



# Justice for Journalists

Foundation for International  
Investigations of Crime against Media

27 May 2022

## **Stakeholder Submission to the UN Human Rights Committee Review of Russia (135th Session, 27 June 2022 - 29 July 2022)**

Justice for Journalists Foundation (JFJ) is pleased to offer an update on our submission dated 25 January 2022<sup>1</sup> about Russia's compliance with **Article 19 of the International Covenant on Civil and Political Rights (ICCPR)**.

The omnipresent Russian state propaganda and long-term suppression of independent media have largely facilitated the invasion of Ukraine on 24 February 2022. Since then, Russian authorities have stifled almost all remaining critical voices and cracked down on journalists in the newly occupied Ukrainian territories.

This update covers the situation only within Russia's territory. However, JFJ strongly supports the necessity to protect media workers and promptly, impartially, and independently investigate any attacks on media in Crimea and the newly occupied Ukrainian territories. According to Paragraph 10 of the General Comment No. 31 [80] (CCPR/C/21/Rev.1/Add. 13), States Parties must respect and ensure the rights laid down in the ICCPR to anyone within their power or effective control, even if not situated within their territory. The enjoyment of the ICCPR rights is not limited to citizens but must also be available to all individuals, regardless of nationality or statelessness, who may find themselves subject to the jurisdiction of the State Party. This principle also applies to those within the power or effective control of the forces of a State Party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained.

### **I. Russia**

Between 1 January - 27 May 2022, JFJ documented 24 physical attacks and threats against media workers and outlets in Russia, 78 non-physical attacks and threats, and 797 instances when judicial and economic means of pressure were used. The representatives of the authorities committed 91% of the attacks.

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<sup>1</sup> [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT\\_CCPR\\_CSS\\_RUS\\_47726\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT_CCPR_CSS_RUS_47726_E.pdf)

In 25 cases, the pressure on media had a “hybrid” nature, i.e., it was applied systematically and using two or more mechanisms. These cases concerned the same five media workers.

The most significant developments included:

#### 1) New restrictive laws

Several new laws have been passed that negatively affect media workers.

The Federal Laws No. 32-FZ dated 4 March 2022 and No. 63-FZ dated 25 March 2022 criminalised **public dissemination of knowingly false information about the use of the Russian army and the exercise of powers by the Russian public authorities abroad** (Article 207.3 of the Criminal Code), punishable by up to 15-year imprisonment with further disqualification from certain positions and activities for up to five years.

The same laws criminalised **public discrediting of the Russian army or the exercise of powers by the Russian public authorities defending the interests of Russia and its citizens and maintaining international peace and security** (Article 280.3 of the Criminal Code). The punishment includes up to five-year imprisonment with further disqualification from certain positions and activities for up to five years. The criminal liability may be imposed only if the person was held liable for a similar administrative offence (Article 20.3.3 of the Code of Administrative Offences) within a year. The administrative liability includes fines up to 100 000 RUB (1 550 EUR) for individuals, 300 000 RUB (4 650 EUR) for officials, and 1 mln RUB (15 520 EUR) for legal entities.

The Federal Law No. 32-FZ dated 4 March 2022 also criminalised **calls for sanctions against Russia, its citizens or legal entities** (Article 284.2 of the Criminal Code), punishable by up to three-year imprisonment with a possible fine up to 200 000 RUB (3 100 EUR) or the annual income. The criminal liability may be used only if the person was held liable for a similar administrative offence (Article 20.3.4 of the Code of Administrative Offences) within a year. The administrative liability includes fines up to 50 000 RUB (780 EUR) for individuals, 200 000 RUB (3 100 EUR) for officials, and 500 000 RUB (7 760 EUR) for legal entities.

The Federal Law No. 103-FZ dated 16 April 2022 introduced administrative liability for **publicly equating the aims, decisions, and actions of the USSR leadership, commanders, and military personnel with those of the Nazi Germany and the European Axis during the Second World War and refusing to acknowledge the decisive role of the Soviet people in defeating Germany and the Soviet humanitarian mission in liberating Europe** (Article 13.48 of the Code of Administrative Offences), including:

- fines up to 5 000 RUB (80 EUR) or an up to 15-day detention for individuals;
- fines up to 20 000 RUB (310 EUR) or an up to one-year disqualification for officials;

- fines up to 100 000 RUB (1 550 EUR) or an up to 90-day suspension of activities for legal entities.

In addition, the State Duma is considering:

- The bill No. 113045-8<sup>2</sup> **systematising and broadening the regulation of “foreign agents”**. The proposed changes include the possibility to designate persons under a vaguely defined “foreign influence” as “foreign agents” regardless of their funding, the expansion of the “foreign agent” law to new groups (e.g., commercial companies and broadly defined “affiliates” of the “foreign agents”), and an expansive list of activities restricted for “foreign agents”;

- The bill No. 101646-8<sup>3</sup> authorising the General Prosecutor’s Office to initiate the **extrajudicial ban of foreign media outlets’ work in Russia as a “reciprocal response” to the ban of Russian media abroad**, as well as the **extrajudicial blocking of any websites and withdrawal of any media outlet’s registration for circulating prohibited information** (e.g., allegedly false information about the army or public authorities, calls for “unauthorised” protests, or information showing “blatant disrespect” to the Russian society, state and its symbols, public authorities, and the Constitution);

- The bill No. 130406-8<sup>4</sup>, introducing several changes, including:

- criminalisation of a **“confidential co-operation” with a foreign intelligence service, an international or foreign organisation or their representatives** (Article 275.1 of the Criminal Code). The “co-operation” is defined as making and maintaining contact to assist them in activities aimed against the state security. If adopted, the offence will cover actions not amounting to treason and will be punishable by up to eight-year imprisonment, as well as possible further restriction of liberty for up to two years and a fine up to 1 mln RUB (15 520 EUR) or a three-year income. The criminal liability for the co-operation with foreign or international organisations is supposed to apply only if they “act in the interests of a foreign intelligence service”. However, in practice this will likely be based on an investigator’s judgement. Thus, the liability may be imposed, for example, for confidential journalistic work funded by a non-Russian organisation or involving foreign colleagues;

- extension of the criminal liability for **participating in, financing, and organising the activities of an “undesirable organisation”** (Article 284.1 of the Criminal Code) to people based abroad. If adopted, this will allow the authorities to significantly restrict the ability of the journalists and human rights defenders who have left the country to organise abroad and continue their Russia-related work;

- criminalisation of the **public calls for activities against the state security** (Article 280.4 of the Criminal Code), punishable by up to a seven-year imprisonment, as well as possible further fine up to 2.5 mln RUB (38 800 EUR) or up to a five-year income,

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<sup>2</sup> <https://sozd.duma.gov.ru/bill/113045-8>, <https://meduza.io/en/feature/2022/04/25/russia-s-next-foreign-agents-law>

<sup>3</sup> <https://sozd.duma.gov.ru/bill/101646-8>

<sup>4</sup> <https://sozd.duma.gov.ru/bill/130406-8>

restriction of liberty for up to two years, and disqualification from certain activities and positions for up to 15 years.

## 2) Widespread use of judicial and economic pressure

The use of judicial and economic pressure has intensified and included the following trends:

- Wide-spread criminalisation of media workers: at least 31 criminal cases were initiated and five of them ended in convictions. Fourteen criminal cases were opened under Article 207.3 of the Criminal Code, one – under Article 280.3, and so far none – under Article 284.2.
- Home searches and seizure of electronic devices were widely used – 18 and 11 cases respectively.
- At least 75 media workers were arrested during the anti-war protests, often with the use of excessive force; eight administrative fines and four administrative detentions were imposed.
- On 24 February 2022, the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) informed all journalists that they must use only the Russian government’s information about the war.<sup>5</sup> Otherwise, they risked immediate blocking and fines up to 5 mln RUB (77 600 EUR) for “abuse of media freedom” (Article 13.15 of the Code of Administrative Offences). Subsequently, Roskomnadzor ordered at least 46 media outlets to remove their materials and imposed 163 blockings for publications about the war based on other sources.
- Over 20 media outlets had to suspend or stop their work in Russia, including the key independent Russian media: Novaya Gazeta, TV channel Dozhd, and radio station Echo of Moscow, along with international media: BBC, CNN, Bloomberg, CBS and many others.
- Dozens of independent media outlets have been blocked (Deutsche Welle, Euronews, Voice of America, Meduza, Bellingcat and many others), along with social media platforms Twitter, Facebook, and Instagram. Additionally, the Tverskoy District Court of Moscow has banned Meta – the parent company of Facebook, Instagram, and WhatsApp – for “extremist” activities, making its work in Russia illegal.
- More individuals and organisations were assigned stigmatising labels. Four media-related organisations are currently designated as “**undesirable organisations**”<sup>6</sup>, nine media organisations and organisations supporting independent media – as “**foreign**

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<sup>5</sup> <https://rkn.gov.ru/news/rsoc/news74084.htm>

<sup>6</sup> <https://minjust.gov.ru/ru/documents/7756/>

**agent NGOs**<sup>7</sup>, 154 persons – as “**mass media foreign agents**”<sup>8</sup>, and two media workers – as “**individual foreign agents**”<sup>9</sup>. The Federal Law No. 60-FZ dated 14 March 2022 authorised the Ministry of Justice to create a unified register of different “foreign agents” and affiliates, thus simplifying the control over them.

### 3) Large number of physical attacks and threats

The number of physical attacks and threats against media workers remained high – 24 instances.

In a recent high-profile case, on 7 April 2022, the editor-in-chief of Novaya Gazeta and Nobel Peace Prize-winner Dmitry Muratov was attacked at Kazansky Railway Station in Moscow. An unidentified person poured red paint at him, causing chemical eye burns. Novaya Gazeta has identified the attacker<sup>10</sup>, but the criminal case has not been opened despite the video evidence and witness statements available.

### 4) Harassment

In at least seven cases, the doors of media workers’ homes were vandalised with letters “V” and “Z”, symbolising support for the invasion of Ukraine, as well as insults and threats for the war coverage.

On 24 March 2022, a severed pig’s head and a sticker with the Ukrainian coat of arms and an antisemitic insult were left at the doorstep of Alexei Venediktov, the editor-in-chief of Echo of Moscow. He reported an incident to the police, but the status of an investigation is unclear.

### 5) Forced relocation

Dozens of Russian media workers left the country in 2022 because of the risks connected with their work: at least four of them – due to online threats or surveillance, and at least 13 – due to criminal cases, searches, or interrogations.

### 6) Pressure on media workers’ relatives and loved ones

The pressure on media workers continued to be applied through their relatives and loved ones – at least six judicial attacks took place. The Federal Security Service reportedly visited and questioned the relatives of media workers who had left Russia.

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<sup>7</sup> <http://unro.minjust.ru/NKOForeignAgent.aspx>, <https://data.ovdinfo.org/inoteka>

<sup>8</sup> <https://minjust.gov.ru/ru/documents/7755/>

<sup>9</sup> <https://minjust.gov.ru/ru/activity/directions/942/spisok-lic-vypolnyayushih-funkcii-inostrannogo-agenta/?hash=cfa8947a-b36e-447a-aca0-dcf06a53cf4d>

<sup>10</sup> <https://novayagazeta.ru/articles/2022/04/12/pridem-k-kazhdomu-iz-vas>

## II. Relevant Concerns of the Special Procedures

Since our previous submission, the Special Procedures have sent one relevant communication to Russia (AL RUS 3/2022, dated 28 March 2022)<sup>11</sup>. It concerned the alleged violations of the fundamental freedoms in Russia in the context of the nationwide peaceful protests against the invasion of Ukraine. Among other violations, the Special Procedures mentioned preventative raids, searches, and detentions of journalists ahead of the protests, indiscriminate arrests and detention of journalists during the protests, media regulator's demands that the media delete any publications where the terms "war" or "invasion" are used rather than "military operation", as well as reports on the shelling of Ukrainian cities by the Russian military or on Russian military personnel losses, blocking of media resources and social media platforms, and the designation of media as "foreign agents".

The Special Procedures also expressed their concern with the Russian military's targeting of media workers in Ukraine which has endangered the safety of journalists, the reports that Ukraine's media and internet infrastructure may be intentionally targeted by the Russian forces in an effort to disrupt access to information, including by means of cyberattacks, the spread of disinformation concerning the conflict in Russian state-owned media, and the tightening of censorship and repression of dissent and pluralist sources of information and opinion in Russia.<sup>12</sup>

## III. Recommendations

We encourage the Human Rights Committee to urge the Russian Federation to:

- Protect media workers in the areas of armed conflict as civilians, in accordance with international human rights and humanitarian law obligations, and guarantee their safety from any direct or indiscriminate attacks;
- Repeal the laws unduly restricting the freedom of expression, including first and foremost Articles 207.3, 280.3, and 284.2 of the Criminal Code, and refrain from adopting any further restrictions incompatible with the requirements of necessity and proportionality in Article 19 (3) of the ICCPR; and
- Refrain from using regulatory and administrative leverage against independent media workers and outlets, especially those covering the war, protests and otherwise reporting on issues of public interest in territories under Russia's power or effective control, and ensure their physical safety.

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<sup>11</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27152>

<sup>12</sup> <https://www.ohchr.org/en/press-releases/2022/03/russia-un-experts-alarmed-choking-information-clampdown>, <https://www.ohchr.org/en/statements-and-speeches/2022/05/ukraine-joint-statement-russias-invasion-and-importance-freedom>