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Russia's Media: Back to the USSR?

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The information explosion at the dawn of perestroika played a defining role in the formation of Russian constitutional democracy. Since 1987, the independent media without waiting for official approval or legal sanction established an ever larger and freer information space. The media were far ahead of other social institutions in terms of development, forcing the rest of society to "catch up." By the parliamentary elections of 1989, freedom of speech in the USSR was an established fact. And for the first presidential election in Russia, in 1991, the reality of free speech determined the defeat of the Communist candidate, Ivan Polozkov.

In the early 1990s, freedom of speech, interpreted as the right to express one's opinion freely, received sufficient legal protection. At the same time legislators of the "Soviet school," who constituted the majority of the federal parliament, torpedoed all initiatives to pass a law ensuring freedom of information. Thus freedom of speech and freedom of information in law-based states two logically inseparable concepts seem to exist in different dimensions in Russia.

With the media, no topic was considered off-limits and all official attempts to introduce information taboos failed. At the start of the first Chechen war, the government tried to turn the press, radio and television into an official mouthpiece. President Boris Yel'tsin made the shocking statement that Dzhokhar Dudaev's government kept several Russian journalists on its payroll. The public saw through this falsehood and reacted so negatively that a score of statements from officials followed to explain that the president

was misunderstood. In most respects, during the first Chechen war the fourth estate successfully defended its independence.

The absence of a law on freedom of information essentially renders meaningless the right to access information enshrined in Article 29 of the Russian Federation Constitution. With its traditional authoritarian habits, the executive branch generally has demonstrated an unwillingness to follow the spirit and the letter of the constitution. Officials who retain their old *obkom* arrogance have sought to obscure realities of government and in effect invalidate the citizens' rights to obtain information concerning the activities of the bureaucracy.

But the government did not limit itself to sabotaging the constitution; it strove to find a legal means of affirming its sole authority over all the information it obtains. The 1995 "Law Concerning Information, Information Provision, and Protection of Information" solidified the government monopoly. In law-based states an official has to ground his refusal to make certain information public in a legal argument the burden is on the official. In Russia, the journalist has to prove his legal claim to obtain the information he is seeking from the official.

The first Chechen war proved too much for a fairly progressive draft law, the "Freedom Information Law," which was prepared by the Ministry of Justice in early 1995 and sent to the president for review. The draft basically brought the citizens' right to information concerning government actions into accordance with international standards. This law could have established a basis for filing a lawsuit in the case of an official's unsubstantiated refusal to provide information. In fact, this draft legislation represented an attempt to introduce into Russia a version of America's Freedom of Information Act, but the government had other concerns at the time such as how to conceal the truth concerning events in Chechnya. The draft was buried in the presidential administration and never even forwarded to parliament.

Until the fall of 1999 the relations between journalists and the government remained unchanged, at least in Moscow. The government ignored public opinion and viewed all information as its own property. Journalists attempted to gain this information by any means they could and published it when they were successful. Still, during President Boris Yel'tsin's administration, not a single journalist was repressed for the conscientious performance of his duties.

The situation in the regions was much more dramatic. By the second half of the '90s almost all regional elites of the Russian Federation adroitly used economic leverage to subordinate the local media. This was especially true for radio and television, since the controlling stock of the corresponding companies usually belonged to the regional administration. A similar situation developed with respect to St. Petersburg, where only two newspapers could be called "independent." In some regions, for example in Krasnodarsky krai, there are no independent media. Yet the local public could still obtain Moscow publications, including periodicals that published more or less objective information.

The situation has changed since the beginning of the second Chechen war. In August of 1999, as the government of the new prime minister, Vladimir Putin, began expelling fighters under Chechen field commanders Basaev and Khattab from Dagestan, it started introducing systematic restrictions on the presence of journalists in the regions of military activity. In the Fall, when the offensive moved onto Chechen territory and the antiterrorist operation became total war, the government attempted to establish strict censorship over outgoing information from the republic.

In fact, the Russian public approved of these measures just as it supported the war itself. Until Basaev's venture in Dagestan, the majority of Russians had resigned themselves to the separation of Chechnya. Even many "hawks" spoke less and less about squashing the separatists militarily and instead favored the establishment of a cordon sanitaire, a security zone around the perimeter of the insurgent republic thus acknowledging its independent status.

The incursion into Dagestan changed public opinion almost overnight. For the man in the street this was an invasion from a territory that Russia no longer controlled, into territory which Russia definitely controlled. The population of this territory feared the Chechens much more than the Russians: To many Dagestanis, the Chechens were the embodiment of a constant threat of armed raids, abductions, cattle rustling, etc. This incursion constituted armed aggression, and armed aggression must be parried. This was the public verdict, which united the people and the government. No one cared anymore whether Chechen President Aslan Maskhadov had in fact condemned that raid! The Russian government should probably grant Basaev and Khattab the highest honors there was no other way to get vehement public approval for the unrestrained use of military force in Chechnya.

Emboldened by its new popularity, the government figured the public would allow new limitations on the freedom of speech. The journalists arriving in the North Caucasus were required to obtain accreditation from the press center of the armed forces, ROSINFORMCENTER. The demand for such accreditation is unlawful: It is legitimate only in the event of a declaration of war, or under a state of emergency. Of course, war was not declared nor was a state of emergency introduced. Nonetheless, objections to these regulations were rare. Boosted still further by this new success, the government decided that the public was "ripe" for more radical limitations on access to information.

The central television and radio stations controlled by the government ceased providing objective coverage of the Russian Army and MVD actions in the Caucasus as far back as October. Soon the systematic murder of citizens through the bombing of Chechen settlements and the suffering of hundreds of thousands of refugees no longer constituted big news for the majority of newspapers. The reputations of the celebrated defenders of freedom of speech crumbled. For instance, the well-regarded liberal television show host Nikolai Svanidze and journalist Maksim Sokolov quickly became zealous defenders of the establishment. The most independent (and thus popular) private Russian television company, NTV, was trounced with accusations of bias and attempting to discredit the army. Media representatives were advised to receive all

information regarding the North Caucasus at the press centers under the command posts of the Russian forces and MVD divisions conducting military actions there. Journalists could only enter Chechnya and certain bordering areas with the permission of these press centers. In addition, the military gained the right to classify journalists as "desirable" and "undesirable." In January, NTV reporters were branded "undesirable" and hence not allowed to the site of the subsequent military operation. For the first time in post-Soviet history, an information blockade regime was introduced.

The lives of foreign media correspondents working on either side of the conflict are increasingly in danger. Russian military and police do not acknowledge accreditation given by the Chechen side as a legal basis for the journalists' presence in territories where "antiterrorist combat" is waged. It is always emphasized that in case of such "illegal" presence, the government takes no responsibility for the fate of these persons. This threat represented an attempt to force journalists to give up information contacts "on the other side." Russian employees of foreign media have experienced especially hostile treatment.

We do not know at what level the decision to frighten independent journalists was made; however, the motive to hide the war from the world seems rather clear. Andrei Babitsky, the Radio Liberty reporter, was not singled out for particularly brutal treatment arbitrarily. His reports from the North Caucasus were very informative, and often completely refuted government versions of events. Unlike the official press centers which supplied very slanted information, the reports by Babitsky and a few others who hazarded the trip across the front lines gave some indication of the price civilians inside Chechnya were paying for this "antiterrorist" operation.

After army reconnaissance detained Babitsky during his attempt to leave Grozny on 16 January, his fate was probably decided by mid-ranking local officers, who tried to make him out to be an accessory to the "terrorists." Due to their narrow-mindedness, they did not consider the possible international repercussions. As far as we can ascertain, Moscow interfered later, attempting to snuff out what had become a raging international

scandal. On 30 January Sergei Yastrzhembsky, spokesman for then acting President Vladimir Putin, tasked the head of the Main Directorate of the North Caucasus Procuracy, Yuri Biryukov, to investigate what exactly happened to the Radio Liberty correspondent and to produce a report determining the proper measures to be taken in regard to Babitsky. Thus, the procurator's office became responsible for the journalist's fate.

But several days later, nameless "military circles" broadcast footage of Babitsky agreeing to the quite clearly illegal procedure of an "exchange" which was dated 31 January. Did the General Prosecutor's office sanction this? Clearly not: Unaware of this footage, on 1 February the procurator himself, Biryukov, changed the conditions of Babitsky's detention and obtained his promise not to leave Moscow. And he left Babitsky... in Chechnya. Of course, Babitsky was not sent to Moscow, he was not even released from captivity. The procurator made a seemingly senseless move. But those who held Babitsky understood the significance of the action: They saw that they could treat him as they wished, that the center would not insist vigorously on the observance of legal niceties.

Today, particularly since Babitsky's release, no one doubts that the phantasmagorical trade of one Russian citizen for two (three? five? the numbers kept changing) other Russian citizens represents a mystification, the only goal of which was to conceal the outrageous lawlessness of the whole case, including the authorities' intention to commit a grave crime against Babitsky. He was doomed. Had the international community of journalists not developed such a large-scale campaign to inform the world of the danger he was in, Babitsky would not be alive now. He still faces a criminal case on the ridiculous charge of having used a false passport.

By 8 February, Major Vyacheslav Izmailov publicly repudiated the official information that Babitsky was traded for Captain Andrei Astranitz: As Izmailov found out, the captain was released in a different operation, at a different time. It seems that those responsible for the Babitsky operation were unaware how much Russia's citizens have changed in

the last 10 years of (even conditional) freedom of speech. They expected the public and the journalists to have a "Soviet" mentality, to resist asking questions of authority.

Instead, everyone understood that the journalist was never traded for prisoners of war, he was simply transferred within the Russian special services. What does it mean when, on 4 February, the acting president of the Russian Federation declared that he was informed about everything, and that Babitsky was really handed over to the Chechens? Should one conclude that Putin could be fully informed even when Babitsky is being held by others?

What did Putin mean when, in a television interview, he told the nation: "Yes, I saw the videotape of Babitsky's exchange. Now he will really be scared. He will see what kind of hands he's in. " He seemed to be saying that Babitsky had done something to deserve this informal punishment. These are the words of the president, protector of the constitutional rights and freedoms of Russian citizens.

If Vladimir Putin, who calls for a "dictatorship of law," knew about this operation which reeks of the methods of the former KGB from the very beginning, there can be no questions about his rule or about the fate of citizen rights in the near future.

However, there is another, albeit unlikely, possibility: Putin may know only what the military counterintelligence and the FSB decide to tell him. That would mean that the Russian civilian administration is losing control of the situation, that the rules of conduct, including conduct in the Caucasus, are dictated by men in uniform. Then it would be possible that the military and the special services have established their own control in the regions of military actions. If this is indeed the case, it would imply that the "crawling" military coup, threatened by the General Staff since the crisis in Yugoslavia, is slowly becoming a reality.

It's difficult to say which of these possibilities is more dangerous, but either case poses grave danger to the freedom of speech. In fact, the events of recent weeks leave no

doubt that the case against Babitsky was not an isolated incident. ROSINFORMCENTER has warned the media that any contact with Chechen leaders could lead to prosecution under antiterrorist legislation. Artyom Borovik, a journalist whose journal *Versiya* was investigating the 22 September Ryazan "training" incident, was killed in a suspicious plane crash. The Moscow Times, a publication critical of Putin, was recently presented with a spurious \$9 million tax bill. Clearly, attempts to bully the press with tactics deeply reminiscent of the KGB have returned. It remains to be seen whether the media will be able to launch a defense.

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