



**Organization for Security and Co-operation in Europe
The Representative on Freedom of the Media
Miklós Haraszti**

**Cases of media freedom violations during the electoral campaign
to the State Duma of the Russian Federation, 2007**

Harassment of media outlets

- On the night of 23 – 24 November, a television crew of *REN TV* and Oleg Orlov, chairman of the human rights organization Memorial, were kidnapped, threatened with execution, and brutally beaten by armed men wearing camouflage uniforms and masks. The journalists and the human rights expert were covering a demonstration in the Republic of Ingushetia. After the assault, the three journalists and Orlov were left in a field outside Nazran. Once they arrived at the nearest police station, they were held in custody for many hours without medical attention and a possibility to make phone calls.
- On 8 November, the computers and all documents of the Samara edition of *Novaya Gazeta* were confiscated in an inspection raid, with the stated purpose to inspect the origins of the newspaper's software. The paper had to suspend its activities.
- In Chita, the independent site *Regnovosti* was temporarily suspended without explanation on 29 November. The prosecution of Chita had also publicly claimed that the provider Sibirtelekom hosts extremist sites.
- On 27 November, the newspaper of the party *Grazhdanskaya Sila Za Liudey! Za Pravdu! Za Spravedlivost'!* was confiscated in Perm, based on a directive by a local election commission member. In the publication, one of the leaders of the party criticized the governor of the region.
- On 24 October, the head of the local unit of the Federal Security Service asked the local election commission to investigate "illegal campaigning", because the Novosibirsk newspaper of the Communist Party *Za Narodnyu Vlast'*, in its section called "Jokes from Zyuganov", had harshly addressed President Putin and United Russia. The Central Election Commission has not made any decision thus far.
- On 14 October, a search was held in the offices of *Irtysh-Print* printing house, and several computers were seized. Since the beginning of October, the printing house has been raided by various law enforcement, fire, sanitary and even labour inspections. The house prints electoral campaign materials.
- On 4 October, a court hearing was held where the court invalidated the registration of the newspaper *Gorod Orel* after three years of undisturbed operation. The paper recently took an opposition line against the mayor of Orel, who joined the ranks of the ruling United Russia party.

- Print campaign materials have been seized across the country. Communist Party of the Russian Federation (KPRF), Just Russia and Union of Rightist Forces (SPS) have experienced this with their campaign publications. 200,000 copies of the Just Russia publication called *Za Spravedlivost'* were confiscated in Omsk, and an office of the printing house with one million party flyers was sealed in Moscow. Three candidates for SPS went on hunger strike, in an effort to return confiscated campaign materials. One of them was shortly hospitalized with a heart attack.

Lack of equal access

The state-funded media failed to offer a balanced and objective coverage of the relevant political subjects and parties.

Despite their differing statistical methods, both the official monitoring service of the Central Election Commission and the NGO monitoring service of the Russian Union of Journalists have indicated an overwhelming coverage advantage for the ruling party on federal TV channels.

- CEC monitoring showed that approximately one third of the time granted to parties on TV went to United Russia. On *Rossiya* and *Channel One*, the time devoted to United Russia was equal, or it exceeded the combined time received by all other parties. CEC excluded from its monitoring the time devoted to activities of the government and of President Putin.¹
- The NGO monitoring measured the coverage of the President, the Cabinet of Ministers and the parties. The President's time took the largest share of the total electoral coverage time. The combined airtime assigned to the President, the Government, and United Russia was over 80 % in October and November.²

Equal access was also damaged by the arbitrary distribution of unpaid broadcast time used for political advertising:

- *The President's party ignoring TV debates, given extra unpaid airtime.* On 30 October, the Central Election Commission allocated television and radio air slots for the parties participating in the debates. Just like in the 2003 Duma elections, United Russia chose not to participate in the debates alongside the other parties. The electoral law allows for this. Instead, the party received extra unpaid airtime for political advertising (mainly featuring President Putin).
- *In a breach of the electoral law, TV debates (without the ruling party) were downgraded and broadcast off prime time.* The parties that opted for the debates on the state channels could not make use of them, because the rule about the debates having to be broadcast in primetime was systematically violated. Channel *Rossiya*

¹ For the full results of the monitoring conducted by the Russian Centre for the Training on Electoral Technologies, Central Electoral Commission, please consult <http://www.cikrf.ru/rcoit/monitoring/index.html> (in Russian).

² For the full results of the monitoring conducted by the Centre for Journalism in Extreme Situations, Russian Union of Journalists, please consult <http://www.memo98.cjes.ru/?p=3&sm2=on&reports=2007111> (in English) or <http://www.memo98.cjes.ru/?p=3&sm2=on&reports=200711> (in Russian).

broadcast them between 7 and 9 in the morning, while Channel One did so between 10:50 and 11:20 in the evening.

Legislative limitations

- *Ban on 'negative campaigning'*. It is illegal to provide information which forms a negative image of candidates or parties in the minds of the electorate, or which is simply critical of them. According to the recently adopted Article 62.5.2 of the Federal Law on the Elections of Deputies to the State Duma, political parties campaigning on television channels are forbidden
 - to make appeals to vote against federal lists of candidates;
 - to predict negative consequences resulting from a candidate being elected;
 - and to disseminate information on parties or candidates combined with comments or information which create negative views of parties or candidates.
- *Media access for small parties linked to performance*. Smaller parties will be punished if they fail to reach 3% of the electoral vote. They will have to re-fund the price of the unpaid broadcast time granted to them on the federal channels.
- *Restriction on participating media*. The right to place electoral materials in print or on air can be given only to outlets which register with the local election commission.

Arbitrary application of rules

- *Ban on 'negative campaigning' not applied in case of the ruling party*. For example, on 21 November President Putin called his political opponents *jackals who seek to harm the country; who want to install a regime based on corruption and lies; who are paid by foreign enemies of Russia*.
- *Ban on 'negative campaigning' applied against opposition*. On the other hand, publications, outlets or websites affiliated with candidates opposing the ruling party, were in many regions temporarily or permanently closed, seized or blocked, claiming violation of the ban on negative campaigning.
- Three days before the election, the internet site www.forum.msk.ru was suspended, without a court ruling, following a request by the Ministry of the Interior based on alleged negative campaigning against United Russia parliamentarian Liudmila Narusova. The site could reopen only after registering with a different service provider.
- *Ban on utilizing official positions for campaigning not applied in the case of the ruling party*. The law prohibiting persons campaigning for political parties to “utilize the advantages of their official positions” was regularly violated by the top candidate of the ruling party.

On 29 November, the President concluded his nationally televised speech to the country with the words “this is why I ask you to vote for United Russia on 2 December. I count on you and hope for your support.”

The Supreme Court on 20 November rejected all complaints regarding the President's 18 October televised 'direct line with the nation', where he campaigned for the federal list of United Russia which he headed.

Selective use of anti-extremism and defamation legislation

- *Extremism and defamation laws used against opposition campaign materials, but not in the case of ruling party campaign materials.* Laws passed earlier that criminalize critical reporting and opinion making, such as the laws on anti-extremism and defamation, were in vigour during the campaign, but were applied only against opposition campaign materials.
- Several media freedom violations were registered in the Saratov region during the campaign. An extremism lawsuit was filed against the newspaper *Saratovskiy Reporter* for engineered photographs of President Putin in the uniform of folklore hero Stirlitz. (Under the Russian Federal Law on Counter-Measures to Extremist Activities, some categories of defamation are considered extremist offences.) While the case was eventually dismissed by the prosecutor, a defamation lawsuit against the chief editor of the newspaper by federal parliamentarian Vyacheslav Volodin resulted in a fine of 200,000 RUR, and 180 hours of community service.

The Saratov events served as a background to an open letter signed by eleven of the region's leading editors and journalists to President Putin, citing threats to press freedom in the region.

- On 19 November, the regional newspaper *Pyshminskie Vesti* was investigated by the prosecution of Sverdlovsk for extremist activities on account of having published a joke about elections, which included a reference to limited mental capacity of parliamentarians. The journalists were repeatedly interrogated and threatened with the application of Criminal Code Article 282 (incitement to social enmity against parliamentarians as a 'social group').
- The SPS party newspaper *Problema Nomer Odin* is currently being investigated for extremism by the prosecuting authorities for quoting a pensioners' open letter to President Putin. The letter refers to the state's social policy as 'genocide'.