



**REPORT**  
**to the UN Committee against Torture**

**on infringement of the rights of journalists**  
**and pressure on them**  
**in connection with their journalistic activities**

**for the period**  
**2012 - 2018**

## Introduction

This report is submitted to the UN Committee against Torture within the framework of the review of the sixth periodic report of Russia on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and aims to highlight cases of various forms of pressure and direct physical violence against journalists in connection with the execution of their journalistic activities, including in relation to the coverage of cases of torture and other ill-treatment by state representatives.

This report was prepared by Russian NGO **Committee against torture**, coalition of international non-governmental organisations World Organisation Against Torture (**OMCT**) and a number of journalists, who carry out journalistic activities on the territory of the Russian Federation, in particular:

- Trade Union of Journalists and Media Workers (Pavel Nikulin);
- Internet media "Mediazona" (Anna Kozkina);
- Radio "Echo of Moscow" (Maxim Kurnikov);
- TV channel "Rain" (Timofei Rozhanskii);
- Kommersant (Anastasiia Kurilova);
- "Novaya Gazeta" (Ilia Azar);
- Swedish Radio (Maria Persson Löfgren);
- The center "Dossier" (Aleksandrina Elagina);
- Journalist Elena Mukhametshina;
- Journalist Dmitry Okrest.

Journalists are representatives of a socially important profession and play a fundamental role in informing the public and shaping the public's views on socially important issues. In this sense, journalists are indispensable for the development and maintenance of a viable and transparent society in all areas of public life, from cultural to political, from social to scientific. Due to their constant access to a wide audience, journalists have significant influence in a society. Public confidence in state authorities is based on free discussion of socially significant issues in the media.

Journalists make a specific contribution to the protection of human rights by informing the public about the work of all branches of government and observance by the authorities of their international obligations, including in the area of the prohibiting of the use of torture and other ill-treatment. In addition, journalists give publicity to specific cases of violence by state agents that were not investigated by the authorities.

In this regard, the report aims to ensure that the experts of the UN Committee against Torture, having become acquainted with the report, ask Russia questions about putting pressure on journalists and obstructing their legitimate activities, including in connection with investigative articles about cases of torture, and that Russia, in turn, would take into account the proposals made in the report, which are likely to be capable to improve the situation of journalists in Russia.

The authors of this report state their desire to build an adequate interaction with the state authorities of the Russian Federation. The state should guarantee the observance of the rights of all Russian and foreign journalists on Russian soil and should not tolerate the adoption of illegal and discriminatory law enforcement practice against journalists.

## SECTION I

### **Physical violence, murders and intimidation against journalists and media workers, who conduct journalistic investigations**

Physical violence, intimidation and direct attacks on journalists have become commonplace in Russian reality. Law enforcement authorities are extremely reluctant to investigate such attacks and rarely, if ever, institute criminal cases in such instances. As a result, the perpetrators remain unidentified, and their crimes go unpunished.

The most notorious incident of this kind was an attack in 2016 *on journalists investigating torture and enforced disappearances in the Chechen Republic*.

To highlight cases of torture and enforced disappearances in Chechnya, litigated by the Russian human rights organization "Committee against Torture", the latter organized a press tour in the beginning of March 2016 to which both Russian and foreign journalists were invited. They were: correspondent of the Norwegian publication "Ny Tid" Øystein Windstad, Maria Persson-Löfgren of Swedish Radio, Alexandrina Elagina of "The New Times", photographer Mikhail Solunin, journalist of "Kommersant" Anton Prusakov, journalist Nikita Protsenko (pseudonym Yegor Skovoroda) from "Mediazona", Maxim Kurnikov from "Echo of Moscow" and Pyotr Ruzavin from TV channel "Rain".

On the first day of the press tour, on 8 March, journalists went to Ingushetia to meet with clients of the "Committee against Torture". They were demonstratively followed by a black, fully tinted "Mercedes" car.

On 9 March, on the eve of the attack, the minibus was followed by a silver "Lada-Priora" with number plate B504AT95 with two men inside, one of them carrying a walkie-talkie.

In the evening of 9 March, an attack was carried out on the federal highway "Kavkaz" near the administrative border between the Republic of Ingushetia and the Chechen Republic against the journalists and human rights defenders who participated in the press tour.

In the minibus, in addition to its owner and driver Bashir Pliyev, at the time of the attack there were the press secretary of the "Committee against Torture" Ivan Zhiltsov, its lawyer Ekaterina Vanslova and the following journalists: correspondent of the Norwegian publication "Ny Tid" Øystein Windstad, Maria Persson-Löfgren of Swedish Radio, Alexandrina Elagina of "The New Times", photographer Mikhail Solunin, journalist of "Kommersant" Anton Prusakov, journalist Nikita Protsenko (pseudonym Yegor Skovoroda) from "Mediazona".

At approximately 19h13 several cars blocked the minibus. About 15-20 young people wearing masks and armed with sticks began to beat on the windows, shouting: "Come out, you are terrorists!" The attackers spoke Chechen among themselves. The attackers dragged the journalists and human rights defenders from the bus, chased them towards the traffic barrier and forced them into the ditch with blows of wooden sticks. The attackers torched the minivan. When they disappeared, the injured journalists and human rights defenders stayed by the side of the road in the vicinity of the village of Ordzhonikidzevskaya.

Almost all belongings of the participants of the press tour remained on the bus; perhaps some items were stolen because forensic experts later found no traces of burnt equipment in the bus.

Since there was a checkpoint (called "Kavkaz") near the site of the attack, Ingush police officers quickly arrived on the scene. The victims were taken to the police station of the Sunzhensky district. Bashir Pliyev, Maria Persson-Löfgren, Øystein Windstad and Ekaterina Vanslova were hospitalized with head injuries and concussions of varying severity. In addition, Alexandra Elagina received a serious injury to her leg – bone fracture, and Ivan Zhiltsov's nose was broken. The driver of the minibus Bashir Pliyev received the most serious injuries - doctors diagnosed him with brain concussion, multiple bruises to head and trunk, and broken arms and legs. In addition, his minibus was completely burnt.

Criminal case no. 16200056 was opened into these events. The case is currently being investigated by the second department for the investigation of high-profile cases of the Investigative Committee of the Republic of Ingushetia.

On the same day, just a few hours after the attack on the journalists and human rights defenders, unidentified armed men attacked a flat located at the following address: Republic of Ingushenia, Nazranovsky district, settlement of Yandare, New Microrayon, 6, flat no. 39, at which staff of the Committee against Torture (Joint Mobile Group) used to stay. As a result of this attack, personal belongings of the human rights defenders, office equipment (laptops, a printer), case files of public inquiries and other property of the human rights organization were stolen. Into these events criminal case no. 16100032 was opened under Article 158(3) of the Criminal Code of the Russian Federation, which is being investigated by officials of the Investigative Department of the Ministry of Internal Affairs of the Republic of Ingushetia.

These incidents resonated widely and got the attention of Russian state officials.

President Vladimir Putin addressed the 9 March 2016 attack on journalists and human rights defenders on the border between the Chechen Republic and the Republic of Ingushetia and instructed the Ministry of Internal Affairs (hereinafter "MVD") to investigate the incident.<sup>1</sup>

The press secretary of the Russian President, Dmitry Peskov, said the following about the incident: "This is absolutely outrageous, this is absolute hooliganism. Judging from the available information, people's lives have been put at risk. We expect that the law enforcement bodies of the republic will take the most effective measures to search for and find the culprits of the attack, in order to properly ensure the safety of human rights defenders, media representatives, and specifically these ones, but also in general".<sup>2</sup> Peskov further added that since the Republic of Ingushetia is one of the constituent entities of the Russian Federation, it should be noted that our law enforcement bodies at both the federal and regional levels must pay attention to this matter.

In turn, the plenipotentiary representative of the President of the Russian Federation in the North Caucasus Federal District, S.A. Melikov gave instructions to the heads of law enforcement agencies to investigate the high-profile attack on human rights defenders and journalists.

The President of the Republic of Ingushetia, Yevkurov Yu-B.B., stated that law enforcement agencies will take all measures to search for and detain the perpetrators, especially since relevant instructions were given by Russian President Vladimir Putin.<sup>3</sup>

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<sup>1</sup> < <http://www.interfax.ru/russia/497914> >

<sup>2</sup> < <http://www.interfax.ru/russia/497896> >

Immediately after the attack all victims were extensively questioned during several days at the police station, the police received an audio recording of the attack with the voices of the attackers. After the Kremlin announced that they were outraged by the incident, the head of the Investigative Committee Alexander Bastrykin and the Prosecutor General Yury Chaika promised to take the investigation under their personal control. Nevertheless, for more than a year and a half we have not seen any progress in the investigation - and we are certain that in reality the investigation has been frozen and is not being conducted. There is a feeling that no one is really looking to identify any of the perpetrators, let alone those who ordered this crime. This is further evidenced by the attempt to suspend the criminal investigation last winter (the investigation was only resumed when news about it reached the media) and the obvious unwillingness of the investigative authorities to show the victims' legal representatives at least some documents - the investigator literally hid from the lawyer Andrei Sabinin, who represents the interests of Egor Skovoroda and Alexandrina Elagina. After numerous attempts the lawyer managed to obtain some documents (and these are formal orders, judging by which a real investigation is not being conducted). Moreover, the lawyer was made to sign a non-disclosure agreement – from experience we know that in such cases this usually means one thing: the investigation is not being conducted, but the investigators are trying in every possible way to prevent disclosure of this fact.

The above-mentioned attack, directly connected with the journalistic activities of the victims, received wide attention, but, unfortunately, it is not an isolated one. Until now, there are no results in the investigations into the death of Nikolai Andrushchenko, the co-founder of the newspaper “Novy Peterburg”, who died in April 2017 after he was beaten by unidentified assailants, and into the murder of Dmitry Popkov, the editor-in-chief of the social and political newspaper "Ton-M" (Minusinsk, Krasnoyarsk Territory) in May 2017.

It is also worth noting that on 3 April 2017 a meeting was held in the central mosque in Grozny in connection with an article in “Novaya Gazeta.” The meeting adopted a resolution, in which participants promised the following: "Retribution will overtake the true instigators, wherever they are and whoever they are, forever". The threats were related to the fact that in early April 2017 Novaya Gazeta published an article about mass persecution, torture, arrests and killings of homosexuals in Chechnya. The Chechen authorities called the journalists' reports lies. The law enforcement bodies did not react to the article in any way.

*We believe that the authorities of the Russian Federation must oblige the investigative authorities to take such cases under special control and conduct investigations into the crimes against journalists as efficiently and quickly as possible. In this regard, we express our solidarity with the initiative of the new chairman of the Russian Union of Journalists, Vladimir Solovyov, to legislatively expand the scope of the Article 277 of the Criminal Code of the Russian Federation "encroachment on the life of a state or public figure" to include journalists.*

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<sup>3</sup> < <http://www.interfax.ru/russia/497953> >

## SECTION II

### **Criminal prosecution and unlawful investigative actions against persons conducting independent journalistic investigations**

Criminal prosecution remains an effective type of pressure on journalists - even if the case does not end with a conviction, during the investigation the journalist's liberty is often limited by a written undertaking not to leave his/her place of residence. The number of instances of criminal prosecution of journalists and bloggers is increasing, and bloggers are increasingly being exposed to it. Of 47 instances of criminal prosecution in 2016, 19 involved bloggers.

Most often journalists and bloggers are accused of "criminal defamation". One of the most notable cases of this kind was instituted against Saratov journalist **Sergei Vilkov**, who published materials pointing to the possible connection of local deputy Sergey Kurikhin to the criminal underworld. The journalist also made a statement that Kurikhin could have been involved in an attack on him. During the year 2016 the case was examined in court and eventually returned to the prosecutor's office, but in March 2017 the case was again sent to court. Prior to this, Vilkov, a fierce antifa activist, was charged with administrative offences relating to Nazi propaganda because of posts in social networks, where he talked about the views of ideological opponents.

There are also instances of prosecution of journalists or bloggers on more serious criminal charges.

For example, **Zhaloudi Geriyev**, a journalist from Chechnya with "Caucasian Knot", was convicted under Article 228 of the Criminal Code (illegal storage and carriage of drugs) and sentenced to 3 years in a general regime penal colony. His term ends in April 2019.

According to the prosecution, Geriyev picked 160 g of wild cannabis from a field and on 16 April 2016 drove to the cemetery in the village of Kurchaloy, where he intended to smoke it, but he was stopped by police, who found the prohibited substance in the course of a body search.

Geriyev claims that he was abducted from the bus stop in the Kurchaloy, while on his way to the airport in Grozny, from where he was due to fly to Moscow for a seminar on trial journalism. Geriyev had a ticket for the flight and by the time of his arrest he had checked-in online. He also stated that he had no tools for preparing the cannabis. According to Geriyev, he was taken to a forest, where he was beaten and tortured by asphyxiation. His captors threatened to kill him and falsely charge him with different crimes. Geriyev signed a confession, which he later retracted.

On 1 November 2017 the editor-in-chief of the independent Kaliningrad newspaper "Novye Kolesa," **Igor Rudnikov**, was detained and on 3 November he was remanded in custody. Igor, who gained a reputation with his investigations, which in recent years led to repeated harassment and even two assassination attempts, was accused of extortion.

The source of the charges was the head of the local Investigation Committee, General Viktor Ledenev. In his articles Rudnikov showed that Ledenev owns undeclared real estate worth about 4 million dollars, which does not correspond to the level of his declared income. According to Ledenev's complaint enclosed in the criminal case, instituted under Article 163 of the Criminal Code, Rudnikov demanded \$ 50,000 to halt the publication of the story.

In fact, there is no direct evidence of Rudnikov's guilt. According to Rudnikov's lawyers, the case was compiled with so many factual and procedural mistakes that if it did not have political overtones, the investigative authorities would not stand a chance in court. The charges are based solely on Ledenev's statements that he was blackmailed by Rudnikov. At the same time, Ledenev never attempted and does not attempt to disprove the allegations published by Rudnikov either in court or in any other way.

The journalist and his lawyer unequivocally reject the charge, directly calling it politically motivated. Now Igor Rudnikov faces up to 10 years in prison.

On 10 August 2017 the Tverskoy District Court of Moscow sentenced RBK journalist **Alexander Sokolov** to 3 years and 6 months in a general regime penal colony.

Sokolov was arrested for taking part in an outlawed organization that was in favor of holding a referendum. Sokolov and his associates - the former editor of the newspaper "Duel" Yuri Mukhin, Valery Parfenov and Kirill Barabash - are charged under Article 282.2 of the Criminal Code of the Russian Federation (organizing the activity of an extremist organization). They allegedly continued the activity of the "Army of the People's Will", which was outlawed by a court in 2010, and promoted the idea of holding a referendum "For responsible power".

During the court hearings almost nobody talked about the role of Sokolov in the criminal case. He is only charged with administering the organization's website, through which extremist materials were distributed. Investigators believe that Sokolov continued to participate in the activity of the banned movement "Army of the People's Will." At the same time, the court refused to consider defense arguments about the fact that the website was not designated extremist and was never blocked as such, and Sokolov only registered the website but did not support it (the website continued and continues to update all the time that Sokolov is in custody).

Sokolov has been in detention since 29 July 2015. He repeatedly complained about unlawful pre-trial detention, lasting more than two years, in flagrant violation of Article 109 of Criminal Procedure Code (stipulating that pre-trial detention of more than one year is only possible for those accused of particularly serious crimes).

Sokolov himself is sure that he is being persecuted for his journalistic and investigative work. During interrogation, he stated that the officials who executed the initial search warrant "made it clear that the motive behind their actions was his dissertation on losses to the state budget from corruption" in the implementation of projects by state corporations "Rosnano", "Rostekh", "Olimpstroy" and "Rosatom". A few weeks before his arrest, Sokolov published an investigation about losses to the state budget during the construction of the spaceport "Vostochny".

The results of Sokolov's investigations were transmitted to the Accounts Chamber and the Federal Antimonopoly Service. At a press conference, Vladimir Putin thanked the RBK journalist for his investigation and promised to look into the matter. However, nothing has changed in our colleague's fate.

More than 350 Russian journalists expressed their support for Alexander Sokolov, including such well-known journalists as Vladimir Pozner, Yevgenia Albats, Timur Olevsky, Elizaveta Osetinskaya. In support of Sokolov also spoke the ombudsperson Tatiana Moskalkova and her predecessor Ella Pamfilova, the Presidential Council for Human Rights and the international organization "Reporters

Without Borders.” The Human Rights Center "Memorial" recognized Sokolov, Mukhin, Parfenov and Barabash as political prisoners.

On 21 December 2017 the Moscow City Court upheld the conviction of Alexander Sokolov.

**Pavel Nikulin** is the editor-in-chief of the magazine "Moloko plus" and co-chair of the Trade Union of Journalists.

On 31 January 2018 the police came to Nikulin's home and conducted an 8 hours search of his flat. The police did not mention a specific ground for the search, but Nikulin believes the search was in connection with his article "From Kaluga with Jihad", published in "The New Times" in March 2017. A few months after the publication of the article, a court fined "The New Times" 100 000 Russian Rubles under part 6 of Article 13.15 of the Code of Administrative Offences (publication by mass media of calls for terrorism). "From Kaluga with Jihad" - an interview with a young man from the Kaluga region, who converted to Islam and went to Syria to fight for the "Islamic idea". Nikulin initially offered the material to "Esquire" magazine, but the editors refused to publish it after a visit by an FSB officer, who asked questions about the journalist.

During the search, police seized the laptops of Nikulin and his girlfriend and took copies of the magazine "Moloko plus", T-shirts and stickers with the logo of the publication. Nikulin was also interrogated as a witness. A court in the city of Kaluga had ordered the search of Nikulin's flat in November 2017.

None of the items seized during the search were returned to Nikulin and investigators never contacted him or his representatives. A letter with a complaint about the search, addressed to the head of the FSB in Kaluga, was returned to Nikulin - the FSB officers simply did not pick it up from the post office. Currently, Nikulin continues attempts to obtain back his computer and other items seized during the search.

**Valeria Altareva (Eltarenko)**, an independent journalist, was subjected to illegal investigative actions. Valeria Eltarenko works as a photo reporter.

On 8 April 2017 law enforcement officials together with a SWAT team came to Eltarenko's flat. Almost immediately the police confiscated her phone. She was interrogated all night, her personal notes, a diary of the past year, several bundles of the developed photographic film, telephones, including a push button phone without internet access or built-in memory, a computer, hard drives with a photo archive, were seized from her.

The legal basis of the search in her flat was the journalist's acquaintance with a suspect in one of the criminal cases that are being investigated in Irkutsk. The search lasted 3 hours. Police and Investigative Committee in Irkutsk for several hours claimed that no one had detained the journalist and that she was not kept in a police station or in the building of the Investigative Committee. However, Eltarenko alleged she was interviewed at the Investigative Committee and she was asked not only about her acquaintance with the suspect, but also about her personal views, convictions, ethnicity, the meaning of her tattoos and her relations with the LGBT community. Investigators also demanded that she undergo a forensic medical examination. The law enforcement officials did not face any responsibility for their actions.

**Ali Feruz** (real name - Khudoberdi Nurmatov) is a Russian journalist (since 2014 he wrote for

“Novaya Gazeta” and “Takiye dela”, since 2017 he is a member of the Trade Union of Journalists). On 1 August 2017 Ali Feruz was stopped by police for an identity check; an employee of the music school, to which Feruz was heading and in the vicinity of which he was detained, stated that one of the policemen had asked about Feruz' arrival time - thus indicating that they were specifically waiting for him. In the evening of the same day, the Basmany court sentenced him to forced and controlled deportation from the territory of the Russian Federation for violation of immigration law (in accordance with part 3.1 of Article 18.8 of the Code of Administrative Offences); until his deportation he was placed in the temporary holding facility for foreign nationals in Sakharovo. Already on 3 August a public campaign was launched in defense of Ali Feruz: a six-hour series of one person pickets in front of the presidential administration in Moscow, on the same day pickets were held in Saint-Petersburg, Berlin, Washington. During the following week, protests calling for the release of Feruz were held in 11 cities around the world, his case was covered by more than 50 Russian and foreign media. This outcry and the swift reaction of his lawyers led the European Court of Human Rights (hereinafter “ECHR”) on 8 August 2017 to issue an interim measure, halting any relocation of Feruz until the Court in Strasbourg was able to review his case. A Russian court ruled to interpret the ECHR's demand to the letter, leaving Feruz at the detention facility and prohibiting not only his deportation to Uzbekistan, but also a separate trip to a third country (which would resolve the issue of his "illegal" status in Russia).

From that moment, Ali Feruz' lawyers started the legal fight to refine and clarify the court decision, without which the Federal Bailiffs Service refused to release Feruz, so he could travel to Germany. Despite the presence of all necessary paperwork for departure, a valid visa and a letter of guarantee on the availability of funds, a clarification of the decision was postponed again and again, and an appeal to the Moscow City Court only confirmed the decision of 1 August. Moreover, in the late evening of 21 November 2018, Ali Feruz was urgently brought from the detention facility to the Basmany court (his friends and supporters could not enter the court building as it was after official working hours), where he was sentenced for a second time to be deported to Uzbekistan for allegedly working in Russia illegally (part 2 of Article 18.10 of the Code of Administrative Offences) - the court considered that Feruz was in reality employed by “Novaya Gazeta”. However, Novaya staff stress that the editorial board could not legally employ him, so it allocated a special grant to him, similar to an education grant. The second deportation decision turned out to be another obstacle in the process of allowing Ali to leave for a third country.

On 22 January 2018 the Supreme Court quashed the decision to deport the journalist for violations of immigration law (the first case) and sent the case back to the Moscow City Court. The Supreme Court also noted that in accordance with the case law of the Constitutional Court in Decree No. 6-P of 17.02.1998, the detention of a foreign citizen in a special facility prior to expulsion should not be a separate punishment, that is, it should not be continued for an indefinite time. Feruz' detention in the detention facility for foreigners for half a year constitutes deprivation of liberty and requires repeated legal review by the Moscow City Court, including because its necessity as an interim measure for the execution of the deportation order was further called into question because of the possibility for Feruz to independently travel to Germany. Nevertheless, the Moscow City Court, after rehearing the Feruz case on 2 February 2018, refused to release the journalist from the detention facility.

At the same time, the Moscow City Court allowed Feruz to leave Russia for any third country. On 9 February 2018 the Basmany court clarified the verdict in the second case, which duplicated the decision of the Moscow City Court in the first case - it allowed the trip to a third country if he applied for it. On 15 February Ali Feruz flew from Russia to Germany.

The actions of the immigration department of the MVD, the Basmanny and the Moscow City courts, as well as the extremely likely undisclosed involvement in the process of Russia's FSB and the National Security Service of Uzbekistan – are a direct, gross violation of the rights of the Russian journalist Khudoberdi Nurmatov and constitute an attempt on his life with the aim of stopping his journalistic and investigative activities which are inconvenient to both Uzbek and Russian law enforcement agencies. In such a situation, even granting the right to travel to a third country looks like a humanitarian act on the part of the authorities, although the journalist never received political asylum in Russia.

## SECTION III

### **Denial of access of journalists to open court sessions and the legislative ban on broadcasts, photo and video shootings without special permission of the court**

Federal Law No. 46-FZ of 28 March 2017 "On amending the code of criminal procedure of the Russian Federation" imposed restrictions on the conduct of photo and video recordings, as well as video and audio broadcasts from public court hearings. According to this law, these types of trial coverage are generally prohibited and should be expressly permitted by special order of the the presiding judge. The court also has the right, at its discretion, to limit the duration of recordings and broadcasts, and restrict journalists to specially allocated places.

*We consider this to be a direct attack on the freedom of the press and access to information, which allows arbitrary (that is, at the complete discretion of the judge) restriction of access to an open trial and which can only become the first of a number of other restrictive measures.*

In addition to this systemic problem, journalists also face illegal attempts to restrict their rights when working in courts, including cases involving torture.

Decree No. 35 of the Plenum of the Supreme Court of the Russian Federation of 13 December 2012 "On openness and publicity of court proceedings and on access to information about the activities of the courts" states: "Given that the presence of journalists in an open court session in order to obtain information on the case is a legitimate way to find and receive information, and also that when carrying out their professional activities, journalists fulfill a public duty (Article 49 of the Law of the Russian Federation "On Mass Media"), it is not allowed to create obstacles and deny them access to the courtroom on the grounds of their professional affiliation, for lack of accreditation and (or) on other grounds not provided for by law."

Despite this, on 27 January 2018, **Sasha Bogino (Aleksandra Lukyanenko)**, a member of the Trade Union of Journalists, and **David Frenkel**, a freelance correspondent for "Mediazona" could not attend the hearing of the Dzerzhinsky District Court of Saint-Petersburg on the issue of imposing a measure of restraint against the antifa activist Igor Shishkin, who alleged that he was tortured during his interrogation. Judge Vladimir Vasyukov did not allow journalists to enter, explaining this by saying that Saturday is a day off. When the journalists passed by the checkpoint, where a security guard did not write down their passport data, police officers approached them and explained that the court was a guarded facility to which unauthorized persons were not allowed. After a brief inquiry it turned out that the president of the court Viktor Shashkin gave the security guard the order to "entrap" the journalists. As a result, the journalists were removed from the court, without being given the reasons for such a decision. The police officers who arrived on the scene told the reporters that the security guard allegedly wrote a complaint about illegal entry into a guarded facility. According to journalists, after an investigation they were roughly bungled into a police car.

The press service of the Main Directorate of the MVD for Saint-Petersburg and the Leningrad region replied to the redaction of Mediazona that "the police received a report about a violation of public order in the Dzerzhinsky District Court of Saint-Petersburg", after which "the court bailiffs handed the police officers who arrived at the scene two citizens and explained that these individuals had disturbed public order". "On the basis of this information, the police officers had brought the above-mentioned citizens to the police stations for administrative proceedings," the MVD concluded.

Each of the journalists was fined 500 Russian rubles for swearing. According to the police officers, the journalists grossly violated public order, "pushing citizen L.V. Lissin and using foul language." The administrative offence protocol for both journalists is word for word the same.

It should be noted that the particular hearing from which Bogino and Frenkel were expelled, was part of the high-profile case concerning "Penza and Saint-Petersburg antifa activists" accused of participating in a terrorist organization. According to numerous reports, Igor Shishkin, against whom a measure of restraint was imposed on 27 January, was abducted and tortured by the security services; according to testimonies of people who saw him, he had abrasions and other injuries on his body and face. Under these circumstances the court, which ultimately followed the prosecution and remanded Shishkin in custody, could deliberately try to hide the accused from the press and cameras.

## SECTION IV.

### **Arrests, attacks and prosecution of journalists carrying out their professional activities at public events**

According to paragraph 7 of Federal Law No. 2124-1 of 27 December 1991 (as amended on 29 July 2017) "On Mass Media", a journalist has the right "to visit specially protected places of natural disasters, accidents and catastrophes, mass unrest and mass gatherings of citizens, and the areas in which a state of emergency was declared; and [the right] to attend rallies and demonstrations. " Nevertheless, the arrest of journalists covering mass protest actions has become a common phenomenon of Russian reality. During arrest physical violence and confiscation or destruction of equipment are often used, and after arrest charges of administrative offences follow, and then court proceedings and fines.

On 5 March 2012 Moscow police detained several journalists who covered a rally of the "Other Russia". The following journalists ended up in police vans: "Ridusa" correspondent **Maria Klimova**, journalist **Pavel Nikulin**, "Kommersant" photographer **Gleb Shchelkunov**, "RIA Novosti" photographer **Andrei Stenin**. Police officers beat Nikulin during his arrest: they hit his head on the steps of the police van, strangled him, sat on his chest with their full weight.

As Pavel Nikulin recalled, "initially they threw me into the police van in such a way that I hit my head on the step. Then police captain Ilya Teleshev pressed my chin to my chest so that I began to suffocate." In the emergency room, he was diagnosed with abrasions and bruises.

Pavel Nikulin and Maria Klimova were later charged under Article 20.2 of the Code of Administrative Offences for violation of the rules for holding a rally or demonstration. The Justice of the Peace no. 370 of the Tverskoy District of Moscow ultimately dismissed the cases against the journalists for lack of an administrative offence.

However, the Russian authorities failed to investigate the beating of Nikulin. After exhaustion of legal remedies to obtain a fair investigation of the incident inside Russia, Pavel Nikulin lodged an application to the European Court of Human Rights on 7 October 2016, complaining about the refusal to open a criminal case against the police officers. During four years investigators 12 times refused to open a criminal case against the police officers. The refusals were unsuccessfully challenged in the domestic courts. In his application to the ECHR Nikulin requests a recognition of a violation of the prohibition of torture, the right to liberty and security and the right to freedom of expression.

On 13 October 2013 police prevented Pavel Nikulin from covering mass protests in Biryulevo. Nikulin observed how police officers beat arrested people and took pictures with his mobile, but the police officers knocked him to the ground and hit him several times. The police ignored Nikulin's complaints.

In September 2016 correspondents **Yelena Kostyuchenko** (Novaya Gazeta) and **Diana Khachatryan** (internet portal "Takie dela") were detained in Beslan (Republic of North Ossetia-Alania) during commemorations of the anniversary of the terrorist attack on the local school. The journalists were detained on the grounds that Khachatryan allegedly had a "false passport" and Kostyuchenko was charged with "improper storage of documents". The journalists were kept for about two hours in the Pravoberezhniy police station, after which they were released, but two days later they were attacked by unidentified people inside the school building, where the hostage-taking happened in 2004.

Mass arrests of journalists occurred at protest rallies in 2017.

According to information from the territorial bodies of the MVD of the Russian Federation, on 26 March 2017, 136 public events took place across 61 Russian regions, including 45 - unauthorized, with a total of about 30 000 participants. One prevailing goal stated by the organizers in the notification of these public events, was a demand to investigate allegations of corruption among senior officials at the federal and regional level

On 12 June 2017 between 49661 (MVD estimate) and 98720 (organizers' estimate) individuals took part in various unauthorized public protests on the streets. Demonstrators were detained in 26 cities. The largest number - in Moscow (866 people), followed by Saint-Petersburg (658 people), Sochi (48 out of about 100 who attended the unauthorized rally), Kaliningrad (45 people) and Tambov (40 out of 150 protesters).

Despite the extraordinary scale of the anti-corruption protests, these were largely ignored by the big national media, and strange as it may sound, they were absent from large internet content aggregators.

On 26 March 2017 dozens of journalists covering the protests were detained.

**Alexander Plyushchev** (Echo of Moscow), **Pyotr Verzilov** (Mediazona), **Pyotr Parkhomenko** (Kommersant-FM), **Timofey Dzyadko** (RBK), **Sofiko Arfidzhanova** (Open Russia) and American journalist Alec Luhn (The Guardian) were detained in Moscow and were kept for several hours in the police station. Timofey Dzyadko, Sofiko Arfidzhanova and Alec Luhn were subsequently charged with participating in an unauthorized rally.

On 9 June the Tverskoy District Court fined journalist Sofiko Arifdzhanova 10000 Russian rubles. She was convicted under part 6.1 of Article 20.2 of the Code of Administrative Offences, because, in the opinion of the court, she ran out onto the roadway and obstructed traffic. The judge convicted the journalist, even though the latter provided her original press card and assignment letter. In addition, one of the policemen said that he had seen Arifdzhanova's journalist badge. The ruling was upheld on appeal despite the fact that the key witness (policeman) failed to appear in court.

Sofiko Arifdzhanova was also charged with an administrative offence under Article 19.3 of the Code of Administrative Offences, but her lawyer managed to convince the first instance court that she was engaged in the performance of her duties as a journalist.

Alec Luhn was charged with an administrative offence under Article 19.3 of the Code of Administrative Offences, but his lawyer Ilya Novikov invoked a procedural violation in the actions of police officers who conducted the arrest: as a foreigner Luhn was not provided with an interpreter. Therefore, the court case against him was discontinued.

On the same day - 26 March - **Sergey Satanovsky** (Novaya Gazeta), **Nadezhda Zaitseva** (Vedomosti), **Roman Pimenov** (Interpress) and independent journalist **Artem Alexandrov** were detained in Saint-Petersburg. In Makhachkala **Sergei Rasulov** (Kommersant), **Faina Kachabekova** (Kavkazskaya Politika) and **Vladimir Sevrinovsky** (Eto Kavkaz) were detained.

Besides them, "Chernovik" correspondents **Said Vagapov** and **Bariat Idrisov** were detained in Makhachkala. They are currently suing the police, alleging that their arrest was illegal.

In Saratov, **Alexander Nikishin** ("The Open Channel") was detained, the next day he was sentenced to administrative detention for four days for "disobeying the lawful order of a police officer".

During the rally in Petrozavodsk, the correspondent of the local newspaper "Chernika", **Alexey Vladimirov**, was beaten, while he was filming arrests. According to "Chernika", a policeman inflicted several blows on the journalist, including on the face, despite the fact that Vladimirov showed him his press card. The police officer did not carry his badge and refused to identify himself.

On 12 June 2017 "Pozitsiya" correspondent **Jan Katelevsky**, equipped with a press card, filmed a public protest in Moscow with a video camera. While filming the detention of a protester, a person in uniform repeatedly struck the journalist on the back and nearly knocked the camera out of his hands. Police officers then dragged the journalist to a police van, next to which they started beating him with a rubber truncheon as well as with their hands and feet, they tore off his press card, Bluetooth device, and turned off the journalist's body cam. There exists almost a full video recording of Katelevsky's detention.

On the same day "Open Media" correspondent and member of the Trade Union of Journalists, **Nikita Safronov**, having a press card on him, covered mass protests near Pushkin Square in Moscow. While carrying out his professional duties police placed him in a police van and brought him to the police station, where he stayed until 9 p.m., when he was released without a detention record being drawn up. At the journalist's request, the police department gave him a copy of a police report. After his detention, Safronov wrote complaints to the Main Directorate of the Ministry of Internal Affairs of Moscow and the Prosecutor General's Office. From the MVD Safronov received a reply that no violations were found, except regarding the length of the time spent in the police station; the Prosecutor's Office redirected his complaint to the MVD. There exists a video recording of Safronov's detention.

On the same day Meduza photojournalist **Yevgeny Feldman**, equipped with a press card, covered mass protests at the corner of Tverskoy Boulevard and Tverskaya Street in Moscow. While carrying out his professional duties he was put in a police van and released after 10 minutes.

On the same day police in Saint-Petersburg placed "Citizen's Control" photographer **Denis Tarasov**, who held a press card and assignment letter and was covering the protests, in a police van and took him to the corner of Millionaya Street, from where he was released after 10-15 minutes.

*Such police interventions not only violate Russian law, but also international treaties to which Russia has acceded. It is unacceptable that so many journalists were detained, despite the fact that they had with them a proper press card. Even more alarming is the fact that a number of journalists were charged, and one was beaten by police officers. We call on the authorities to respect freedom of the press, punish the perpetrators and ensure that police officers are properly informed about the rights of journalists.*

Just like on 26 March, on 12 June police detained Russian photojournalist **David Frenkel**, a member of the Trade Union of Journalists and a freelance correspondent with "Mediazona", who regularly covers opposition rallies.

On 26 March David Frenkel stood with his back to the police and filmed with a video camera how protesters were put in police vans. Policemen took him from behind under his arms and dragged him inside the cordoned off area. Frenkel was holding his internet media press-card from "Mediazona" in

his hands, but the police reacted aggressively when he showed it, they refused to release him from the cordon, used foul language and when Frenkel tried to take pictures of the police officers, one of them hit with a truncheon on the video camera in Frenkel's hands. Then Frenkel was taken to a police van, although he told the police that he was a journalist and showed them his press card. In reply, police officers struck him several times on the legs and in the groin, and to get him into the police vehicle, twisted his ear. Only after other journalists appealed to senior police, Frenkel was released.

On 12 May 2017 members of the Trade Union of Journalists met with Vyacheslav Stepchenko, the head of the press service of the Main Directorate of the MVD for Saint-Petersburg, and colonel Alexei Smyatsky, head of the department for public security to discuss the growing number of detentions of journalists. At this meeting, the police chiefs accused journalists of provocations and demanded that journalists wear visible identification marks during mass protests. At the same time, they stated that press cards did not qualify as visible signs; it was suggested to introduce shoulder sleeve insignia. They further explained that journalists should not resist detention.

On 12 June 2017 David Frenkel was again detained during a protest on the Champs de Mars, while his press card hung on his neck. The police officers, having inspected it, placed him in a police van. He did not resist arrest, but despite the agreement reached during the meeting on May 12, the head of the press service of the Main Directorate of the MVD Stepchenko and his deputy personally authorized Frenkel's transfer to the police station. On the police bus, police officers told Frenkel that his documents would be checked upon delivery at the police station, but after he expressed his indignation, police officers released him from the bus at some distance from the Champ de Mars.

On 7 October 2017 Frenkel appeared at a public event with a shoulder sleeve with the inscription "Press", as proposed at the above-mentioned meeting with the police. Nevertheless, while carrying out arrests on Liteiny Avenue, policemen actively prevented Frenkel from filming the arrests with a video camera and then dragged him into a police car. Showing his press card or the shoulder sleeve "Press" had no effect. A policeman threw Frenkel on the floor of the car. When he stated that he was a journalist and showed the shoulder sleeve, police officers started hitting him on his arms and camera with rubber truncheons. They took Frenkel out of the car and brought him to a bus, from which he was released after 10 minutes by a man who introduced himself as "a representative of the press service of the National Guard of Russia [Rosgvardia]". The deputy head of the press service of the Main Directorate of the MVD later stated that Frenkel was detained for using obscene language, and should not have been released.

On 27 October 2017 Viktor Podkolzin, the deputy head of the department for public security of the Saint-Petersburg, replying to the complaint of the Trade Union of Journalists to the MVD concerning the illegal detention of journalists David Frenkel and Denis Tarasov during a protest on the Champs de Mars on 12 June, stated: "The actions of the police were lawful because "citizens" allegedly used journalist ID cards to "avoid responsibility for violating the law." The official reply from the MVD did not identify David Frenkel and Denis Tarasov as journalists. According to the police, the reason for their detention was that Frenkel and Tarasov allegedly shouted slogans and did not intend to disperse after a warning about the illegality of the protest, and already in the police station a preventive conversation was held with these "citizens" concerning the inadmissibility of participating in unauthorized public events, using ID cards and assignment letters for journalists.

However, as already mentioned above, on 12 June Frenkel was released from the police van; he was not brought to the police station, no preventive conversation was conducted with him.

*Such official explanations from the MVD not only call into question the integrity of the police officers, but also indicate the obstruction by law enforcement officials of legitimate journalistic activities during public events.*

In addition, the MVD's requirement to wear special identification signs ("Press" shoulder sleeves, safety vests, etc.) at mass events is unacceptable for us. According to Federal Law No. 2124-1 of 27 December 1991 "On Mass Media", to confirm his professional status, a journalist is obliged to "present his editorial certificate or other document certifying the identity and authority of the journalist." As an alternative ("other") document, Russian media traditionally developed the practice of the editorial board issuing a special press card to the journalist - because it can be conveniently worn on the chest and the ease of making it for freelance staff. We believe that this document should be sufficient to confirm the professional status of the journalist, including at public events. Although a number of international organizations for the protection of journalists' rights indeed recommend wearing clear identification signs, nevertheless such a decision should be made by the journalists themselves on the basis of the circumstances of each case and an assessment of the possible risks of such apparent self-identification. Wearing an identification mark is a right that can not be turned into an obligation, since in some cases journalists need to keep a low profile in order to effectively conduct their professional activity.

*Therefore, we consider the requirement by police to wear clear identification marks and the refusal to accept press cards of journalists to be a violation of the rights of journalists and a constraint on the capacity to fulfill their professional activity. This kind of requirement is, firstly, not enshrined in legislation, and secondly, in practice it can lead to arbitrary detentions of certain undesirable journalists.*

On 6 July 2017 Maxim Kurnikov, the editor-in-chief of "Echo of Moscow" in Orenburg (and co-author of this report) was attacked while covering a picket by National Liberation Movement and Orenburg cossacks near the office of Navalny. Kurnikov tried to photograph the action when a man approached him, snatched his phone and smashed it on the ground. The Orenburg police three times refused to open a criminal case (the refusals were canceled by the prosecutor's office as unlawful). The initial ground for refusal was that Kurnikov did not submit a certificate of damages, although the journalist himself stated that he had handed over the documents. In addition, the refusals refer to statements by a businessman, Alexander Libkind, who, according to Kurnikov, had grabbed his phone and threw it on the ground. Libkind claimed that he just raised his hand to his face, after which Kurnikov allegedly dropped the phone himself. The refusal to open a criminal case was issued in relation to Article 167 of Criminal Code (intentional damage to property). The materials on obstructing the work of a journalist (Article 144 of the Criminal Code) were referred to the Investigative Committee, which - after conducting a pre-investigation inquiry - refused to open a criminal case, although it acknowledged that the attack happened. The materials were then transferred to the MVD, which after a review issued a fresh refusal. According to the official version of events, Kurnikov got frightened when the assailant swung his hand and Kurnikov dropped the phone himself, although this is not true.

On 7 October 2017 journalists **Andrei Loshak** (in Krasnodar), **Andrei Kiselev** and **Beata Bubenets** (Moscow, "Radio Liberty"), **Sonya Groysman** (Moscow, TV Rain), **Rostislav Bogushevsky** and **Ilya Gorshkov** (Moscow, "Daily Storm"), **Georgy Malets** (Moscow, "Russian Blogger") and others were detained at the mass protests, notwithstanding the fact that they showed their press cards.

On 5 November 2017 "Echo of Moscow" correspondent **Andrey Yezhov** was detained while covering

an unauthorized protest on Pushkin Square. After he was transferred to the police station, he was released without a detention record being drawn up.

On the same day, “Sota.vision” reporter **Irina Yatsenko** was detained, though she had shown her press card, and transferred to the police station, where she spent about 12 hours. She was also released without a detention record.

On the same day, **Olga Sapronova**, a reporter for “Workers' Democracy” and “The New Alternative” newspapers, was also brought to the police station. She was charged under Article 19.3 of the Code of Administrative Offences (disobeying the lawful order of a police officer).

There is also a case where a journalist was charged with an administrative offence for working without a license (Article 19.20 of the Code of Administrative Offences). "Meduza" freelance reporter **Daniil Alexandrov** went to Karelia in June 2016 to report on the death of a number of children on lake Syamozero. The police told him that he needed to obtain accreditation from the Russian Foreign Ministry because “Meduza” was a foreign publication.

Impunity of officials who put pressure on journalists and the media remains one of the main problems. The investigation of crimes against journalists remains at a very low level.

The press and journalists rarely obtain the actual application of Article 144 of the Criminal Code ("Obstruction of the lawful professional activity of journalists") - the only provision of criminal law that protects media workers. However, criminal cases are brought against drivers, road workers or catering staff, but state officials - who most frequently hinder the work of journalists - usually go unpunished.

On 5 May 2018 a protest by the politician Aleksey Navalny was held in Russia under the slogan "He is not our tsar". In 27 cities across Russia police detained 1,600 people, most of them in Moscow (719), Petersburg (217) and Chelyabinsk (185). In addition, journalists from Ura.ru (Chelyabinsk), Komsomolskaya Pravda (Moscow), Flashnord (Saint-Petersburg), Federalpress (Moscow), Deutsche Welle (Moscow) and MBKh-Media (Moscow) were beaten up by police officers. Representatives of 18 media outlets were detained.

*In connection with the foregoing, we insist on conducting negotiations with the leadership of the MVD on the need for detailed and clear instructions to staff on the rights of journalists at public events and confirmation of their status by showing a press card.*

## SECTION V

### Obstruction of lawful journalistic activity in Crimea

The crackdown on freedom of speech in Crimea continues. To date the cleansing of the information space on the peninsula is completed, the remaining media provide coverage favorable for the government and are regularly being censored. For independent journalists, freelancers and bloggers, the most hostile environment was created, making it extremely difficult to carry out their professional activities.

During three years the sphere of freedom of speech in Crimea was dramatically transformed, passing through the “hotspot” stage (February 2014-August 2014) with forceful seizure of objects, disconnection of broadcasters, attacks on journalists; the stage of “systematic work” (September 2014-December 2015) with searches, criminal proceedings, unfair frequency award contests and denials to register and re-register. The third stage, continuing to this day, can be called the stage of “correction and control”, characterized by blocking of websites, introducing templates, interfering in editorial policy, internal and external censorship, and unlawful detentions of independent journalists and streamers in order to exert pressure or to intimidate.

During the period from March to October 2017, the Trade Union of Journalists and Media Workers recorded no less than:

- 3 criminal cases against editors and journalists of Crimean media;
- 5 criminal cases against bloggers and users of social networks;
- 19 administrative arrests for publications in social networks and for streaming mass events;
- 13 searches of journalists and bloggers;
- 21 incidents of obstruction of professional activity of journalists;
- 12 cases of unlawful detention of journalists;
- 12 cases of explicit threats and other psychological pressure;
- 3 cases of damage to equipment and information;
- 5 facts of censorship, administrative pressure and dismissals of journalists.

During the same period 28 websites of Ukrainian news publications and TV channels were blocked in the territory of Crimea.

There are criminal prosecution against professional journalists working for Ukrainian media (the case of Nikolai Semena)<sup>4</sup> and those who take an independent stance (the case of the editor of the Alushta newspaper Aleksey Nazimov)<sup>5</sup>. Individuals who express their opinion in social networks are also being prosecuted (the Movenko case,<sup>6</sup> the case of Suleiman Kadyrov)<sup>7</sup>.

It is also worth mentioning the following facts:

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<sup>4</sup> < <https://ovdinfo.org/story/delo-krymskogo-zhurnalista-nikolaya-semeny> >

<sup>5</sup> < <http://nazimov-stepanchenko.ru/novosti.html> >

<sup>6</sup> < <https://www.svoboda.org/a/28416153.html> >

<sup>7</sup> < <https://www.svoboda.org/a/28814960.html> >

- bringing administrative charges for violating the rules for conducting mass events for streamers who are filming the actions of law enforcement agencies, and also holding these streamers accountable for the publication of extremist materials;<sup>8</sup>
- pressure and threats against Ukrainian journalists traveling to Crimea or working for Ukrainian media in Crimea (the Burdyga case,<sup>9</sup> publication for journalists of “Krim Realiya”)<sup>10</sup>;
- conducting a number of trials behind closed doors, with the prohibition to even enter the court building and the total refusal to allow photo and video shooting during open trials;<sup>11</sup>
- blocking Ukrainian news sources and TV channels in the territory of Crimea (a significant part of these sources remains unblocked in the territory of the Russian Federation).<sup>12</sup>

As a result, the bulk of pro-Ukrainian journalists were forced to leave the Crimea. The remaining journalists in the region, interacting with Ukrainian, foreign or independent Russian media, are forced to refrain from covering the most pressing issues due to the threat of persecution.

However, most violations of freedom of speech in Crimea are difficult to document and appeal because of the unwillingness of the victims to start a legal fight with the authorities. Given the low level of public human rights activism in the region, media representatives have long held a deterrent function, limiting the number and severity of various human rights violations. Today the leverage of the media on these processes has virtually stopped, and the main burden for covering various cases of suppression of civil discontent occurring in Crimea today lies with Crimean civil society activists, who do not yet have sufficient professional skills and ties with mass media to effectively re-transmit the information they collect.

Due to the significant drop in the number of independent journalists and the limited possibilities to carry out their professional activities on the peninsula, a series of important events in Crimea receive little media coverage in Ukrainian, independent Russian and foreign media.

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<sup>8</sup> < <https://112.ua/obshchestvo/krymskogo-strimera-bekirova-osvobodili-posle-3-dney-aresta-381790.html> >

<sup>9</sup> < <https://daily.rbc.ua/rus/show/poldnya-fsb-eshche-odna-istoriya-akkreditatsiyu-1463131347.html> > (This site is currently blocked on the territory of the Russian Federation)

<sup>10</sup> < <http://www.c-inform.info/comments/id/251> >

<sup>11</sup> < <https://ru.krymr.com/a/news/28814656.html> >

<sup>12</sup> < <http://crimeahrg.org/minimum-22-ukrainskih-internet-smi-polnostyu-ili-chastichno-nedostupnyi-v-kryimu-monitoring/> >

## SECTION VI.

### **Legislative amendments that are detrimental to media activities**

In 2016 the trend to tighten legislative regulation in the field of freedom of mass media continued, resulting in the adoption of laws restricting the right of access to information.

In July 2016 the State Duma passed draft laws amending the Federal Law on Countering Terrorism, the Criminal Code of the Russian Federation and the Criminal Procedure Code of the Russian Federation regarding "the establishment of additional measures to counter terrorism and ensure public safety." We are talking about the Federal Law No. 374-FZ of 6 July 2016 "On Amendments to the Federal Law "On Counteracting Terrorism "and certain legislative acts of the Russian Federation regarding the establishment of additional measures to counter terrorism and ensure public safety" and Federal Law No. 375-FZ of 6 July 2016 "On Amendments to the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation with regard to the establishment of additional measures to counter terrorism and ensure public safety."

Even during the drafting process, this package of laws (the so-called "Yarova package") was declared as aimed at strengthening the fight against the threat of terrorism. However, the proposed amendments negatively affected the scope of freedom of information, introducing additional powers for law enforcement agencies and imposing unrealistic requirements for participants in the information exchange, including service providers (for example, mail, telecom operators, companies providing internet access services to people, and services consisting of hosting of internet sites).

The amendments provide for the introduction of criminal responsibility for the propagation of terrorism on the internet, which now constitutes a crime under part 2 of Article 205.2 of the Criminal Code and is punishable with up to 7 years imprisonment. For using the media and the internet to disclose information that constitutes a state secret or other secret specially protected by law, administrative responsibility has been imposed with a fine of 400,000 to 1 million Russian rubles.

The "Yarovaya package" creates obstacles to the free exchange of information between citizens as a whole, provokes self-censorship in the media and the internet, makes it potentially risky to discuss public events freely, and reduces the amount of critical discussion, which also has a negative impact on the freedom of the press in general.

Another restriction introduced by Article 19.1 of the Federal Law "On Mass Media" (entry into force on 1 January 2016) concerns new requirements for the establishment of mass media and broadcasting companies with foreign participation. Now a foreign state, an international organization, as well as an entity under their control, a foreign legal entity, a Russian legal entity with foreign participation, a foreign citizen, a stateless person, a Russian citizen with dual citizenship, do not have the right to act as the founder (participant) of a media organization, an editorial board of a media organization or to act as the organization (legal entity) responsible for broadcasting. In addition, according to the changes made to the law, the share of foreign citizens and organizations in the authorized capital of Russian media is limited to 20%. This significantly undermines the diversity of views in the media sphere and the competitiveness of the media market.

As a result of these restrictions, many international publishing houses, traditionally producing various

print media, were forced to leave the country, halting the production or broadcasting of their media in Russia.

In addition, recent legislative amendments impose the status of a "foreign agent" on foreign media and "foreign structures", which issue information projects, including on the internet. Changes were made in Article 6 of Federal Law "On Mass Media" in November 2017. The amendments give the Ministry of Justice of the Russian Federation the option to designate an information resource as foreign media – foreign agent if it receives funding from abroad. In the law it reads: "a legal entity registered in a foreign country or a foreign structure without the formation of a legal entity that distributes printed, audio, audio-visual and other messages and materials (foreign mass media) intended for an unlimited number of persons can be recognized foreign mass media performing the functions of a foreign agent, regardless of their organizational and legal form, if they receive money and (or) other property from other countries, their state bodies, international and foreign organizations, foreign citizens, stateless persons or persons authorized by them and (or) from Russian legal entities receiving funds and (or) other property from these sources." (Article 6 of the Law "On Mass Media")

The wording "foreign structure without the formation of a legal entity" can mean that the status of the media can be extended to anyone who publishes materials online, especially if she has an own channel, social network community or website. Such materials will be considered "materials of foreign media" if it is established that the author receives foreign funding. It is possible to interpret the law very broadly, if you want: for example, a citizen, broadcasting her own stream, a group of citizens who produce an online project, a blogger or a community on social networks can become a "structure".

The criteria stated in the law for recognizing a foreign media resource as a foreign agent are so general that not only mass media, but also media sites not registered as media, internet channels, information portals of other countries, websites whose domain names are owned by foreign citizens or organizations, and even foreign websites that collect donations for any purpose (charity, human rights), can be included when receiving funds from a foreign organization or physical person. This includes Youtube channels, bloggers, accounts in social networks (Facebook, Telegram, Twitter, etc.), receiving donations or monetizing advertising, because the sites themselves are foreign and use foreign accounts.

To date, the Ministry of Justice has designated 9 foreign media and resources as "foreign media performing the functions of foreign agents." Accordingly, similarly to the NGOs - foreign agents, foreign media - foreign agents are obliged to label their information materials (including websites, brochures, presentations, interviews with other mass media) with a note that they are distributed by a "foreign media - foreign agent".

It remains unclear how in practice the measures will be applied to foreign media - foreign agents, because there is as yet no enforcement practice in this area. Nevertheless, we consider such legislative changes to constitute an interference with freedom of the press.

Also in January 2018, the State Duma adopted in first reading a bill "On amendments to the Federal Law "On mass media" and the Federal Law "On information, information technologies and information protection", which would allow citizens to be designated as foreign media – foreign agent. Further consideration of the bill has been frozen.

According to the amendments, individuals can be recognized as foreign media executing the functions of a foreign agent, if (like foreign media - foreign agents) they distribute informational materials and receive money from foreign sources.

The amendments are likely to apply to journalists, lawyers and consultants who work with foreign media, executing the functions of a foreign agent. If a citizen is recognized as a foreign media– foreign agent, she will be required to label all distributed materials.

Reprinting materials of the foreign media - foreign agents, reposts of their publications in social networks will also need to be accompanied by a corresponding note on the status of the media. The absence of a note on the distribution of such materials may serve as a basis for blocking of the information resource without court approval (see amendments to Article 15.3 of the Law "On information, information technologies and information protection").

## SECTION VII.

### **Blocking of electronic media without court approval**

Blocking of opposition media, or simply internet resources that regularly publish materials critical of the authorities, by Roskomnazor (“the Federal Service for Supervision in the Sphere of Communications, Information Technology and Mass Communications), became much more common in the aftermath of mass protests in 2011 and 2012.

As early as Spring 2014, Roskomnadzor blocked access to popular opposition news websites "Grani.ru", "Kasparov.ru" and "Daily Journal."

On 1 April 2015 the Independent Crimean-Tatar television channel ATR stopped broadcasting in the Republic of Crimea. According to the official version, the channel was denied re-registration as a Russian media. The first application for registration as a Russian media channel was submitted to Roskomnadzor in October 2014, but ATR was refused registration four times. Together with ATR, other Crimean-Tatar media outlets also stopped broadcasting: Radio "Meydan" and a children's television channel "Lale". All these media outlets broadcast in three languages: Crimean-Tatar, Russian and Ukrainian.

In November 2017, the legal grounds for blocking of websites without court approval were expanded (Article 15.3 of the Federal Law "On information, information technologies and information protection"). Now a site can be blocked at the request of the Prosecutor General without prior court approval, if the site contains materials of "undesirable organizations"<sup>13</sup> or information allowing to access such materials - that is, hyperlinks (part 1 of Article 15.3 of the Law "On information, information technologies and information protection").

On 23 January 2018 “Russiangate”, a publication specializing in anti-corruption investigations, was blocked. It had operated since 2016 and is headed by journalist Alexandrina Elagina, co-author of this report. On 23 January 2018 “Russiangate” published an investigation into real estate belonging to the head of the FSB, Alexander Bortnikov. The investigation claimed that Bortnikov owns a plot of land and a house in an elite settlement, yet Bortnikov's income declaration does not contain any information on this. Four hours after the article was publication, Roskomnadzor blocked “Russiangate”. The investigation was published at about 18:00 on 23 January, but by 22:00 it could no longer be read. Roskomnadzor referred to Article 15.3 of the Federal Law "On Information" for blocking “Russiangate.” According to this Article, the Prosecutor General's Office has the right to initiate blocking without prior court approval of any site for appeals for participation in mass riots or for extremism. According to Alexandrina Elagina, the blocking can be connected with the publication on Bortnikov's real estate.

On 23 January, already after the website was blocked, Russiangate removed the investigation "at the request of its investor." The article was deleted by the technical service of the media outlet without Elagina's participation. Investors explained their decision by the fact that they can be prosecuted. Elagina herself opposed the deletion of the article. On 24 January the management of “Russiangate” informed staff about the closure of the project.

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<sup>13</sup> "The activity of a foreign or international non-governmental organization that poses a threat to the foundations of the constitutional system of the Russian Federation, the country's defense capability or the security of the state may be deemed undesirable on the territory of the Russian Federation" (Federal Law on "Measures taken against individuals involved in violations of fundamental human rights and freedoms, rights and freedoms of citizens").

At the moment, there are 14 American and European organizations in the Ministry of Justice's Registry of "undesirable organizations" – mostly human rights foundations. They are not allowed to work in Russia either directly or indirectly. "Undesirable organizations" are prohibited from conducting public events, storing and distributing their materials, including through the media. Referring and reposting their materials is also prohibited under threat of blockage (Article 3.1 of the Federal Law "On measures taken against individuals involved in violations of fundamental human rights and freedoms, and the rights and freedoms of citizens").

The procedure for blocking is described in Art. 15.3 of the Law "On information, information technologies and information protection". The decision on blocking is taken by the Prosecutor General or his deputy. A complaint about the presence of information distributed in violation of the law on a particular media resource may be submitted to the prosecutor's office by state bodies, organizations or natural persons. The prosecutor's office sends a blocking request to Roskomnadzor, which sends an equivalent request to the telecom operators and providers. Within 24 hours following the blocking the owner of the "ostracized" resource is notified of the need to delete the information. If the information is deleted, the owner of the resource notifies Roskomnadzor about it - the agency checks and permits the unblocking.

The problem is that in practice, the prosecutor general's office does not always indicate a specific page on the site containing the contentious material and the publication of which has to be blocked, leading to blocking of the first-level domain names or IP addresses, that is, blocking the website (or even several) in its entirety together with thousands of perfectly legitimate materials. This makes unblocking virtually impossible. Such a blockage, typically, entails the blocking of mirror sites.