



# Justice for Journalists

Foundation for International  
Investigations of Crime against Media

25 August 2022

## **Stakeholder Submission to the UN Human Rights Committee Review of Russia (136th Session, 10 October – 4 November 2022)**

Justice for Journalists Foundation (JFJ) is pleased to offer an update on our submissions dated 25 January 2022<sup>1</sup> and 27 May 2022<sup>2</sup> about Russia's compliance with **Article 19 of the International Covenant on Civil and Political Rights (ICCPR)**.

While we have tried to provide as comprehensive an update as possible, it should be emphasised that JFJ only documents cases that have become publicly known and that we have been able to verify from several independent and reliable sources, according to our methodology. With the shrinking space for the freedom of expression and information, media shutdowns, social media blocking, and inaccessibility of the government websites from abroad, verifiable public information is becoming increasingly scarce. Therefore, the actual situation of media workers in Russia is significantly worse than the data suggests.

This update also covers the situation only within Russia's territory. However, JFJ reiterates 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. Continued deterioration of the situation of media workers and outlets**

Between 27 May – 25 August 2022, JFJ documented eight physical attacks and threats against media workers and outlets in Russia, 15 non-physical attacks and threats, and

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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)

<sup>2</sup> [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT\\_CCPR\\_CSS\\_RUS\\_48816\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/RUS/INT_CCPR_CSS_RUS_48816_E.pdf)

326 instances when judicial and economic means of pressure were used. The representatives of the authorities committed 95 % of the attacks.

The most significant developments included:

### 1) Continued harassment and physical attacks and threats

The number of physical attacks and threats against media workers remained high – at least eight instances were documented, for example:

- On 30 May, SOTA journalist **Pyotr Ivanov** was attacked by two unidentified men in St. Petersburg. They grabbed Mr. Ivanov, beat him with their fists, and kicked him after the journalist fell to the ground. In the end, they took a picture and asked, “Are you going to do any more f— up s—?” and then ran away. The journalist suffered a nose fracture and soft tissue injuries.
- On 13 July, *RusNews* journalist **Maria Ponomarenko** stated that she was injected with an unknown medicine in a psychiatric hospital. Ms. Ponomarenko had been earlier arrested for spreading “fake news” about the Russian army and taken to the psychiatric hospital for expert examination.

The doors of media workers’ homes continued to be vandalised with letters “V” and “Z”, symbolising support for the invasion of Ukraine, as well as insults and threats for the war coverage. JFJ documented at least one case:

- On 26 July, unknown people hung a funeral wreath and a wall poster saying “traitor, fear” on the entrance of **Kirill Sukhorukov**’s apartment. Mr. Sukhorukov is the author of the *Kaliningrad Dismisses Putin* project. Unidentified people also painted letters Z and V and placed two photos of Mr. Sukhorukov, one of which was crossed out with a red cross, next to them.

It became publicly known that **Salman Tepsurkaev**, mentioned in our previous submission,<sup>3</sup> is dead. Mr. Tepsurkaev, a moderator of the *1ADAT* Telegram channel known for its criticism of the Chechen authorities and dissemination of information on human rights violations committed in Chechnya, was abducted in Gelendzhik, Krasnodar region on 5 September 2020. His abductors were allegedly law enforcement officers. After several days of humiliation and torture, some of which was recorded on a video, on 15 September 2020 he was killed. According to the reports, he was tied up, a grenade was put in his mouth, and he was blown up from a distance.<sup>4</sup>

### 2) Continued forced emigration and pressure on families

At least four more journalists publicly announced that they had left Russia as a result of the pressure from the authorities: *DOXA* editors **Armen Aramyan**, **Natalya Tyshkevich**,

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<sup>3</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)

<sup>4</sup> <https://meduza.io/en/news/2022/08/24/human-rights-activists-confirm-murder-by-chechen-security-forces-of-telegram-channel-moderator-abducted-in-september-2020>. <https://t.me/IADAT/13993>

**Alla Gutnikova**, convicted on 12 April 2022 to two years of correctional labour, and a blogger **Insa Lander**, who was under a house arrest facing terrorism charges. Many other media workers leaving the country do so secretly to avoid further risks.

Hundreds of media workers who previously left the country because of the risks associated with their work remain abroad. The authorities continue targeting their relatives and loved ones living in Russia through searches, interrogations, and other means – at least four such cases became public.

The relatives of **Isabella Evloeva**, the editor-in-chief of the independent media outlet *Fortanga*, are under particular pressure from the authorities through home searches, interrogations, and other means. Ms. Evloeva had to leave Russia for Europe several years ago due to the risk of criminal prosecution for covering the protests in Ingushetia in 2019. Since Russia's full-scale invasion of Ukraine, she has been writing about it in *Fortanga* and her personal blog. As a result, three criminal cases are currently opened against her under Paragraph 1 of Article 207.3 of the Criminal Code ("public dissemination of knowingly false information about the use of the armed forces"). The law enforcement officers have also reportedly communicated to her that they will "have to" harass her parents until she stops writing.

### 3) Widespread use of judicial and economic pressure

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

- Continued criminalisation of media workers: since 27 May, at least 21 more criminal cases were opened.

In total, since the adoption of the relevant laws in March, 23 criminal cases were opened against media workers under Article 207.3 ("public dissemination of knowingly false information about the use of the Russian army and the exercise of powers by the Russian public authorities abroad") and two – under Article 280.3 ("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") of the Criminal Code. At least 40 and three administrative cases against media workers and outlets were initiated under Articles 20.3.3 and 20.3.4 of the Code of Administrative Offences, which are a prerequisite for the liability under Article 280.3 and Article 284.2 ("calls for sanctions against Russia, its citizens or legal entities") of the Criminal Code.

On 7 July 2022, two years have passed since the arrest of **Ivan Safronov**, a former *Kommersant* and *Vedomosti* defence reporter, who faces several bogus charges under Article 275 of the Criminal Code ("high treason"). During this time, he has reportedly not been allowed to receive a single visit or phone call from his family, has been denied correspondence for several months, and has been repeatedly prevented from communicating with his lawyers. In April 2022, a closed trial began against Mr. Safronov at the Moscow City Court. If convicted, he faces up to 24-year imprisonment. Mr. Safronov's defence claims that the criminal prosecution is linked to his journalistic work.

The investigation denies this, but investigators have allegedly offered him a pre-trial deal in return for revealing his journalistic sources.

On 13 July 2022, a criminal case was opened against a journalist and political activist **Vladimir Kara-Murza** under Paragraph 1 of Article 284.1 (“conducting activities of an undesirable organisation”) for holding a conference on political prisoners’ rights using funds from a foundation deemed undesirable in Russia. Prior to that, on 12 April 2022, a criminal case was initiated against him under Paragraph 2(d) of Article 207.3 of the Criminal Code (“public dissemination of knowingly false information about the use of the armed forces”) for an anti-war speech, and he has been in custody since then. On 22 April 2022, Mr. Kara-Murza was also declared an “individual foreign agent”. In 2015 and 2017 Mr. Kara-Murza was admitted to hospital with symptoms of poisoning, which may allegedly have been organised by the authorities and which has reportedly not been investigated.

- Home searches, seizure of electronic devices, and interrogations continued to be widely used – 12, seven, and two cases respectively. The authorities issued country-wide or international search warrants with regard to at least seven more media workers, bringing the total number to 12.

- Furthermore, administrative fines continued to be used to financially undermine media workers and outlets – 20 administrative fines for different offences were documented.

On 15 August 2022, bankruptcy proceedings were initiated against Radio Free Europe/Radio Liberty LLC at the request of the tax inspectorate. Prior to that, since the beginning of 2021, thousands of protocols were drawn up against the media project and its head for not marking its materials as produced by a “foreign agent” and refusing to delete publications about the war in Ukraine. They were fined a total of 1 bln 64.3 mln RUB (17.4 mln EUR). The bankruptcy hearing in the Moscow Arbitration Court is scheduled for 6 February 2023.

- At least 57 independent media outlets were blocked, bringing the total number to at least 225. Social media platforms Twitter, Facebook, and Instagram remained blocked. Meta Platforms Inc. – the parent company of Facebook, Instagram, and WhatsApp – remained to be banned as “extremist”; the court decision regarding it entered into force on 20 June 2022 and the cassation appeal against it is currently pending.

- On 26 July 2022, the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) appealed to the Basmany District Court of Moscow to cancel the media registration of the Nobel Prize winner *Novaya Gazeta*. Roskomnadzor also appealed to the Supreme Court to cancel the media registration of *Novaya Gazeta*’s website. The hearings are scheduled for 5 and 15 September respectively.

- The work of most independent media outlets continues to be suspended or stopped.

The efforts of some of them to resume work from Russia immediately lead to the website blockings and proceedings to cancel their mass media registration. For example, on 15 July, *Novaya Gazeta* launched an independent media project *Novaya Rasskaz-Gazeta*. Seven days and nine hours later, its website was blocked for “discrediting the army”. On 27 July, Roskomnadzor appealed to the Basmany District Court of Moscow to cancel its media registration. The hearing is scheduled for 6 September.

Others have been able to successfully resume their work from abroad (for example, *Novaya Gazeta* journalists’ independent project *Novaya Gazeta Europe* and TV channel *Dozhd*), but their websites are blocked, which makes it hard for them to reach Russians who are not using a VPN.

- More individuals and organisations were assigned stigmatising labels. Seven media-related organisations are currently designated as “undesirable organisations”<sup>5</sup>, nine media organisations and organisations supporting independent media – as “foreign agent NGOs” (seven more were removed from the register because they ceased to exist)<sup>6</sup>, 172 persons – as “mass media foreign agents”<sup>7</sup>, and three media workers – as “individual foreign agents”<sup>8</sup>.

- On 10 June 2022, the Moscow City Prosecutor appealed to the Moscow City Court to dissolve the Journalists’ and Media Workers’ Union, a non-governmental organisation defending the rights of media workers across Russia. The grounds reportedly included several “grave violations of the law”, including campaigns in support of persecuted journalists and publications “discrediting” the armed forces. The Moscow City Court suspended the Union’s activities on 4 July and scheduled the hearing on its dissolution for 14 September. In the meantime, on 3 August 2022, the Tagansky District Court of Moscow fined the Journalists’ and Media Workers’ Union with 500 000 RUB (8 161 EUR) for discrediting the army (Article 20.3.3 (1) of the Code of Administrative Offences).

- The Ministry of Foreign Affairs continued adding dozens of foreign media workers from the United Kingdom, the United States of America, Canada, New Zealand, Australia, and other countries, to the “stop lists”. The total number of foreign media workers officially banned from entering Russia is at least 146.<sup>9</sup>

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<sup>5</sup> <https://minjust.gov.ru/ru/documents/7756/>

<sup>6</sup> <http://unro.minjust.ru/NKOForeignAgent.aspx>, <https://data.ovdinfo.org/inoteka>

<sup>7</sup> <https://minjust.gov.ru/ru/documents/7755/>

<sup>8</sup> <https://minjust.gov.ru/ru/activity/directions/942/spisok-lic-vypolnyayushih-funkcii-inostrannogo-agenta/?hash=cfa8947a-b36e-447a-aca0-dcf06a53cf4d>

<sup>9</sup> [https://mid.ru/ru/foreign\\_policy/news/1817712/?lang=en](https://mid.ru/ru/foreign_policy/news/1817712/?lang=en), [https://mid.ru/ru/foreign\\_policy/news/1824627/?lang=en](https://mid.ru/ru/foreign_policy/news/1824627/?lang=en), [https://mid.ru/ru/foreign\\_policy/news/1825294/?lang=en](https://mid.ru/ru/foreign_policy/news/1825294/?lang=en), [https://mid.ru/ru/foreign\\_policy/news/1811280/](https://mid.ru/ru/foreign_policy/news/1811280/), <https://mid.ru/ru/maps/ca/1811224/>, [https://mid.ru/ru/foreign\\_policy/news/1824556/?lang=en](https://mid.ru/ru/foreign_policy/news/1824556/?lang=en), [https://mid.ru/ru/foreign\\_policy/news/1818118/?lang=en](https://mid.ru/ru/foreign_policy/news/1818118/?lang=en), [https://mid.ru/ru/foreign\\_policy/news/1816460/?lang=en](https://mid.ru/ru/foreign_policy/news/1816460/?lang=en), [https://www.mid.ru/ru/maps/us/1814243/?TSPD\\_101\\_R0=08765fb817ab20005e953e1a4ea031c668207cfc59afb310f96a6a76fbaf262ce6d4fe4a370c048508805f8729143000432a969bf0fa7f3b1c5d20f23b7d2bd3dd7920fc395f2591c1dcf69e6c5d52a5ec9fe26e2caa322bd0a096b68991f1fb](https://www.mid.ru/ru/maps/us/1814243/?TSPD_101_R0=08765fb817ab20005e953e1a4ea031c668207cfc59afb310f96a6a76fbaf262ce6d4fe4a370c048508805f8729143000432a969bf0fa7f3b1c5d20f23b7d2bd3dd7920fc395f2591c1dcf69e6c5d52a5ec9fe26e2caa322bd0a096b68991f1fb), [https://mid.ru/ru/foreign\\_policy/news/1811646/](https://mid.ru/ru/foreign_policy/news/1811646/), [https://mid.ru/ru/foreign\\_policy/news/1811482/](https://mid.ru/ru/foreign_policy/news/1811482/)

## **II. Responses to the Committee members' questions**

In this section, we provide responses to the Committee members' questions asked during the briefing on 27 June 2022.

### **A) The main laws restricting media work**

Since Russia's previous periodic review in March 2015, many laws and regulations negatively affecting media workers have been passed. Their non-exhaustive list is attached to this submission as Annex 1. At the Committee's request, it is divided into two parts, based on the adoption before or after the full-scale invasion of Ukraine in February 2022.

The authorities use both new and old laws to harass journalists and restrict media work. In fact, the legal framework adopted before February 2022 has created a basis for silencing media workers and the enforcement of the subsequently enacted laws.

### **B) The list of criminal and administrative cases against media workers**

The list of administrative and criminal cases against media workers and outlets between 2017-2022 is attached to this submission as Annex 2. In addition, the list of media workers held in detention centres and prison colonies in Russia is attached as Annex 3.

For the avoidance of doubt, both lists are non-exhaustive and contain only the most notorious cases documented by JFJ. The latter list does not include people serving house arrest and those who managed to leave and were arrested in absentia.

### **C) Update on the case of Maria Magdalena Tunkara**

Maria Magdalena Tunkara is a mixed-race Instagram and TikTok blogger from St. Petersburg, also known under the name "Young Masha". In June 2020, she received threats with murder and violence for publicly speaking about racism and nationalism in Russia. Several days later, she was visited by the prosecutor's office representatives. They alleged that some of her videos about racism and nationalism were extremist materials and wanted to "have a conversation" about them.<sup>10</sup> By way of an update, no criminal case has been opened against her and she has not been called for an interrogation or otherwise harassed by the law enforcement. The status of any investigation into the threats is unknown. Ms. Tunkara left Russia shortly after the full-scale invasion of Ukraine and continues her feminist and critical publications from Armenia.

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<sup>10</sup> <https://jfj.fund/jfi/maria-magdalena-tunkara/>, <https://jfj.fund/jfi/maria-magdalena-tunkara-young-masha/>

### **III. Relevant Concerns of the Special Procedures**

Since our previous submission, the Special Procedures have sent one relevant communication to Russia (AL RUS 8/2022, dated 21 June 2022)<sup>11</sup>. It concerned the alleged enforced disappearance and ill-treatment of the journalists and human rights defenders Mr. Oleh Baturin and Mr. Serhiy Tsyhipa in the territories of Ukraine occupied by the Russian Federation.

The Special Procedures also condemned the continued and heightened crackdown on civil society groups, human rights defenders and media outlets by the Russian authorities, and called on the Government to stop the clampdown on civic space.<sup>12</sup>

### **IV. Recommendations**

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

- Repeal the laws unduly restricting the freedom of expression, including first and foremost Articles 207.3, 275.1, 280.3, 284.2 of the Criminal Code and the Federal Law No. 277-FZ dated 14 July 2022, bring all other legislation into conformity with the international human rights standards on the freedom of expression, and refrain from adopting any further restrictions incompatible with the requirements of necessity and proportionality in Article 19 (3) of the ICCPR;
- Ensure the physical safety and the right to liberty and security of all media workers in Russia and in territories under its power or effective control, and stop all forms of harassment against them, their families and loved ones; and
- Provide a report on the current detention conditions of 50 media workers listed in Annex 3 (including, but not limited to, whether they are provided with access to legal counsel and family visits as required by law).

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<sup>11</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27291>

<sup>12</sup> <https://www.ohchr.org/en/press-releases/2022/07/russia-un-experts-condemn-civil-society-shutdown>

## Annex 1

### Legislative developments between March 2015 – February 2022

#### Laws introducing stigmatising labels and discriminatory requirements

The Federal Law No. 121-FZ dated 20 July 2012, allowing to designate NGOs receiving foreign funding as “**foreign agent NGOs**” and subjecting them to burdensome labelling and reporting requirements, has been followed by extensive further amendments increasing the authorities’ control over NGOs.

The Federal Law No. 129-FZ dated 23 May 2015, further expanded on 28 March 2017, 27 December 2018, and 28 June 2021, introduced a possibility to extrajudicially ban foreign and international non-governmental organisations as “**undesirable**”.

The Federal Law No. 327-FZ dated 25 November 2017 introduced a category of “**mass media foreign agents**”, which initially applied to media outlets and was extended to individuals by the Federal Law No. 426-FZ dated 2 December 2019. The Federal Law No. 481-FZ of 30 December 2020 further introduced a category of “**individual foreign agents**”. Both categories potentially apply to journalists, requiring them to submit burdensome reports and mention the stigmatising “foreign agent” status in any materials and messages. The “foreign agent” criteria and the legal requirements are vague. Sanctions for non-compliance for “mass media foreign agents” include fines up to 5 mln RUB (81 612 EUR), website blocking, and criminal liability, including up to two-year imprisonment. For “individual foreign agents”, sanctions include fines up to 50 000 RUB (816 EUR), seizure of the “object of the offence” (for example, a computer), and a criminal liability including up to five-year imprisonment.

#### Laws restricting free speech

The Federal Law No. 445-FZ dated 29 December 2017 criminalised “**propaganda of terrorism**”, vaguely defined as “dissemination of materials and/or information aimed at forming an ideology of terrorism, a belief in its attractiveness or the perception that terrorist activities are permissible.” Liability includes up to seven-year imprisonment.

The Federal Law No. 100-FZ dated 1 April 2020 criminalised “**public dissemination of knowingly false information about circumstances presenting a risk to the life and safety of citizens**” and “**public dissemination of knowingly false socially significant information entailing grave consequences**”. Liability is up to a three-year restriction of liberty for the former and up to five-year imprisonment for the latter.

The Federal Law No. 538-FZ dated 30 December 2020 increased the criminal liability for **libel** (re-criminalised in 2012) – it may now lead to up to five-year imprisonment. Notably, it now includes spreading information about “individually unspecified persons”. For comparison, the crimes of “insulting a public official” and “libel against a judge, juror, prosecutor, investigator, or law enforcement officer” (the former was in force during the previous review, the latter was amended in 2020) do not entail imprisonment.

The Federal Law No. 59-FZ dated 5 April 2021 expanded the list of actions that can be considered the “**rehabilitation of Nazism**” (criminalised in 2014) to include public dissemination of knowingly false information about veterans of the Great Patriotic War, insulting the memory of defenders of the Fatherland, and humiliating the honour and dignity of a veteran of the Great Patriotic War. The liability for this crime includes up to five-year imprisonment.

Furthermore, the category of “**abuse of media freedom**” has been repeatedly expanded, making it an administrative offence to distribute, for example, the following information:

- information about a “foreign agent” without mentioning the stigmatising label (punishable by administrative fines up to 50 000 RUB (816 EUR));
- “blatantly disrespectful” information about “Russian military glory days and commemorative dates related to the defence of the Fatherland”, as well as “public desecration of symbols of Russian military glory”, “public insulting of the memory of defenders of the Fatherland or public humiliation of the honour and dignity of a veteran of the Great Patriotic War” (punishable by administrative fines up to 5 mln RUB (81 612 EUR));
- information denying the facts established by the verdict of the Nuremberg Tribunal or endorsing the crimes established by this verdict, as well as the “knowingly false information about the activities of the USSR during the Second World War and veterans of the Great Patriotic War” (punishable by administrative fines up to 5 mln RUB (81 612 EUR));
- “knowingly false information of public significance” distributed “under the guise of reliable reports”, if it poses a risk of harm to the life and/or health of citizens, property, a risk of mass disruption of public order and/or public safety, or a risk of interference with or disruption of vital facilities, transport or social infrastructure, credit organisations, energy, industry or communications facilities (punishable by administrative fines up to 500 000 RUB (8 161 EUR) or 1 mln RUB (16 322 EUR) if the interference took place);
- “knowingly false information about circumstances posing a risk to the life and security of citizens and/or about measures taken to ensure the security of the population and territories, methods and means of protection against such circumstances, disseminated under the guise of credible reports” (punishable by administrative fines up to 3 mln RUB (48 967 EUR)).

In all the above cases, seizure of “object of the offence” (for example, a computer) may be imposed. Repeated violations may, in some cases, lead to higher sanctions.

### Laws and regulations restricting access to information

The Federal Law No. 515-FZ dated 30 December 2020 allowed for **classifying information about a broad range of judicial, investigative, prosecutorial, military, law enforcement, intelligence, and civil service officers, their relatives, and their relatives' property**. While there are several exemptions, including information requests under the anti-corruption legislation, the law restricts opportunities for anti-corruption journalism.

The Government Decree No. 3095-r dated 30 October 2021 **classified the public procurements** of the Federal Protective Service, the National Guard of Russia, the Ministry of Defence, the Foreign Intelligence Service, and the Federal Security Service.

On 17 January 2022, the Ministry of Defence approved an extensive list of information **classified as official secrets in the defence sector**. The list contains 689 items, including, for example, information about the proceedings on crimes and incidents that take place in the army.

### Laws imposing other restrictions on journalists

The Federal Law No. 497-FZ dated 30 December 2020 prohibited journalists from **participating in and organising peaceful protests** which they attend as the press.

The Federal Law No. 85-FZ dated 5 April 2021 introduced a concept of “**enlightenment activity**”, broadly defined as “activity carried out outside educational programmes and aimed at imparting knowledge, experience, skills, values, competencies for a person’s intellectual, spiritual, moral, creative, physical and/or professional development, a satisfaction of his or her educational needs and interests”, and introduced extensive requirements and restrictions to such activity.

### Laws affecting the freedom of expression online and increasing online censorship

The Federal Laws No. 374-FZ and No. 375-FZ dated 6 July 2016 (jointly known as “**Yarovaya law**”) required online data distributors (for example, messenger and social media providers) to store in Russia a copy of the users’ communication, metadata and information about the users, as well as provide it to the law enforcement authorities without a court order, along with any information needed for its decryption. Administrative liability for violating these rules includes fines up to 1 mln RUB (16 322 EUR) and for a repeated violation – up to 6 mln RUB (97 934 EUR).

The Federal Law No. 90-FZ dated 1 May 2019 (also known as the “**law on the sovereign internet**”) prescribed creating a national internet traffic routing system. It gave Roskomnadzor broad powers of “centralised governance” of the network in the event of risks for the sustainability, security, and integrity of the internet operation in Russia.

The Federal Law No. 482-FZ dated 30 December 2020 (also known as the “**law on sanctions for censorship against Russians and Russian media outlets**”) prescribed,

among other sanctions, blocking and slowing down internet speed for restricting Russian media content or “information socially significant in Russia”. It applies to the internet resources intended for or used by Russians to disseminate information in the Russian Federation’s languages or other restrictions of information for Russians.

The Federal Law No. 511-FZ dated 30 December 2020 introduced administrative fines up to 8 mln RUB (130 579 EUR) for web hosting providers and owners of a website or information resource **violating the requirement to restrict or remove banned information**. In case of a repeated violation, the fine may be increased up to 1/5 of the annual revenue.

The Federal Law No. 530-FZ dated 30 December 2020 introduced a requirement for social networks with over 500 000 daily Russian users to **proactively monitor and block extensive information considered unlawful** (including, for example, the information which, in an “indecent form”, expresses “blatant disrespect” for Russian society, the State and its bodies, or the Constitution, or contains calls for a mass disorder, extremism or participation in unauthorised public assemblies or contains details allowing to get access to the information deemed unlawful).

The Federal Law No. 236-FZ dated 1 July 2021 required foreign companies with a website, information system or software having over 500 000 Russian daily users to **open a branch, representative office or a legal entity in Russia, ensure their operation in Russia and comply with several other requirements**. Sanctions include restricting access to the relevant resources and withdrawal of links to them from the search engine.

## **Legislative developments between February – August 2022**

### Laws introducing stigmatising labels and discriminatory requirements

The Federal Law No. 255-FZ dated 14 July 2022 (entering into force on 1 December 2022) **systematised and broadened the regulation of different categories of “foreign agents”**. The changes replace the previous regulations. They 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 (for example, commercial companies), introducing broadly defined “affiliates” of the “foreign agents”, and an expansive list of activities restricted for “foreign agents”.

The Federal Law No. 260-FZ dated 14 July 2022 criminalised **“confidential co-operation” with a foreign state, an international or foreign organisation** (Article 275.1 of the Criminal Code). The “co-operation” is supposed to be punishable only if its aim is “to assist them in activities knowingly aimed against the state security”. However, in practice this will likely be applied arbitrarily. Thus, the liability may potentially be imposed, for example, for Russian media workers’ confidential work for a foreign media outlet or funded by a non-Russian organisation or involving foreign colleagues. The punishment includes 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 (16 322 EUR) or a three-year income.

The Federal Law No. 260-FZ dated 14 July 2022 also extended 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. This law allows 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.

#### Laws restricting free speech

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 (1 632 EUR) for individuals, 300 000 RUB (4 897 EUR) for officials, and 1 mln RUB (16 322 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 (3 264 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 (816 EUR) for individuals, 200 000 RUB (3 264 EUR) for officials, and 500 000 RUB (8 161 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 (82 EUR) or an up to 15-day detention for individuals;
- fines up to 20 000 RUB (326 EUR) or an up to one-year disqualification for officials;

- fines up to 100 000 RUB (1 632 EUR) or an up to 90-day suspension of activities for legal entities.

The Federal Law No. 277-FZ dated 14 July 2022 authorised 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**. The same law also authorised the General Prosecutor's Office **to extrajudicially block any websites, suspend any media outlet's activity, invalidate its registration and terminate its broadcasting licence for circulating prohibited information** (for example, 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 Federal Law No. 260-FZ dated 14 July 2022 criminalised **public calls for activities aimed against the state security or at obstructing the exercise of the public bodies' or officials' authority to ensure 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 (40 806 EUR) or up to a five-year income, restriction of liberty for up to two years, and disqualification from certain activities and positions for up to 15 years.

The Federal Law No. 260-FZ dated 14 July 2022 criminalised the **repeated promotion or public display of Nazi, extremist organisation, or other prohibited symbols or paraphernalia** (Article 282.4 of the Criminal Code). The liability includes up to a four-year imprisonment. The criminal liability applies only if the person has been subjected to administrative liability under Article 20.3 of the Code of Administrative Offences. The administrative offence by a citizen is punishable by fines up to 2 000 RUB (33 EUR) or up to 15-day detention. The fines for officials and legal entities are up to 4 000 RUB (65 EUR) and 50 000 RUB (816 EUR) respectively. In all of these cases, the "object of the offence" (for example, computer) may also be confiscated. Considering the fact that the list of extremist organisations is very broad and used to punish dissent, these provisions will potentially restrict the freedom of expression.

## **Annex 2**

### **The list of criminal and administrative cases against media workers**

## **Annex 3**

### **The list of media workers in detention**