that not all the theories of democracy, be they general or specific, can be applied to them.

On the one hand, according to the general theory of democracy, the media as a mean of expression of the public opinion is considered to be not only the element of democracy but also the indicator of regime.<sup>16</sup> On the other hand, in non-democratic states, the media can be forced to speak only on the behalf of the ruling elite, which in turn can and usually do impose various own rules and limitations on them. Vladimir Putin, soon after his succession, decided

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<sup>15</sup> John Squier, "Civil Society and the Challenge of Russian Gosudarstvennost," *Demokratizatsiya* (Spring 2002), [http://findarticles.com/p/articles/mi\\_qa3996/is\\_200204/ai\\_n9066740](http://findarticles.com/p/articles/mi_qa3996/is_200204/ai_n9066740).

<sup>16</sup> Clive Barnett, *Culture and Democracy: Media, Space and Representation* (Edinburgh: Edinburgh University Press, 2003).

to implement strict control over the media outlets, especially television broadcasters by introducing hidden (or ‘soft’) censorship.<sup>17</sup> Natalya Krasnoboka explains this as an introduction of *façade democracy*, which is “formally proclaiming democratic principles, freedom of speech, plural and equal access, powerful authorities continue the Soviet traditions of media control.”<sup>18</sup> Nowadays only the Internet in Russia can be seen as a possible source of non-censored and non-controlled information, while the other media are facing the deep troubles and sometimes have to self-censor themselves in order to save at least some bits of objectivity.

In this case, the problem of definition of the censorship as a form of state control arises, which basically has two aspects. The first is identification of censorship as the ways of imposing state-control on the media through forced editorial self-censorship, nationalization of the main private and/ or oppositional media outlets, and other means of pressure upon the journalists’ activities. The second one is the line of demarcation between direct and indirect types of censorship as far as both are actively used by the state.

According to the Constitution of the Russian Federation, censorship is prohibited;<sup>19</sup> however, the examples of violation of this law are various and numerous. Usually, it is legislation that outlines the rights, norms and regulations for a country and its inhabitants. As far as the legislation towards media in Russia is vague and underdeveloped, it lets the authorities interpret it in the most beneficial for them way. Thus, by studying the Constitution and laws, the recently adopted or amended ones are of a special concern, we can figure out, how the

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<sup>17</sup> The term and the concept itself are discussed in details in Chapter 2.

<sup>18</sup> Natalya Krasnoboka, “‘Real Journalism Goes Underground: The Internet Underground’: The Phenomenon of Online Media in the Post Soviet Union Republics”, *International Communication Gazette* 64 (2002): 479-499.

<sup>19</sup> The Constitution of the Russian Federation, (1993), art. 29, sec. 5.

state influences and regulates the media to make it more obedient and less oppositional (or non-oppositional at all).

The research is based on a complex methodology, composed of analytic narrative, process-tracing, case study and qualitative comparative analysis of two periods: prior to and after 1996. Firstly, I look at the forms through which the direct and indirect types of censorship manifest themselves. Main methodological methods in this part of the analysis are case study combined with data received from the interviews, which were conducted with the representatives of Russian NGOs, Andrei Richter, the director of Moscow Media Law and Policy Institute, and students of the Journalistic department of Moscow State University. These were made during my trip to Moscow in April 2008 and via e-mail. I also base my findings on the data and reports provided by independent sources, such as Human Rights organizations, other NGOs and various statistical centers. Secondly, I study the mass media situation in modern Russia in three different dimensions: *legal*, as I look at the contemporary media laws and related to it legislation and the ways they are being implied; *economic*, where the ownership of the media outlets is the cornerstone; and *societal*, as I describe the interrelations between the state, journalists and the society. This combination of methods and approaches is ideal to conducting a research, because it helps to create a full vivid picture of censorship in the Russian Federation.

The structure of the thesis is as follows: I begin the first chapter with the historical overview of the Russian media starting from the end of the Soviet times to the present days. After this I take a close look at the four types of the media that exist on the modern Russian media market: print press, television and radio broadcasting, and online media, as I believe it helps to better understanding of the current situation the Russian media is in. Then, in the second chapter, I discuss the concept of censorship and the reasons for its emergence in Russia.

Having defined the concept and its parts, I move to the description of a notion of political censorship in Russia particularly. This is followed by chapter three, where I discuss the ‘direct’ type of censorship and its subtypes. Finally, in the fourth chapter I then present the ‘indirect’ type that includes media ownership leapfrogging and infringements upon journalists; and my concluding remarks.

# Chapter 1: Historical Overview on the Development of the Russian Media

In this chapter I show how the historical past of the country has influenced the current state of the Russian media and the level of its freedom. I find it necessary to give a brief overview of the main media constituencies, such as television and radio broadcasting, print media and online media, before turning to the detailed discussion of the concept of censorship.

## 1.1 A Path from the Soviet to the Russian Media

In the Soviet era the media, especially printed press and radio broadcasting, were very developed and popular among the citizens. Almost every household had an opportunity to receive radio and television signals, to buy newspapers and magazines that were issued in huge quantities. However, the information published or transmitted was ‘ideologically washed’ via censorship and editorial self-censorship. The Communist party and KGB strictly kept their eyes on how Marxist-Leninist ideology was represented in the media outlets. Nevertheless, the opposition managed to reveal itself in creating *samizdat* – underground publishing networks.

Gorbachev’s *perestroika* is considered to be a “golden age of public journalism”<sup>20</sup> as it gave reporters and journalists freedoms and independence in expressing thoughts and opinions that have been preserved for years because of the fear of punishment. Now they had an opportunity to express their attitude towards corruption, catastrophes (both inside and outside the country), national conflicts and wars. Later on, the media felt its power and ability to change citizenry minds. But after the presidential elections of 1996, when the notion of “information wars” came into existence, the authorities realized to what extent the media can

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<sup>20</sup> Krasnoboka (2002).

be powerful and influential in giving positive or negative coverage of their actions. Yeltsin got his second presidency (in 1996) mostly because of the media's help, and tried from time to time to keep 'friendly' policy towards them (e.g. he gave the status of the national channel to NTV, the only big private television broadcaster that times); however, 1996 is considered to be a critical point, since the control over the media activity was introduced and then strengthened by Vladimir Putin.

On the current Russian media market the following media are represented: printed press, the power of which is now in decline, television and radio broadcasting that are now facing the pressure from the government side, and the online medium, which is gradually becoming a voice of opposition and last stronghold of objectivity. Federal Agency for the Press and Mass Communications reports that the number of registered media in Russia is 66,931 as of January 2006.<sup>21</sup> However the media market grows rapidly: if in 1997 the number of registered periodicals was hardly above 21,000, less than a hundred of TV companies and almost no online media, and the bigger part of outlets were state-owned; in a decade there were already more than 58,000 periodicals, 5,500 broadcasting companies and some 14,000 electronic media. In 2006 the state's share in the print press market totaled less than 10%, and even less than that in online market.<sup>22</sup>

## **1.2 Print Press**

Russian society traditionally has been considered a "nation of readers" in the Soviet period. During that time almost all the households were subscribed to several central and local newspapers and magazines. The most popular ones were the central print outlets: *Izvestiya*, *Pravda*, and *Trud*, which covered the whole country. Speaking about the specific journals and

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<sup>21</sup> Federal Agency for the Press and Mass Communications' reports, <http://www.fapmc.ru>.

<sup>22</sup> Nikolai N Petro, "Russia as Friend, not foe", *Asia Times Online* (February 17, 2007) [journal on-line], [http://www.atimes.com/atimes/Central\\_Asia/IB17Ag02.html](http://www.atimes.com/atimes/Central_Asia/IB17Ag02.html).

magazines, the subscription rate for them was pretty low, though the circulation was rather high. Natalya Krasnoboka explains the existence of such phenomenon that it was “due to the state system of media financing, in which the idea of media profitability did not play any significant role.”<sup>23</sup>

Before *perestroika* and the collapse of the Soviet Union, the media used to be censored and self-censored to make sure it reflect the right interpretation and implementation of the communist ideology. But since the mid 1980s a fresh wind of change blew and the media has got the independence as well as the opportunity to use its right to the freedom of expression. A lot of oppositional printed outlets appeared, the majority of which, though, soon faded away, because of the lack of state financing and subsidizing. The authorities and businessmen realized very quickly that television could have been a new weapon to get the power and invest money in, thus, print outlets became the “first victims of commercialism.”<sup>24</sup> The situation turned better in the mid 1990s when the new fashion and entertainment magazines came into existence, the majority of them being the Russian versions of the popular Western ones (e.g. *Lisa*, *Cosmopolitan*, *Playboy*). Later on, political, analytical and business-oriented specific magazines and journals appeared (e.g. *Kommersant*, *Russian Newsweek*). With the beginning of the so-called information wars, in the second half of 1990s, the Russian business and political circles realized that the printed press can also be helpful and either bought the newspapers that existed as a Soviet legacy or established new ones to serve their parties and interests. Nowadays the major Russian newspapers are owned by wealthy banks and resource companies such as *Gazprom* and *RAO EES* (Russia’s Unified Energy Systems), that, in turn, have tight connections with Kremlin. The *Glasnost Defence Foundation*<sup>25</sup> mentions that up to

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<sup>23</sup> Natalya Krasnoboka, “Media landscape - Russia” (n.d.), [http://www.ejc.net/media\\_landscape/article/russia/](http://www.ejc.net/media_landscape/article/russia/).

<sup>24</sup> Krasnoboka, (n.d.)

<sup>25</sup> Glasnost Defence Foundation’ reports, <http://www.gdf.ru>.

97% of the newspapers outside Moscow and St. Petersburg are owned or controlled by local authorities. Thus, the materials issued are rather biased, and objectivity is somewhat lost, the strongest manifestations be referred to the election times – the time for ‘black PR’.<sup>26</sup>

According to the data, provided by Kranoboka (with reference to Ministry of Press data), there are approximately 40,000 (other sources even count up to 49,000) officially registered printed media outlets on the current Russian media market.<sup>27</sup> If observe the consumer’s (reader’s) behavior, it is noticeable that people nowadays are more likely to buy newspapers and magazines than subscribe to them, or use online versions.

### **1.3 Television Broadcasting**

The Russian television history traces back to late 1950s – early 1960s. Since those times it was considered to be the most popular news and entertainment media provider. In the beginning there was only one channel that broadcasted for only several hours a day. By 1991 the state television network already consisted of four national channels, 78 regional stations and 52 stations in the post-Soviet republics.<sup>28</sup> Nowadays reports show that there are 14 national terrestrial channels that can be received for free, also an average Russian citizen, depending on the area of inhabitation, can have access to 20-80 free cable channels as there is no fee for viewers in case of national and cable TV channels. There also exist hundreds of channels both national and international provided four satellite TV providers, and first attempts are done for the digitalization of the television broadcasting.<sup>29</sup> According to the

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<sup>26</sup> One of the Public Relations techniques used during the election campaigns, when candidates try to increase their ratings and popularity by spreading negative information about their competitors.

<sup>27</sup> Natalya Krasnoboka, (n.d.)

<sup>28</sup> Sada Aksartova, Floriana Fossato, Anna Kachkaeva and Grigory Libergal, *Television in the Russian Federation: Organisational Structure, Programme Production and Audience* (Strasbourg: European Audiovisual Observatory, 2003): 1, [http://www.obs.coe.int/online\\_publication/reports/internews.pdf](http://www.obs.coe.int/online_publication/reports/internews.pdf).

<sup>29</sup> Kachkaeva *et al* (2006): 11.



report provided by the Federal Agency for the Press and Mass Communications, there are 14,290 registered broadcast media companies as of January 2006.<sup>30</sup>

Despite the fact that television broadcasting in Russia is in constant development, still a lot of problems exist. One of them is the full access to the TV resources – in 2005 50% of the population could watch from 5 to 9 channels only (it usually includes at least two national channels, *First channel* and *Rossiya* channel, one regional and one local). Though Russia has inherited a wide network of transmitting stations, still there is a lack of them. What is more, it is the state that owns 86% of regional TV and radio broadcasting centers and TV transmitters, and sometimes the possibility to use them by private broadcasters is distributed unevenly, that in turn leads to the lack of real competition and lets the authorities control the players on the market.<sup>31</sup>

If take a look at the content of the programs I should admit that it has become more diverse, entertaining and less political to serve the needs of the segmented audience. Experts say that this change happened not only because of the better profitability of entertainment programs, but also because there is less criticism of the leading party in them.<sup>32</sup> This state of things perfectly corresponds the spread out of the authorities' control over the media, as all nationwide broadcasting channels are either being owned by the state or by the near-Kremlin business-political companies.

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<sup>30</sup> “Means of Mass Information, Book Publishing, Printing: 2005 results and development perspectives”, Inter-industry Conference, graphs and diagrams provided by the Federal Agency for the Press and Mass Communications led by M.V.Seslavinsky”, (2006).

<sup>31</sup> Kachkaeva *et al* (2006): 77.

<sup>32</sup> Kachkaeva *et al* (2006):7, 84.

## 1.4 Radio Broadcasting

Radio is considered to be a mainly entertainment medium on the Russian media market. Number of the officially registered radio stations is more than 2,300, also there broadcast several famous foreign radio stations, *Radio Liberty* and *Voice of America* among them. The most popular among the radio stations that provide news and analytical programs are *Radio Mayak*, *Ekho Moskv*y (Echo of Moscow), and *Radio of Russia*.

## 1.5 Online Media

First used in the middle 1990s, the Russian Internet (Runet) has reached large popularity, especially in last 7 years. According to TNS Gallup report summary, monthly audience exceeded the barrier of 15 million of users in November 2006.<sup>33</sup> Still it cannot compete with developed countries mainly due to the problems of penetration and the accessibility to it by Russian population, as lots of people can use the Internet only at their workplaces or in some rare Internet-cafes. The core users are usually representatives of political and intellectual elites: students and professors, researchers and employees of international joint ventures, journalists and the security officers, politicians and authorities. According to the Regional Public Center of Internet Technologies,<sup>34</sup> the majority of the Internet users live in Moscow and St. Petersburg. Krasnoboka, in her review of the Russian media landscape, says that there already exist almost 900 officially registered online periodical outlets.<sup>35</sup> She also claims Russia to be one of the first countries where in 2000s a new genre, *online journalism*, as well as *online-only news* organizations appeared and received fast development, e.g. *Gazeta.ru*, *Lenta.ru*, *Utro.ru*, *Dni.ru* and others. When after several tragedies and catastrophes, like the sank submarine *Kursk* and 'Nord-Ost' terroristic act, the state authorities decided to

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<sup>33</sup> TNS Gallup report summary (2006), <http://www.tns-global.ru>.

<sup>34</sup> Regional Public Center of Internet Technologies' reports, [http:// www.rocit.ru](http://www.rocit.ru).

<sup>35</sup> Krasnoboka (n.d.)

strengthen their control and implement some kind of censorship over the information provided by the printed and audiovisual media, a lot of people started considering the Internet as the only source of trust-worthy and up-to-date news. In her research on original online media, Natalya Krasnoboka shows concern about these online outlets as though they “have emerged as a counter-reaction to increasing censorship and self-censorship in traditional media” now both users and the state perceive them as fully oppositional and biased even when they provide independent opinions.<sup>36</sup>

Nowadays ruling elites actively use the vast *Runet* opportunities. They either create their own web-sites or buy those with strong connections to the state television. Moreover, there is a tendency among the Kremlin-connected oligarchs to buy the biggest, developed, and most popular web-portals.<sup>37</sup> However the opposition also uses the same methods.

Though the overview of the main historical and developmental points given in this chapter is brief, it shows the state of art in the contemporary Russian media and helps to better understanding of the reasons, methods and justifiability of the censorship, that will be fully discussed in the following chapter.

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<sup>36</sup> Krasnoboka (2002).

<sup>37</sup> Bertrand Pecquerie, “Russia: Oligarchs Building New Media Empires”, *The Editors Weblog* (November 17, 2006), [http://www.editorsweblog.org/print\\_newspapers/2006/11/russia\\_oligarchs\\_building\\_new\\_media\\_emi.php](http://www.editorsweblog.org/print_newspapers/2006/11/russia_oligarchs_building_new_media_emi.php).

## Chapter 2: Censorship: Reasons and Types

This part of the thesis is of an introductory character as it discusses the general academic approach to the concept of censorship and specifies its types. It also gives economic, political and social reasons of the emergence of censorship in Russia and describes the notion of Russian political censorship.

### 2.1 Reasons

Since times of ancient Greece up to the present, scholars tried to describe and define the best possible social order. One of contemporary scientists, Rudolf Rummel defines the concept the following way: “By democracy is meant liberal democracy, where those who hold power are elected in competitive elections [...]; where there is freedom of speech, religion, and organization; and a constitutional framework of law to which the government is subordinate and that guarantees equal rights.”<sup>38</sup> So, apart from the specificity of a balanced political rule, democracy provides people with different freedoms and the possibility to exercise them. What is more, judging from the democratic theory, we expect that the more democratic the country is, the more human rights and civil liberties are given to its citizens (and if the level of the country is lower when compared to others, we expect to find less freedoms in it).

However, it was not only the change in political regime towards authoritarianism and the rule of *siloviki* (a collective term for all the military and security high-ranking officials) that influenced the return and strengthening of censorship, but also rapid economic development of the country. In some ten years Russia managed to breathe life into its faded industries and become one of the geopolitical weapons possessing world power. Being the only supplier of energy and oil and gas resources for many European and other countries, the state does not

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<sup>38</sup> Rudolf J. Rummel, *Power Kills: Democracy as a Method of Nonviolence* (Transaction Publishers, 1997).

care much about its reputation of unjust country where the constitutional rights are being constantly violated or neglected. The higher the oil prices, which break the record every day since recently, the lesser authorities are subjective to the opinion of the West. Even though in 1998 Russia ratified the European Convention on Human Rights, it neither tries to follow it, nor does it pay any attention to the European Court of Human Rights decisions.<sup>39</sup>

Another reason to be listed is that after *Yedinaya Rossiya* (The United Russia – pro-presidential political party) got the majority of the seats in the State Duma in 1999 parliamentary elections, the main contradictions between president and parliament have faded away, as well as the necessity in positive mass media coverage of their interrelations. All these resulted in worsening of the position of the media as its economic privileges started gradually be taken away by both executive and legislative estates.

The third reason is the forced reduction in power of the most influential oligarchs who owned numerous mass media outlets and could have act one day as a real opposition as they had an opportunity to disseminate their political ideology and manipulate public opinion through their analytical and news programs. Step by step the authorities removed irreconcilable players while other oligarchs decided to behave Kremlin friendly.

The last but not the least reason of the appearance of censorship in Russia that is named by scholars is that Putin was never involved in the Constitution drafting or media freedom issues before he came into power, thus he felt “less responsibility as a guarantor of the current rights of the media.”<sup>40</sup>

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<sup>39</sup> *Law, Judiciary and Media Freedom in the Russian Federation*. Report of the Moscow Media Law and Policy Institute (Moscow, 2004), [http://www.medialaw.ru/e\\_pages/publications/ljmf.htm](http://www.medialaw.ru/e_pages/publications/ljmf.htm).

<sup>40</sup> *Law, Judiciary and Media Freedom in the Russian Federation*.

## 2.2 Defining the Concept and Types of Censorship

Definition of the concept of censorship, as well as the ways its interpretation, vary as they depend on the meaning every branch of science studying it put into it. Generally, the concept of censorship can be defined as:

the changing or the suppression or prohibition of speech or writing that is condemned as subversive of the common good. It occurs in all manifestations of authority to some degree, but in modern times it has been of special importance in its relation to government and the rule of law.<sup>41</sup>

Usually scholars distinguish four major types of censorship: moral, military, political, and corporate, the two last being in the center of debates. It is a widely shared opinion that ‘subtle’ corporate censorship gradually replaces a harsh political one. Along with Hedwig De Smaele I would agree that they co-exist and even overlap; nevertheless, the state has much more power to apply censorship and even veil it as a “friend or protector instead of aggressor of press freedom.”<sup>42</sup>

Due to the specificity of the research area (that is political science), I observe only one type – that is *political censorship* – which occurs when state authorities dissemble or not disclose secret information from the citizens.<sup>43</sup> Thus, political censorship can be described as a concealment of information done by ruling elites in order to prevent social disturbances or negative representation of the governmental actions, or control over opposition with the help of secret service, civil and military forces. Usually authorities try to achieve positive representation in and by media and use their potentials for gaining the benefits. However, the balance between objective, non-biased but positive representation of elites can be easily

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<sup>41</sup> *Britannica Online Encyclopedia*, s.v. “Censorship”, <http://search.eb.com/eb/article-9108315>.

<sup>42</sup> Hedwig de Smaele, “Limited Access to Information as a Means of Censorship in Post-Communist Russia”, *The Public* 11 (2004) : 67.

<sup>43</sup> *Wikipedia, the Free Encyclopedia*, s.v. “Censorship”, <http://en.wikipedia.org/wiki/Censorship>.

broken by the state implying various forms of censorship over the media in order to keep out the majority of its citizens from political news and information. The forms of censorship that take place in Russia can be grouped into “state-enabled oligarchic control, broadcast monopolies of presidential “families,” judicial persecution and subtle and overt forms of intimidation.”<sup>44</sup>

Censorship as well as its abolition are seen by some scholars as a dynamic phenomenon that synchronically develop with the political system in the process of democratization.<sup>45</sup> Censorship usually occurs in the countries where the majority of mass media, such as state television (or national TV channels), radio stations and printed press, are connected with or directed by the state. These media are not financially independent enough to live only on advertising revenues or subscription fees, thus, in order to survive they have nothing to do but to become subordinated and controlled by the state via editor appointment or biased distribution of broadcasting frequencies. Ideally, even if there is a case that state helps to manage those media outlets financially, it should be also possible for it not to interfere into the editorial business and matters of content. However, this model does not often work, as happened in CIS.<sup>46</sup>

In politics, freedom of mass information is one of the inevitable components that indicate the democratic development of the country and help to implement its national policies and

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<sup>44</sup> Christopher Walker, “Muzzling the Media: The Return of Censorship in the Commonwealth of Independent States” (Freedom House, 2007): 1.

<sup>45</sup> Andrei Richter, *Post-Soviet Perspective on Censorship and freedom of the Media* (Moscow, 2007): 18.

<sup>46</sup> For more information on the concept of censorship, its types and implications see *Censorship*, ed. Robert Emmet Long, *The Reference Shelf* 62, no.3 (New York, 1990); *The Administration of Aesthetics. Censorship, Political Criticism, and the Public Sphere*, ed. Richard Burt (Minneapolis: University of Minnesota Press, 1994); *The Red Pencil. Artists, Scholars, and Censors in the USSR*, ed. Marianna Tax Choldin and Maurice Friedberg (USA: Unwin Hyman, 1989); Sue Curry Jansen, *Censorship. The Knot That Binds Power and Knowledge* (Oxford University Press, 1991); George Schöpflin, *Censorship and Political Communication in Eastern Europe* (New York: St. Martin’s Press, 1983); and Ellen Mickiewicz, *Split Signals. Television and Politics in the Soviet Union* (Oxford University Press, 1988).

ideology. At the same time it should also reflect and transmit to the authorities what is happening to citizens, their reactions on elite's activities.

Some scholars oppose censorship and freedom of mass information. However, history shows that abolition of censorship does not equal the immediate freedom to produce and disseminate mass information. Sometimes it can only be a seeming visibility of freedom and independence that later can fade away as it happened in Russia when the state has gradually limited these civil rights.

### **2.3 Political censorship in Russia**

Before Yeltsin came to power, mass media regulations were based on Lenin's 1917 Decree *On the Press*,<sup>47</sup> which declared "full freedom within the limits of responsibility before the court" comprehend by "a broad and progressive... legislation" and set up "temporary and extraordinary measures to stop the flow of dirt and slander." However, this decree was not revoked a single time, and the citizenry got the chance to use the freedoms declared in it only with the promulgation of the USSR law *On the Press and Other Mass Media* (1990) that abolished censorship and successive the Russian Federation Law *On the Mass Media* (1993<sup>48</sup>).<sup>49</sup>

This Law has also allowed establishing private media outlets for people with Russian citizenship and stated that owners should not interfere into editorial matters with some

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<sup>47</sup> Decree "On the Press" (1917).

<sup>48</sup> This law "On the Mass Media" has been amended for 20 times already, the last one done on July 2008. The latest version in English is available from <http://www.medialaw.ru>.

<sup>49</sup> Andrei Richter, "The Russian Press After Perestroika", in *Russian Media Law and Policy in the Yeltsin Decade*, ed. Monroe E. Price, Andrei Richter, and Peter K. Yu (The Hague: Kluwer Law International, 2002): 5.



exceptions. But nowadays the latter provision seems to be out of order as in many cases founder can be sponsors or editors on their own.<sup>50</sup>

Deriving from the provisions of article 29 of the Constitution, the main Law of the Russian Federation, adopted by national referendum in December, 1993, and article 1 of the law *On Mass Media*, freedom of speech and information can be defined as a *right of citizens to freely look for, retrieve, receive, transmit, produce and disseminate information by any legal method, as well as to establish, possess, use and dispose mass media outlets, to produce, acquire, store and use technical facilities and equipment, materials necessary for the production and distribution of the mass information products*. However, though this right is declared not to be liable to any restrictions, there still exist limitations determined by federal laws and Criminal Code, and Constitution itself (Article 55) that are set “in the interests of protecting the Constitution, morality, health, rights and lawful interests of other people, or for the defence of the country and national security”, e.g. in case of dissemination of the data comprising state secrets.

In my thesis I distinguish and describe two types of censorship both conducted by the state – direct and indirect. The first type can be called *direct, open*, or “*soft*” and consists of legal or legitimate limitations of the freedom of mass information implemented via various statutes, such as laws on licensing, ownership, countering terrorism and extremism, and also pressure “from above”. The second type can be characterized as *indirect* or *hidden* censorship, the existence of which can hardly be proved; however, withdrawing licenses, setting media organizations on fire, using police, health, anti-epidemic and tax inspections (that usually “find” some violations, followed by sanctions) are not a rare case when the state wants to demonstrate its power and control over any singly issue. Sometimes, in order to make the journalists keep silent the authorities can even take the ultimate measures, such as threatening,

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<sup>50</sup> *Post-Soviet Media Law and Policy Newsletter* 32 (5 September 1996): 7.

sewing legal and criminal suits, and even killing, as it was in cases of Anna Politkovskaya, Gregory Pasco cases and others.<sup>51</sup>

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<sup>51</sup> See also “Promoting Freedom of Expression,” OSCE Special Meeting, Vienna, (March 12–13, 2001), [http:// www.osce.org](http://www.osce.org).

## Chapter 3: Direct Censorship

### ***3.1 The concept of ‘soft censorship’ and forms of the state abuse of freedom of mass information***

As mentioned above, the type of censorship that can be proven of taking place is called *direct* censorship. But it also known as ‘soft censorship’: this term was introduced by Andrei Richter, who defines it as “the use by authorities and officials of means at their disposal (by virtue of their status) to exert direct or indirect pressure on media and journalists in order to restrict the gathering, production and distribution of mass information so as to secure their own political interests and ensure lack of monitoring of their political activities.” He also adds that “the consequences of political censorship are debasement of democratic principles, self-censorship by journalists, declining public confidence in both the media and the authorities, and increasing alienation between society and state.”<sup>52</sup>

Richter distinguishes eight groups of limitations on freedom of mass information: 1) informal circulation of the guidance to the media by authorities (“telephone censorship”), 2) refusal of state or state-controlled media infrastructure to serve independent or oppositional outlets, 3) restrictions set on the access to information and advertising for disloyal media, 4) abuse of state subsidies and monopolies, 5) abuse of regulatory and supervisory functions, 6) abuse of defamation laws, 7) “in-house censorship”, and 8) illegal pressure.<sup>53</sup>

Though I agree with Richter’s definition of the concept and classification of “soft censorship” subtypes, I rather consider some of the cases he describes as a manifestation of the hidden censorship. For example, I find it hard to prove that the direct censorship took place in cases of broadcast license tender distribution or selective inspections of or raids at editorial offices

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<sup>52</sup> Richter (2007), 49.

<sup>53</sup> Richter (2007), 33 – 51.

(*abuse of regulatory and supervisory functions* subtype); thus I describe this type of abuse of the freedom of mass information done by the state in a part on hidden censorship, particularly, on infringements upon journalists. The other difference between Richter's and mine approaches towards the classification of censorship types from the attitude towards the abuse of defamation laws. Though I admit that these laws are seen to be rapidly gaining a broad popularity as the number of the cases brought to court has drastically increased in some ten years, I do not consider them be a full manifestation of the direct censorship.

Thus, in this part of the chapter I elaborate on Richter's subgroups of "soft censorship" and provide the examples of the state abuse of freedom of mass information in Russia based on the recent cases.

### **3.2 Guiding the media informally**

The first one to be named is the *informal circulation of the guidance to the media*. The colloquial term for this type is a "telephone censorship" as it comes from the Soviet past when it was enough for the state representative to make a call to an outlet to ban the materials or announce special orders "from above" on some of them. As Vitaliy Tretyakov puts it: "friendly censorship is the most powerful form of censorship currently in existence, apart from direct threats against journalists."<sup>54</sup>

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<sup>54</sup> Vitaliy Tretyakov, *Kak stat' znamenitim zhurnalistom* (How to become a famous journalist) (Moscow, 2004): 70.

### 3.3 State vs. Private Businesses

This type of state interference is applied not only to the content, but also to the *interactions between the state and private or alternative outlets* as the former can be forced to reject any deals with the latter. The best example for it is the refusal of state printing houses to perform the order of the oppositional media companies: three thousand copies of *Orlovskaya Iskra* newspaper (its total circulation for regional subscribers) were stolen from dispatch office of Orel's printing-house on February 27, 2008. This issue was not only the last pre-election edition but it also contained two 'spicy' articles. One was about the waste of money from federal budget by Office of Public Prosecutor; the other was telling the story about the connections of governor's assistant with a recently arrested businessman, charged with unlawful possession of a weapon and drugs. The chief editor Svetlana Polyanskaya immediately appealed to the local police office; however they showed no concern to the case. The next day she came to the printing-house again, willing to talk to its director in order to clear up the situation with the missing copies and order new ones. But the security did not let her in as they received the direction from above to not let anyone from this oppositional newspaper in as well as not to take any materials. This printing-house is also famous for termination of the contract with another regional newspaper *Krasnaya Stroka* after its articles on corruption in local government bodies.<sup>55</sup>

### 3.4 Limiting the Access to Information

*Restrictions set on information and advertising* are another and one of the most powerful means of preventing journalists and news agencies from doing their job. The recent case of such an abuse of the constitutional right to freely look for, retrieve and receive information took place on April 7<sup>th</sup>, 2008, when all the journalists were withdrawn the right of free access

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<sup>55</sup> *Weekly Bulletin* 9 (268), (Center for Journalism in Extreme Situations, February 26 – March 3, 2008), [http://www.cjes.ru/bulletin/?bulletin\\_id=2829&country=Russia](http://www.cjes.ru/bulletin/?bulletin_id=2829&country=Russia).

to the White House (where government works), with all the official information on the work of government to be disseminated directly to editorial offices by electronic means of communication and in weekly press-conferences. Unofficial contacts of the White House employees with journalists were also banned.<sup>56</sup>

One more case of abuse of the access to information right happened earlier, in January 2008, in Ingushetia, one of the Russian constituencies. Some of the journalists who were supposed to cover the political mass-meeting of the opposition planned on January 26 were either not allowed to enter the place or arrested while on duty. The explanation provided by the authorities stated that January 25<sup>th</sup> was announced as a counter-terrorist operation day that meant the special terms and conditions for the journalists when covering the news. What is interesting, is that the journalists managed to enter the republic freely and received no information on the coming “counter-terrorist operation” in advance. Semyon Yeremin and Konstantin Shalyapin, the reporter and the cameraman of the *Fifth Channel* respectively, were kept in the building of the State Administration of Domestic Affairs (GUVD) for more than seven hours, with the legal explanation of checking the motives of their visit to Nazran’, the capital of Ingushetia. Both men were asked to declare what they knew about the operation in a written form. *Russian Information Agency*’s Said Tsarnayev and *Zhizn*’ newspaper’s Mustafa Kurskiev were arrested in the center of Nazran’ when taking pictures of *Serdalo*’s editorial office set on fire. Later they both were accused of the arson as well as of showing resistance to the authorities by Justice of the Peace and fined for public nuisance. However, the police extended their detention for up to one day. Also, several more correspondents were caught by police, among them journalists working for *Echo Moskv*y radio station and *Radio Liberty*, *Novaya Gazeta* newspaper and even *Russia* television channel (the state one). They also spent

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<sup>56</sup> Peter Netroba and Alla Barahova, “Beliy Dom Zadrail Cherniy Vhod” (White House Closes Back Entrance), *Kommersant* 57 (Moscow, April 7, 2008), <http://www.kommersant.ru/doc.aspx?DocsID=877358>.

several hours in Nazran' GUVd, with their equipment and documents taken away. The president of the Glasnost' Defense Foundation Alexey Simonov commented on the situation that "problems with the access to information in Ingushetia will only increase" and made an unfortunate prognosis, that it will follow the Chechen case, where the state has seriously infringed the journalists for reporting true facts.<sup>57</sup>

### **3.5 Financing the Outlets**

One more type of direct censorship is the *abuse of state subsidies and monopolies*: it reveals itself the best when analyzing the terms of financing the state broadcasters as compared to the independent ones. Since 1995 the government has gradually spread its influence on private media outlets: that year the State Duma adopted two federal laws directed on the development of Russian mass media, that, basically, made middle and small-sized media companies more dependent on state and its subsidies, *On Economic Support of District (Municipal) Newspapers*, that provided subsidies and donations for publications included in the Federal Register, and *On State Support of the Mass Media and Book-Publishing*, in which among other provisions the restrictions on the privatization of media outlets were defined. Later on several amendments were made on these statutes that introduced same terms of tariffs paying and taxation for all the types of media outlets.

### **3.6 "In-house Censorship"**

One last type of censorship is called, to follow Richter's terminology, "*in-house censorship*". It occurs when editors or directors of media outlets take programs off the air, as it happened in 2004 with NTV's *Namedni* program on Chechen leader. The program was already shown on Far East of Russia, but then general director ordered to take it off the air on the request of

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<sup>57</sup>*Weekly Bulletin* 4 (263), (Center for Journalism in Extreme Situations, January 26 - 28, 2008), [http://www.cjes.ru/bulletin/?bulletin\\_id=2784&country=Russia](http://www.cjes.ru/bulletin/?bulletin_id=2784&country=Russia).

security agencies. Another example of abuse of freedom of mass information of this type was conducted by the management of the largest independent network *The Russian News Service*. It was called a “50 percent rule” which obliged the reporters to have at least a half of the ‘positive’ news coverage about state of things in Russia. This directive was introduced in the beginning of 2007 by new, Kremlin-friendly managerial staff that previously worked at state-related *Channel One*. However, eight journalists are reported to quit the company to show their disagreement with its politics of censorship.<sup>58</sup>

### **3.7 Total Censoring from above**

Finally, the last type of the ‘soft censorship’ is the direct *interference of authorities into editorial business*. It can be camouflaged in order to stabilize situation. The Chechen Republic’s nationalities, information and external affairs Minister Ibragimov famously said in one of the interviews: “I, as the minister for the press... can prohibit publication. Not because I wish to conceal the truth but because we are at war with terrorists and it might place specific individuals in danger. It cannot be said at present that full freedom of speech exists in Chechnya.”<sup>59</sup>

The case of implementation of direct censorship in March 2008, in Severouralsk’s newspaper *Nashe Slovo*, famous for its coverage of opposition between city-forming bauxite mining company SUBR and its miners. For example, the newspaper authorities refused to publish materials on miners’ actions of protest, and introduced the replacement of actual articles with official press-releases by SUBR. According to Nadezhda Khromyh, a journalist working for the newspaper, once she prepared a long report about the miners who refused to leave a mine. After the issue was already imposed she was invited for a “talk” to the city administration

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<sup>58</sup> Walker, 10.

<sup>59</sup> *Novie Izvestiya* newspaper, (March 18, 2005): 5, quoted in Andrei Richter, *Post-Soviet Perspective on Censorship and freedom of the Media* (Moscow, 2007): 49.



office; the newspaper was not published. Since that time, all the articles on striking miners have been either seriously cut or not published at all. Khromyh claims that nowadays the head of the SUBR press service finds it possible to dictate the chief editor of *Nashe Slovo* what should be published and what is not. The explanation of such a strict control over the publications is basically that both the newspaper's founders, who are the Severouralsk mayor Vasiliy Brezhatenko and a municipal дума, support the interests of the SUBR owners.<sup>60</sup>

### **3.8 Russian Media Laws and Policies**

The interference of the state in the mass media has drastically increased while Putin was present, as many changes in media legislation were done to scrutinize the freedom of information. If prior to 2002 those changes as well as the state and the mass media interaction referred mainly to organization, legislation, financing, administration and licensing; during the last six years the discussions on and amendments of the media legislation have been only content oriented: particularly, on restrictions of pornographic and violent scenes on TV, and on the 'patterns of behavior' for the media when covering extremism and terrorism.<sup>61</sup> Among them is the new provision in the law *On the Mass Media*<sup>62</sup> that defines the impossibility of free communication with extremists and terrorists in sake of state and citizens security. Also the state has started to issue various and numerous warnings to the broadcasting and print companies, sometimes with no approved legal grounds for it as, for example, revealing the information about probable terrorists.

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<sup>60</sup> *Weekly Bulletin* 17 (276), (Center for Journalism in Extreme Situations, April 22 - 28, 2008), [http://www.cjes.ru/bulletin/?bulletin\\_id=2905&country=Russia](http://www.cjes.ru/bulletin/?bulletin_id=2905&country=Russia).

<sup>61</sup> Kachkaeva *et al* (2006), 17.

<sup>62</sup> Law of the Russian Federation "On Mass Media", No. 2124-1 of 27 December 1991, last amendment of 8 December 2003, [http://www.medialaw.ru/e\\_pages/laws/russian/massmedia\\_eng/massmedia\\_eng.html](http://www.medialaw.ru/e_pages/laws/russian/massmedia_eng/massmedia_eng.html).

However, the need to control the spread of information and its ideological purity was already declared in 2000, when the *Doctrine of Informational Security*<sup>63</sup> was adopted by the Security Council of the Russian Federation. This document is aimed at establishing legal grounds for a deep involvement of the state into the mass media activities and covers a wide range of security related issues, starting from the definition of the national interest to description of main threats and their sources to main tasks and methods of ensuring this security in various spheres of state and citizens activities. In *Doctrine* contemporary Russian media is accused of limiting the citizens with their “human right for the freedom of thought”, of propagandizing “mass culture based on a cult of violence and values in violation of norms accepted by Russian society,” and “the misuse of freedom of information.”<sup>64</sup> It also states that there is a threat to the people of the Russian Federation that comes from abroad in a form of “the activity of foreign states, international terrorist and other criminal entities, organisations, and groups directed at infringement of the interests of the Russian Federation in the information sphere, reduction of state influence on the life of society, and diminishing economic ability of the state to protect the lawful interests of citizens, society, and state in the informational sphere,” and even “growing dependence of the spiritual, political, and economic life of the country on foreign information structures.”<sup>65</sup> Though this document has no real legal power, it, nevertheless sharply depicts the state sphere of interests in information and media sectors.

Main media law is the Statute *On the Mass Media* of 1992, which as well as the Constitution bans the censorship and declares the freedom of information and possibility of private ownership. However, only foreign companies but not foreign citizens can own media outlets

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<sup>63</sup> Doctrine of the “Information Security of the Russian Federation” (2000), <http://www.regions.ru/news/316235/>.

<sup>64</sup> Doctrine of the “Information Security of the Russian Federation,” quoted in *Law, Judiciary and Media Freedom in the Russian Federation*.

<sup>65</sup> Doctrine of the “Information Security of the Russian Federation”, quoted in *Law, Judiciary and Media Freedom in the Russian Federation*.

in Russia. This statute was revised and amended some twenty times since its adoption. Recently there was a scandal in the State Duma when one of the United Russia political party deputies Robert Shlegel introduced new amendments to this main media law. Those amendments if approved would have greatly limited the freedom of mass information as they included the ban on dissemination of deliberately false news and slander, that defame and discredit reputation of other people. Then, according to the Russian legislation it would have given the *Rossvyaz'ohrankultura* (state media and communications regulatory body) wide powers to decide on whether such a case took place or not, and then a full right to close a media outlet, after three notifications issuing. Fortunately, on May 19, 2008 the United Russia presidium decided to reject those amendments as there was a big pressure from the Ombudsmen and national media workers organisation *Mediasoyuz* and even some of the party members. Though the head of the Supreme Council of the party and a former Minister of Domestic Affairs Boris Gryzlov announced unanimous decision of the party to reject the amendments, his argument was that it is just too early to adopt them in such a way as they were proposed. Some political scientists connect this case with the recent case of defamation of then president Putin and gossips about his future marriage on the world's ex-champion in gymnastics Alina Kabayeva which were deliberately false. Some scholars consider the rejection of the proposed amendments to be only a first act is a big political game, as it is a well-known *the United Russia's* tactics of adopting and amending laws – firstly, someone of the party deputies propose a very severe changes in law, then the party promises to work on them and make them be Constitution-corresponding, but in the end there is a new law with strong limitation on the activities as it happened with the statutes on NGOs and on political parties.<sup>66</sup>

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<sup>66</sup> Anton Lysenkov, "Tam Gde Cheshetsya" (Where It Itches), *Lenta.ru*, 20 May 2008 [news web-portal]; available from <http://www.lenta.ru/articles/2008/05/20/law/>.

However, this statute is not the only one that regulates and affects the Russian mass media. For example, the 1997 Criminal Code of the country defines slander as “dissemination of false information which defames other persons”<sup>67</sup> and introduces “criminal liability for offences related to the audiovisual sector and new media.”<sup>68</sup> The other article introduces punishment that ranges from small fine to five years of imprisonment for cases when abuse of copyright or neighbouring rights or plagiarism may cause considerable problems.<sup>69</sup>

The other legal statutes that impede the journalists’ activities to be named are Article 151 of the Civil Code<sup>70</sup> and the Article 43 of the media law as they declare the news disseminator be responsible for the correctness of the news. These provisions very negatively affect the media outlets, the workers of which have to be sure the information they spread is reliable and fair.

Nowadays, when politicians speak on the censorship matters they usually refer to either restrictions in broadcasting violent or unethical (e.g. porno-content) scenes and programs; or about the ways media covers (or should cover) terrorist attacks. There are lot of laws and acts in the Russian legislation that are connected with the national security and the protection of state secrets. In this respect, are aimed in a way to strengthen the control over the media, especially television broadcasters. Adopted in 1993, the law *On State Secrets* introduces penalties for revelation of state secrets, which are defined as “information protected by the state in the area of defence, foreign policy, the economy, intelligence, counter-intelligence and the activity of operational-criminal investigations, the dissemination of which can damage the security of the Russian Federation.”<sup>71</sup>

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<sup>67</sup> The Criminal Code (1997), art. 129, sec. 1, [http://www.medialaw.ru/laws/russian\\_laws/txt/34.htm](http://www.medialaw.ru/laws/russian_laws/txt/34.htm).

<sup>68</sup> *Law, Judiciary and Media Freedom in the Russian Federation*.

<sup>69</sup> The Criminal Code (1997), art. 146, sec. 3.

<sup>70</sup> The Civil Code (1995), art. 151, [http://www.medialaw.ru/laws/russian\\_laws/txt/33.htm](http://www.medialaw.ru/laws/russian_laws/txt/33.htm).

<sup>71</sup> Law “On State Secrets” (1993).

The Law *On Counter-Extremism* deserves special attention as now it is considered to be the law most unfriendly to the mass media because it sets severe limitations on its activities. The limitations can be, basically, divided into two types: of general character and specific ones.

The general limitations prohibit “production, storage and dissemination of extremists’ information”, specifically:

- violent change of the fundamentals of constitutional structure and breach of the Russian Federation integrity;
- public approval of terrorism and other terroristic activities; initiation of social, racial, national or religious dissension; propaganda of one’s exclusiveness, superiority or inferiority (...);
- breach of rights, freedoms and legitimate interests of man and citizen based on social, racial, national or lingual belonging or attitude to religion, prevention of citizens to use their rights to elect and participate in the referendum or violation of the right to secret voting, entailed with violence or its threat;
- impediment of state government bodies, institutions of local governance, election commissions, public and religious unions or other organizations, entailed with the violence or the threat of its application;
- propaganda and the public demonstration of Nazi symbols or things similar to the Nazi symbols to the degree of confusion;
- public calls to the realization of indicated actions or the mass dissemination of deliberately extremist materials, as well as their production or storage for purposes of mass dissemination;
- deliberately false public accusation of the representative of the Russian Federation or the state office of the subject of the Russian Federation, of the commitment of the acts indicated in this article and having status of crimes while on duty;
- organization and the preparation for the acts indicated, and also instigation to their realization;
- financing the acts indicated or other forms of assistance in their organization, preparation and realization, *inter alia* assignment of the training, printing and technical resources, telephone and other forms of communication or rendering of information services.<sup>72</sup>

In case of specific limitations, they come into force only for a limited period of time, such as martial law, state of emergency or counter-terrorism operations.

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<sup>72</sup> Law “On countering extremist activities” № 148-Φ3 (2006),  
[http://www.medialaw.ru/laws/russian\\_laws/txt/27.htm](http://www.medialaw.ru/laws/russian_laws/txt/27.htm).

In case of violation of this provision the government presented by an authorised body firstly issues a written warning, which if not contested in the court or if court finds lawful grounds, and then has the right to stop the activity of the outlet. In case if there are evidence that the activities of a media outlet “create a real threat of causing” violation of citizen’s rights and freedoms, harming their health, environment, or negatively influence on public order and security, then state can prohibit the dissemination and circulation of the information be it in a printed form or video or audio recording of a program, and even prevent from broadcasting. This provision was included into the law *On Mass Media* as well as the concept of “performance of “extremist activities” that complemented the list of abuses of media freedom: “calls for seizure of power, forceful change of Constitution and integrity of the state, inciting ethnic, class, social, religious intolerance or hatred, propagandizing war”. Also, after the terror-act in Beslan executives tried to amend the *Law on Anti-Terrorism* of 1998 in order to restrict the activities of the media, but failed.

Control over the media becomes evident when the time of the elections comes. Those incumbents who have strong media support possess a great advantage over those who do not. Adopted in 2002, the Federal Statute *On Basic Guarantees of the Electoral Rights and the Right to Participate in Referendum of Citizens of the Russian Federation* is aimed at regulation of election and referendum campaigns conducted by “the citizens of the Russian Federation, candidates, and public associations for the purpose of making voters participate in balloting for or against a candidate.”<sup>73</sup> Its provisions guarantee equal rights to access the mass media and sets time limits for the campaigning: it should be started not earlier than 30 days before and finished 24 hours before the elections day. This legal act obliges all the state and municipal mass media outlets, all the state-financed media and media relieved of taxation follow the special rules: federal broadcasters are to provide all registered candidates and

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<sup>73</sup> *Law, Judiciary and Media Freedom in the Russian Federation.*

parties with at least one free airtime hour on weekdays during prime-time hours, while local ones are required to give at least half an hour of free airtime during the week days. Other mass media are set free to participate in elections and referendum campaigning, but on the equal to all fee-paying bases.

Recent elections, however, demonstrated that the increased state control of the media does not leave any chances to the opposition. And competitiveness is blurred. Studies showed that the ruling party candidate had been shown on the news more frequently than the others. During the November 2008 parliamentary elections campaign, there was an unbearable propaganda and brainwashing of the United Russia, a core Putin supportive political party, while his successor, Medvedev, occupied most of the airtime on March 2008 presidential elections campaign. His visit to Nizhniy Novgorod has become the main TV event of the day on February 27, 2008 (several days before the elections took place). The survey conducted by *Medialogia* on the *Nazavisimaya Gazeta* newspaper request has shown that there were 32 videos with him on at least five TV channels (*First Channel*, *Rossiya*, *NTV*, *TV Center* and *Ren-TV* – all of them being Kremlin-related) for more than an hour and a half if all the time summed. What is more, the majority of the videos were broadcasted in prime time when the price of one minute of air costs up to 40 thousand dollars. Simple calculations point out that the cost of broadcasting approximately equals to three millions of rubles, the sum exceeding the Medvedev's election campaign fund, which in reality was almost spent by the day described. However, the Central Election Committee has found no violations in this situation as "calculations on the appearance of the candidates on TV are done not on the day-by-day basis, but cover the whole period of agitations."<sup>74</sup> As for the expenses on TV coverage, the representative of the Committee stated that announcements about the visits that candidates

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<sup>74</sup> *Weekly Bulletin* 9 .

make are not chargeable. Interestingly, there were no long announcements about the visits of the other candidates that were shown in prime time and for free.

However, the propaganda of the former president Putin and the political parties that support him has started much prior to the election campaign described above: according to the report provided by the private media research company *Medialogia* “in 2006 pro-government parties received 54.9% of all the air time devoted to major political parties, up from 45.4% in 2005.” Also it is mentioned in the report that the positive coverage of the United Russia was two times more than that of all the other parties combined.<sup>75</sup>

Before, the state was mainly oriented in controlling federal TV channels and main information radios and newspapers, nowadays they decided to spread their tentacles towards the fast-developing and spreading online media drafting new rules on the Internet publications. For example, new legal acts were discussed by the members of the State Duma on the necessity of registering online news outlets and their publications. What is more, in March 2007 Putin introduced a new presidential decree, the main aim of which was establishing of a new regulatory agency to administer both mass media and the Internet.

In this chapter I have described the notion of *direct* censorship and provided my own classification of its types, based, however, on the elaborated and extended Richter’s classification of the ‘soft censorship.’ I have also studied the contemporary Russian media legislation and came to the conclusion that the new laws and policies as well as the amended previous ones have their aim to limit the freedom of mass information, and thus, in some cases violate the constitutional rights of the citizens.

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<sup>75</sup> Petro.



## Chapter 4: Indirect Censorship

In this part of a chapter on censorship I speak about the so-called indirect or hidden censorship – the type of political censorship the existence of which is hard to prove. Nevertheless, I argue that the state presence in ownership re-monopolization affairs as well as in its attempts to make the opposition silent via attacks on journalists is done by the authorities in order to have clear and submissive mass media to secure and promote their interests. Diverse media ownership and its leapfrogging have come into existence only with the dissolution of the Soviet Union, as before there was a monopoly of a communist party. The Soviet system of censorship had a full control over the news dissemination in the country, thus there were almost none of journalistic opposition, except those who preferred to emigrate. Thus for chronological start of hidden censorship in contemporary Russia I would rather name 1995 and 1996 – years of the First Chechen war and remarkable presidential elections.

### 4.1 *Re-nationalizing Ownership*

In a democratic state ownership should be transparent in order to promote and strengthen media diversity. Thus, state via its regulatory authorities are supposed to keep up with and constrain where necessary the monopolization of the ownership and unjust competition. In the Soviet period the state had a monopoly over all the country's mass media and it was only in 1990 when the first antimonopoly regulation came into being that prohibited media monopolies and also deprived state-sector companies of establishing media outlets. However, this right was preserved for state authorities. Nowadays, there is a tendency of the state and state-related companies to *re-nationalize* (re-monopolize) the main media outlets, national television broadcasting channels being the tasty morsel. As the stakes in the media holdings are being sold and resold for many times among Kremlin-controlled structures, this ownership leapfrogging does not leave too much space for transparency. For example, only 51% of

the shares of the *First Channel* which has a status of a public national television belong to the state agencies, while the rest are distributed among non-state organizations and banking consortium. During the period between the financial crisis of 1998 and the year 2002 the channel was tightly controlled by then-Kremlin-connected Russian oligarch Boris Berezovsky. After he joined the Putin opposition, and the channel has been actively involved in the “information wars” of the 2<sup>nd</sup> part of 1990s, Berezovsky shares were sold to the companies of another oligarch Roman Abramovich, who is very close to ruling elites. And the *First channel* changed its status of a state-controlled company to the status of a semi-private company.<sup>76</sup> The other Berezovsky’s TV channel *TV6*, 15% stake of which belonged to the Russian major oil producer *Lukoil*, was closed ‘due to financial problems’.

Another example of ‘ownership transparency’ is infamous *NTV channel*, which still has the status of the only private national TV channel. In the beginning it was a property of oligarch Vladimir Gusinsky, but after being also involved into “information wars” and providing free air-time to the oppositional candidates during the 1999-2000 elections, it was prosecuted on ‘merely economic reasons’. It was found that Media-Most, part of which the channel was along with TNT network and NTV-Plus satellite broadcaster, owed hundreds of millions of dollars to *Gazprom*, the biggest gas-producing company. In 2001 *Gazprom* finally got the full rights over the Media-Most. Since those times the assets of the company have been transferred through several structures and companies. Finally, it has become became a part of Joint Stock Company *Gazprom-Media*, a tycoon affiliated with *Gazprom* company, banks and, of course, the Kremlin, that also possesses satellite network *AST*, 4 magazines, 3 dailies (including *Izvestiya*), several regional publications, advertizing agency *NTV-Media*, film production center *NTV-Kino*, 2 cinema halls, Moscow-based TV and radio network *Prometei*, and 5 radio stations, two of which has national status: *Ekho Moskvy* and *Radio Next*.

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<sup>76</sup> Kachkaeva *et al* (2006), 46.

This *re-nationalizing* trend, along with ownership leapfrogging between state-related companies, has turned into an ordinary practice. *Ren-TV* Channel that was established in 1997 as a private channel by Lesnevsky couple has changed its share-holders for several times: during the various periods Moscow government, *Lukoil* Corporation and RAO EES had their interests in the company. In 2005 the situation was as follows: RAO EES, having by that time 70% of the shares (only 30% were left to the founders) distributed 70% of them to the pro-governmental Severstal (steel) and Surgutneftegas (oil and gas) companies and 30% to the RTL Group, which is a part of Germany's Bertelsmann Group. Interesting fact, that foreign owners were let to the TV media market, because Russian legislation though not prohibits foreign companies to have shares in Russian business, still has strict limitations on it. However, in case of *Ren-TV* it can be explained by the entertainment orientation of the channel, while in case of *serious* political analytical channels the state will do everything possible to not let the other countries' businesses to mass media sphere.

The recent activity of government trying to occupy the media market can be seen in a creation of a new TV channel, *Zvezda*, which appeared on the TV market in 2005, as a part of Zvezda Media Group ("The Unified TV and Radio Broadcasting Systems of the Armed Forces of the Russian Federation", which also consists of *Zveda-FM* radio station, Internet portal and advertising agency). The founders claim that the mission of the channel is "to develop in citizens the feeling of patriotism, love for their Motherland, pride in their glorious historical past, faith in the country's future, and to promote a positive image of the Russian Army."<sup>77</sup> A remarkable fact is that 51% of the shares belong to the Ministry of Defence, while the rest 49% are distributed among state banks and military industrial corporations. Though the channel did not managed to get any popularity or profitability, still it can be seen as a mean

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<sup>77</sup> Sergey Varshavchik, "Star" of the State Patriotism. Defence Ministry Channel Starts Broadcasting", *Nezavisimaya Gazeta* newspaper (February 18, 2005).

for state propaganda. Moreover, the establishment of *Zvezda* gave the military authorities the rights of legal entering the journalistic and editorial unities.

Having control over television broadcasting is undoubtedly the most important and powerful if compared to other types of mass media as it is the most popular one. However, even in the print press there exist independent outlets the production of which is widely read and respected in business and political spheres. There exist at least two reason of state's interest in nationalization and control over the newspapers and magazines: it is either a part of the main censorship stream that is not limited to television; or "a recognition by authoritarian leadership that, in the Internet age, politically consequential content produced by newspapers finds its way to much larger audiences via the Web, and therefore poses a greater threat."<sup>78</sup> Thus, if the state cannot influence the Internet-based sources of information, it tries to reach the audience which read the on-line versions of the most popular and reliable print outlets.

One of the first cases of ownership takeovers was done by infamous *Gazprom-Media*, the branch establishment of Kremlin-connected *Gazprom* tycoon. Started in 2001 with *Segodnya* newspaper, which previously belonged to Gusinsky's *Media-Most* holding, nowadays *Gazprom-Media* is reported of buying independent newspapers and magazines, among which is also the most readable and trusted by the majority of population *Izvestia* (in 2005).<sup>79</sup> Similar story happened to another popular newspaper *Nezavisimaya Gazeta* famous for the alternative coverage of news as it was purchased by one of the state-related financial groups.

One of such media outlets is Publishing House *Kommersant* which prints newspaper and magazine under same name. In the fall of 2006 this paper was sold to Alisher Usmanov, the head of *Gazprominvestholding*. Journalists were told that he will not influence the editorial

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<sup>78</sup> Walker, 11.

<sup>79</sup> Walker, 10.

line of the magazine, however, it excited apprehension of attempts to silence critically writing outlet.

In 2002, *Financial Times* cited Putin to have said that “the best way for the Russian media to be independent is for it to be economically self-sufficient and free from the control of influential oligarchs who controlled it for much of the 1990s.”<sup>80</sup> As we may see the major television channels, networks and broadcasting companies are now concentrated in the hands of two state-affiliated monopolies: - *Gazprom* and *RAO EES* - through which the leading elites can influence the viewers. According to the Russian legislation, the Ministry of Press, Broadcasting and Means of Mass Communications is the overseeing body over all the media outlets in Russian Federation. What is more, the head of the Ministry is directly appointed by the President and holds the full accountability to him.

The situation is better with the big state-level print media outlets as the majority of them have private owners. However, the regional print media usually belongs to the local authorities. Also, according to the article 18 of the law *On Mass Media*, founders of media outlets should not interfere in or influence the editorial work, unless they have agreed on special terms and conditions of the regulation of their partnership. However, the contemporary situation differs from that of early 1990s as the founders appear to be the main sponsors of an outlet as well, or its editor-in-chief; thus the provision is being constantly violated everywhere.<sup>81</sup> Unfortunately, the state is not an exception and “state bodies actively interfere in the activity of the mass media they found or co-found.”<sup>82</sup> According to Freedom House reports, there can be seen an

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<sup>80</sup> Andrew Jack, “Companies & Finance International: Russian media set for landmark deals,” *Financial Times* (January 07, 2002); available from <http://search.ft.com/nonFtArticle?id=020107000939&query=TV6>.

<sup>81</sup> *Post-Soviet Media Law and Policy Newsletter*, 7.

<sup>82</sup> *Law, Judiciary and Media Freedom in the Russian Federation*.

inequality in the distribution of subsidies as they are usually given only to state-controlled outlets.<sup>83</sup>

As Anna Kachkayeva justly notes, “deals done in other areas of the economy are much more significant, complex and, oddly enough, more transparent. In the media sector, despite all its scandals, there is no practice of publishing accounts and details of proprietors or reports of acquisitions and takeovers. This is why it is so difficult to fathom out exactly what is happening on the market.”<sup>84</sup> She claims that this lack of transparency can be referred to all the spheres of the media and that it has a particularly economic origin, as publishers and producers do not disdain to give too high a figures for advertising purposes, to publish sponsored (i.e. biased, in many cases) materials. Sometimes it is really hard to get at the roots of thing on who is the real owner of the outlet, or how much is its income as this information is said to be a *commercial secret*.<sup>85</sup> Nevertheless, even though the real owners cannot be named in persons, the presence of the state and its influence on the content and the format of news coverage can be felt.

#### **4.2 Infringements upon Journalists**

During Putin’s presidency, the Russian media, as well as the whole country, lost its newly born sprouts of freedom and independence that it had enjoyed for about a decade, because of the strong consolidation of the presidential power and backward transition to authoritarianism. Since recently many international organizations have been showing great concern on the situation around Russian mass media and vulnerability of the journalists as in many country

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<sup>83</sup> *Map of Press Freedom: Russia* (Freedom House, 2007), <http://freedomhouse.org/template.cfm?page=251&country=7258&year=2007>.

<sup>84</sup> Anna Kachkayeva, “Electronie SMI/Sredstva massovoi informatsii Rossii (Electronic mass media/ Russian mass media)”, training supplies for university students ( Moscow, 2005) : 323; quoted in Andrei Richter, *Post-Soviet Perspective on Censorship and freedom of the Media*.

<sup>85</sup> Anna Kachkayeva, *Rossiiskie Sredstva Massovoi Informatsii, Vlast’I kapital* (Russian mass media, power and capital) (Moscow, 1999).

reports there is a strong emphasis on a “significant deterioration in the legal and political environment for the media, with hundreds of journalists facing criminal or civil cases.”<sup>86</sup>

As of May 2008, government was still pressuring journalists who report and blame the authorities’ ‘wrong’ or undemocratic actions as if it were the Soviet censorship time with its jamming of foreign radio broadcasts, strict control and amount limitations over the incoming print press, filtering the content, and special selection of journalists to cover the news.<sup>87</sup>

In Russia political censorship is in bloom; cases of infringements upon journalists are various and numerous: they range from intimidation and obstructions to lawsuits and attacks on editorial offices to psychiatric detention, murders and assaults. Many of the serious cases remain undetected that also casts suspicion on the state’s role in it and also on its attitude towards to the protection of civil rights of its citizens. The first serious infringements already started at the time of the first Chechen war (1994 – 1996) and continued on the authorities’ disapproval of the journalists’ coverage of terroristic acts of explosions and hostage. The Federal law *On Countering Extremist Activities*<sup>88</sup> (that stays in the same row with The Law on State Secrets and the Law on Security Forces) strongly limits the constitutional right of journalists on dissemination of the information.<sup>89</sup> Oppositional journalists can be not only deprived by the new policies, but there are reports about new methods of stopping them from doing their job, such as withdrawing licenses or expensive long-lasting re-registration processes, setting media organizations on fire, using police, health, anti-epidemic and tax inspections (that usually “find” some violations, followed by sanctions) to show the control of the state. Recently, new ways of influencing the media came into existence, such as raiding media outlets in search of ‘illegal software’, leapfrogging of top-managers from state-

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<sup>86</sup> Karin Deutsch Karlekar, *Press Freedom in 2007: A Year of Global Decline* (Freedom House, 2008): 10.

<sup>87</sup> Smaele, 65 – 82.

<sup>88</sup> Law “On countering extremist activities”.

<sup>89</sup> The Constitution of the Russian Federation.

controlled and ‘private’ federal level TV broadcasting channels, directing ‘from-above’ on the *positivity* of the content released, as well as on the names of politicians be mentioned in the news. The format of the TV programs has also been corrected in a way that the majority of the live political analytical talk-shows were either taken off air or pre-recorded.<sup>90</sup>

Sometimes, in order to make the journalists keep silent the authorities can even take the ultimate measures, such as threatening, instituting legal and criminal suits, and even killing,<sup>91</sup> as in the Vladislav Listyev, Anna Politkovskaya, Dmitriy Kholodov cases. As Jamey Gambrell put it: “Murdering journalists is simply the most visible manifestation of the constant campaign against the press.”<sup>92</sup> Marion Irmer, citing German online sources, says 23 journalists were killed during Putin’s presidency;<sup>93</sup> on some Internet web-portals there can be found a full track of journalists killed in Russia in 2000-2008 which is even much longer. Many international organizations are worried about the state of things in Russia: *Committee to Protect Journalists* (CPJ), in 2001, listed Mr. Putin as one of the Ten Worst Enemies of the Press,<sup>94</sup> and he was also included to the list of “predators of press freedom” by *Reporters Without Borders*.<sup>95</sup> *Freedom House*’ Country Report states that “Russia is even less democratic in 2007 than in 2005 [...] and the human and legal rights of Russian citizens are less secured then they have been at any point since 1991.”<sup>96</sup> Because of such a retreat towards authoritarianism, the status of the country’s freedom is ‘not free’; it also has the score of 5 for civil liberties and even score of 6 for political rights.<sup>97</sup> *Reporters Without Borders* in their

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<sup>90</sup> Review of *Putin Strikes Again*, by Jamey Gambrell. *New York Review of Books* 54 (New York, 2007).

<sup>91</sup> See also “Promoting Freedom of Expression”.

<sup>92</sup> Review of *Putin Strikes Again*.

<sup>93</sup> Irmer, 6.

<sup>94</sup> Committee to protect Journalists’ reports (2001), <http://www.cpj.org>.

<sup>95</sup> Reporters Without Borders’ reports (2001), <http://www.rsf.org>.

<sup>96</sup> Stoner-Weiss, 3.

<sup>97</sup> *Map of Press Freedom: Russia*.



annual “Press Freedom survey” placed Russia on a 144<sup>th</sup> position out of 160,<sup>98</sup> whilst in “Nations in Transit 2007” report carried out by *Freedom House*, the level of media independence was scored as 6.25 out of 7, and democracy as a whole as 5.86 out of 7, where number 7 indicates the least democratic regime.<sup>99</sup> In 2006 Russia was recognized as the third mostly deadly country for reporters in the world.<sup>100</sup>

Here I give a more detailed description of the problems Russian journalists face when doing their work. One of the easiest but convincing methods is license issuing, withdrawal and re-registration process of the media outlet. Russia is famous for its bureaucracy and ‘connections-based’ type of doing business when it can take you a very long time to get a license or permission to work or any other important document unless somebody from above show their loyalty to you, that facilitates the process.<sup>101</sup> In Russia, issuing of broadcast license, a culture ministry competence, is reported to have no transparency or real competitiveness as licensing bids proportionally depend on how you are treated by officials and the level of your connection to them.<sup>102</sup> Sometimes, in order to show its supremacy over the media and hostile broadcasters, the state can withdraw licenses and offer it for an open air competition as it happened in 2000 to *TV-Center*, a television broadcasting company established by permanent Moscow mayor Luzhkov for the promotion of his policies and interests. Those retaliatory measures were taken by Kremlin after the channel changed its direction from sharing official state ideology to its disapproval.

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<sup>98</sup> *Annual Worldwide Press Freedom Index 2007* (Reporters Without Borders, n.d.), [http://www.rsf.org/article.php3?id\\_article=24025](http://www.rsf.org/article.php3?id_article=24025).

<sup>99</sup> *Nations in Transit 2007* (Freedom House, 2008), <http://www.freedomhouse.org/>.

<sup>100</sup> Nina Ognianova, “Analysis: Getting Away with Murder in the Former Soviet States” (n.d.), [http://www.cpj.org/attacks\\_06/europe\\_06/eur\\_analysis\\_06.html](http://www.cpj.org/attacks_06/europe_06/eur_analysis_06.html).

<sup>101</sup> The new Federal Statute on Communication, adopted in 2004, delegates power to the state bodies to regulate the sphere of communications, defines the rights and responsibilities of physical and legal entities taking part in it, and also describes the procedures for obtaining a signal-transmission license.

<sup>102</sup> Stoner-Weiss, 8.

The number of inspections and checks by the tax officers of the logbooks or safeguards and police officers of the fire-extinguishers has gradually increased. Since 2005 the Russian authorities started a campaign against an USA- funded *Radio Free Europe/ Radio Liberty* (RFE/ RL) which is very popular among people interested in an alternative voice. There was a series of attacks done in a form of audits on Russian radio stations that rebroadcast RFE/ RL programs. If in the beginning of such persecution there were approximately 25 stations that used the content from RFE/ RL, nowadays their number has seized to less than twelve.<sup>103</sup> A new type of inspections has appeared that is related to the search of illegal software. This type can guarantee the state almost a 100% success as the majority of the computers in Russia has illegal software.

In March 2008, the owners of the private newspaper *Vecherniy Neftekamsk* (in Respublic of Bashkiria) was closed down by its founders, because they could not operate it anymore due to the lack of financing. During the two months before its closure the newspaper conducted several surveys on corruption in the republic and the city of Neftekamsk, with more than 500 people interviewed. Published in February 2008, these surveys showed that about 98% of the citizens have experienced cases of corruption. Predictably, the local authorities were not pleased with such results and tried to do all their best to show the disapproval: businessmen terminated advertizing their products and services at the newspaper, and the walls of the editorial office were painted with obscene words. What is more, the police officers started frequent checks of the office in search of illegal software, and the printing-house doubled the prices for its services leaving the outlet with no finance to survive.<sup>104</sup>

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<sup>103</sup> Walker, 9 – 10.

<sup>104</sup> *Weekly Bulletin* 11 (270), (Center for Journalism in Extreme Situations, March 11 – 17, 2008), [http://www.cjes.ru/bulletin/?bulletin\\_id=2848&country=Russia](http://www.cjes.ru/bulletin/?bulletin_id=2848&country=Russia).

Raids on editorial offices as a mean of threatening and showing the power of authorities repeat constantly each year. According to *Glasnost Defense Foundation* reports, there is usually a dozen such cases.<sup>105</sup> Raids came into practice in 2000 and 2001 with the attacks of law-enforcement officers on the infamous Gusinsky's *Most Media* holding.

The one that received the highest publicity was the case of *Educated Media Foundation* (EMF), a legal successor of *Internews Russia*. This US-based and sponsored NGO has conducted trainings for more than 15,000 broadcast journalists in Russia, such as workshops, classes and seminars aimed to teach journalists objectivity and fair reporting. On April 18, 2006 twenty officers of the Economic Security of the Russian Ministry of Internal Affairs burst into the HQ of the foundation. During the raid the computer services and financial and administrative records were confiscated. This led to the closure of the organization and forced suspension of its activities. Officials commented that this raid had a connection to the criminal case towards the leader of the NGO, Manana Aslamazian who was charged with not declaring cash when she crossed the border. However, she claims that this intrusion had its motive of "the overall campaign of caution and suspicion towards non-governmental organizations that receive money from abroad."<sup>106</sup> This raid shocked the journalists' community as Aslamazian was a famous and highly respected Russian journalist. Thus, more than two thousand journalists signed an open letter to then president Putin in which they stated their disapproval of the state actions.

Some journalists speak of a link between this case of raid on EMF and the criminal case of imprisoned oil oligarch Michail Khodorkovsky whose *Open Russia Foundation* also subsidized the EMF, as the same tactics were applied. A disgraced billionaire could have

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<sup>105</sup> Glasnost Defence Foundation's annual and monthly reports, <http://www.gdf.ru>.

<sup>106</sup> "Russian police raid U.S.-funded Educated Media Foundation", *International Herald Tribune* (April 19, 2007), <http://www.iht.com/articles/ap/2007/04/19/europe/EU-GEN-Russia-NGO.php>.

been a strong opposition to the ruling regime and thus was prevented from any action by being charged with hiding taxes. This case is typical of the passionate implementation of the new statute on NGOs, under which provisions any Western sponsored organization is vulnerable to prosecution and accusation of espionage.

The main victims among journalists charged for “inciting racial hatred” were covering the actions of the Russian military forces in Chechnya. For example, Boris Stomakhin, who was writing for *Radikalnaya Politika* (Radical Politics) was sentenced to five years in prison for his articles on the state actions in Chechnya (November 2006). Stanislav Dmitrievsky, the head of the *Russian-Chechen Friendship Society* got a suspended prison sentence and probation for releasing statements by top Chechen separatists (that contradicts the new legislation on counterterrorism and countering extremist activity). Later on his organization was closed as it underwent the newly amended law on NGOs.<sup>107</sup>

Investigative journalism in Russia has become a rather dangerous profession. Besides the physical attacks and psychiatric detention of them, that are already inadmissible in democratic states, there is also a chance of being killed as it happened to the most oppositional or powerful journalists. The first case happened in 1995 when popular journalist and the host of the top-rating TV show Vlad Listyev was shot. One of the versions of the motives was that while Listyev was a head of ORT (then First Channel TV company), he could have been an obstacle to corrupted businessmen, the other was that due to his popularity among the top journalists and famous people he could have easily influence on political mood of the public. The officials many times claimed that they are close to detect this crime and name the main figurants; however they never managed to do so. Once the chief police officer Boris Uvarov who were in charge with the inquiry requested acting Procurator-General Ilyushenko to sign search and arrest warrants for the suspects, and was immediately sent on leave. In 1996

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<sup>107</sup> Law “On NGOs” (1995), amended on May 13, 2008, <http://www.consultant.ru/popular/nekomerz/>.

*Forbes* published an article “Kremlin God Father”, in which its editor Paul Khlebnikov accused Boris Berezovsky of having ordered this assassination. In 2004 Khlebnikov was also killed.

As mentioned earlier, the number of contract-style murders has increased drastically and has placed the country among the three most dangerous for journalists place in the world, the other two be Columbia and Iraq.<sup>108</sup> The case of Anna Politkovskaya struck not only Russian society but also got an international public resonance as it has showed to which extent the state can act towards the unfavorable but truthful journalistic reports and reporters. Politkovskaya was a special correspondent for *Novaya Gazeta*, where she was covering among other stories the story of Chechen wars, or Chechen conflict if speak politically correct language. In her reports she covered abuses of human rights in the region, the unlawful conduct of Russian soldiers and Chechen administration towards civilian population that irritated the state and military authorities. For this, she was repeatedly threatened and detained; she was even poisoned but survived. Besides her work for a newspaper she also wrote several international award winning books about Chechnya and Russia under Putin’s presidency, where she accused Putin and FSB of moving backwards to a controlled regime country. In one of her books she wrote:

I will not go into the other joys of the path I have chosen, the poisoning, the arrests, the threats in letters and over the Internet, the telephoned death threats, the weekly summons to the prosecutor general's office to sign statements about practically every article I write (the first question being, “How and where did you obtain this information?”). Of course I don't like the constant derisive articles about me that appear in other newspapers and on Internet sites presenting me as the madwoman of Moscow. I find it disgusting to live this way. I would like a bit more understanding.<sup>109</sup>

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<sup>108</sup> Stoner-Weiss, 7.

<sup>109</sup> Anna Politkovskaya, “Her Own Death, Foretold”, *The Washington Post* (October 15, 2006), [http://www.washingtonpost.com/wp-dyn/content/article/2006/10/14/AR2006101400805.html?nav=rss\\_print/outlook](http://www.washingtonpost.com/wp-dyn/content/article/2006/10/14/AR2006101400805.html?nav=rss_print/outlook).

Several days after she was killed, Putin declared that she was an “insignificant” figure and there was no state involvement to this crime. There exist several contradictory versions on who ordered to kill the journalist ranging from Kremlin to Chechen authorities, from in-country opposition to Western countries, even from Berezovsky to shake Putin’s political position on the international arena. The main participants of a case have not been found yet, however, nine people were arrested, among which there are Chechens and MVD (Ministry of Domestic Affairs) and FSB officers. On May 2008, the investigating agency announced the name of a killer, Rustam Makhmudov, who has still not been caught.

Above I have described only several cases of infringements on journalists which I consider to be manifestations of the hidden type of censorship in the country. The specificity of this type of censorship is its hard-to-prove-the-state-involvement methods; however, this means of control over the oppositional mass media has reached such a spreading that the contemporary authorities cannot veil their participation anymore.

## Conclusions

In this paper I did an attempt to show the media freedom situation in modern Russia. Basing myself upon the facts collected during the research I assert that my hypothesis, stated in the introductory part, on *the Russian mass media having lost its freedoms and independence under the current regime and having been transformed into a mean of expression of the state ideology* is proved. Having studied the problem from legal, structural and factual perspective I have come to the conclusion that the censorship of the media in modern Russia is caused by several qualitatively different reasons - political, economic and social:

1. Being the part of the real life in Russia, censorship practices contradict the constitution of the country and existing legislation on or related to the mass media. The legislature and the whole legal system of the country are still undeveloped and vague, that gives the authorities the possibility to use them for their own interests.
2. The total state censorship of the media in modern Russia is related to the actual transition of the country to the authoritarian regime during the Putin's presidency (2000-2008). In this respect, censorship appears both as the means of realization of the authoritarian model of administration with a focus to avoid spillover effects in the media, and also as one of the forms of its manifestation, when the authoritarian model already functions. Basically, control over the media has become one of the characteristic features of the political regime, created by ex-president Putin.
3. In today's Russia practically all the more or less influential mass media either directly or indirectly experience censorial control of the state. Even when the outlet declares to be independent, it is not independent in the very sense of the concept as it can be *directed* to serve the state needs (e.g. positively spread the state's ideology) or can be

potentially infringed. This situation of forced dependency can finally lead to the lack of the objectivity.

4. The majority of the mass media workers be they editors, journalists or even outlet owners, do not usually show their protest against the state censorial control actively. Moreover, they have become inclined the self-censorship; apparently, because of a considerable fear to lose a job and/or a position in the establishment.
5. Society as a whole also does not actively show its concern about and protest against the state censoring the media. This can be explained by the absence in the country of the real civic community, basis for which is the middle class that has not been formed until now as a real economic and social force until now. The rule of the pro-presidential political party *Yedinaya Rossia* (the United Russia) is dominating. Thus, it makes the actual oppositional political parties be marginal with no influence on the process in modern Russia.

I have also studied the concept of censorship and those of its types that are applicable to and can be found in Russia, particularly the political censorship – a mean of hiding or withdrawing information done by ruling elites in order to preserve their positive image, to propagate the state's ideology and to control the opposition with the help of secret service, civil and military forces, and other means, mass media be the most powerful and overwhelming. In the thesis I classified the types of political censorship: *direct* and *indirect*, and defined them. The main difference between these types that are both actively used by the state, is that the application of the former is provable because it is done through the manipulations with legal acts and open pressure of the authorities, while the latter cannot be officially proved by is realized and admitted by the majority of the country's population.



In the beginning of March 2008 the Russian Federation has elected a new president, Dmitriy Medvedev. Estimates differ on whether he will continue the state ideology declared by Putin or will bring the country closer to the path of democracy. At the moment scholars and political observers can only agree on one thing – a lot should be done in order to set the Russian mass media free and independent. As Andrei Richter, the director of Media Law and Policy Institute stated, the future of the Russian media is unknown, however, if the following factors will unite then probably there will be a positive change: turn from living on state subsidies to living on the advertisements revenues, creation of fair competition, finally, strong pressure on and disapproval of the Russian authoritarian politics by international community.<sup>110</sup>

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<sup>110</sup> Andrei Richter, interview by author, Moscow, April 17, 2008.

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