

rtlch

REPORTERS WITHOUT BORDERS

REPORTERS SANS FRONTIERES

UN Human Rights Council Universal Periodic Review
16th session

Written submission by Reporters without Borders (RSF) on the state of
freedom of information in the RUSSIAN FEDERATION

Contact Geneva: H el ene Sackstein – sackstein@rsf.ch.ch

Overview of the press freedom situation

Freedom of information remains a grave concern in Russia, which ranked 142nd out of 179 countries in the 2011/2012 worldwide press freedom index compiled by Reporters Without Borders. Russia appeared among 14 countries placed “under surveillance” by the organization in its latest report on Internet freedom, and the **increasing weight of cybercensorship** is indeed one of the main challenges ahead.

As far as freedom of information is concerned, **Russia has failed to implement all the recommendations it accepted during the first cycle of the UPR (recommendations 43, 46, 47 and 50)**: attacks against media professionals remain widespread and **impunity continues to prevail** in the overwhelming majority of cases; **pluralism has not increased on the TV channels**, which remain mostly controlled by the government or its allies.

In addition, freedom of information is being further curtailed by several **repressive legislative initiatives**, ranging from the re-criminalisation of defamation to the generalization of administrative filtering of websites.

1. Impunity for acts of violence against journalists

Physical attacks on journalists are frequent but usually go unpunished despite former President Medvedev’s statements on the subject. *Reporters without Borders* keep records of 51 physical attacks on journalists in 2011.

At least 26 journalists have been killed in connection with their work in Russia since 2000. The investigations into their murders are sluggish and rarely reach the presumably well-protected instigators.

After 2009, a black year in which five journalists were killed in connection with their work, the murders of **Magomedsharif Sultanmagomedov** in 2010 and **Khadjimurad Kamavlo** in 2011 served as reminders that the North Caucasus continues to be the most dangerous region for journalists.

Among the latest cases, independent journalist **Alexander Khodzinsky** was found dead with stab wounds in Tulun, a town in the Irkutsk region of south-central Siberia, on 7 July 2012. He was locally well-known for his tenacious coverage of several sensitive stories.

In 2011, the presumed hit-man in **Anna Politkovskaya's** murder was arrested again and two people were convicted of **Anastasia Baburova's** murder but it would be rash to assume that the era of impunity is over.

As many journalists constantly feel unsafe, they tend to censor themselves. Corrupt senior officials, abuses by the security forces and environmental issues continue to be sensitive subjects. Coverage of the protests against the destruction of Khimki forest, to the north of Moscow, lawsuit has been accompanied by many physical attacks on journalists such as **Mikhail Beketov**.

Dozens of journalists were arrested and some beaten during demonstrations in Moscow in protest against Vladimir Putin's installation as president for a third term, in May 2011. No distinction was made between demonstrators and those who came to cover the demonstration, carrying press cards.

2. Increasing cybercensorship

The growing frequency of website blocking and attacks on bloggers resulted in Russia being included in the countries "under surveillance" in the 2011 and 2012 Enemies of the Internet report that *Reporters without Borders* publishes each year.

The authorities have been using the issue of national security to expand Web monitoring and censorship – even while continuing to promote and develop Internet access for the population at large. Bloggers are the victims of lawsuits and prosecutions, often under the "anti-extremism" law, which was amended in July 2007.

The government list of "extremist" content, as well as the boundaries of the category itself, keeps growing. It now includes everything touching on religion and issues of ethnicity, which are becoming taboo subjects on *RuNet* – as the Russian Internet is known. That list is the basis of official demands to take down content, and of actions to block site access.

Most television networks being under Kremlin control, the Web has played a key role in the political debate prompted by legislative and presidential elections and in the post-election mobilization of the opposition and civil society. These developments provoked a strong official response. The blogosphere has grown stronger and better organized in the face of state attacks.

The wave of cyber-attacks peaked at the time of the legislative elections in December 2011. A series of Distributed Denial of Service attacks paralyzed sites critical of the government before and during the vote, apparently to silence the dissidents. Access to *LiveJournal*, which hosts blogs critical of the Kremlin, was blocked for three days, starting on 1 December 2011. The site had already suffered a DDoS attack the month before. Among other Web targets are:

- *Echo of Moscow* radio's site, Echo.msk.ru
- The independent daily *Kommersant*'s site, komersant.ru
- The election-monitoring NGO's site, golos.org
- *KartaNarusheniy.ru*, an interactive map created by *Golos* to track reports of election fraud
- *Gazeta.ru*, an independent news site
- *Lenizdat.ru*, a Saint Petersburg-based independent news site
- *Slon.ru* and *Newtimes.ru*, opposition sites which posted the *Golos* map after *Gazeta.ru* took it down
- *Ridus.ru*, a citizen-journalism site
- *Doshdu.ru*, the site of *Dosh*, an independent news magazine about the Russian Caucasus

In addition to mounting a campaign of repression against online oppositionists, the Kremlin deploys its own cyber-weapons. Several thousand Twitter accounts were hacked at the end of 2011 in order to flood social media with pro-government messages, using hashtags popular with oppositionists (notably, #navalny, from the name of the well-known political activist and anti-corruption blogger **Alexei Navalny**, and #òðèîíòàèüüîäÿ, from Triumphalnaya Square in Moscow).

Many Russian bloggers have pointed to a wave of "bots" unleashed against the *LiveJournal* social media platform. **Oleg Kozyrev**, an opposition blogger, has counted more than 2,000 of these software weapons.

The social media site *Vkontakte*, which has more than 5 million members in Russia, found itself in the government spotlight. The FSB told the site's founder and director, **Pavel Durov**, to shut down seven groups calling for demonstrations in December, 2011. A Russian blogger estimated that up to 185,000 netizens subscribed to protest-organizing groups. A spokesman for *Vkontakte* said publicly that the site would not practice censorship and would not carry out the FSB order. Following the statement, **Durov** was summoned to appear before prosecutors in Saint Petersburg on 9 December 2011.

The process of domain name registration could affect freedom of expression online by leading to closure of more sites. New rules promulgated by *Nic.ru*, the biggest Russian domain name-registration company, allow the cancellation of domain names for inciting violence, "extremist" activity, advocating overthrow of the government, activity in conflict with human dignity or religious beliefs.

3. Repressive laws

In recent months, the parliament has adopted several repressive laws further threatening freedom of information. Others are still being reviewed as of October 2012.

- In July 2012, the Duma re-criminalised defamation, now punishable by sentences of up to five years in prison or a fine of 500,000 roubles (12,500 euros).

- On the same day, it adopted a new law intending to protect minors from "harmful" content, allowing the authorities to compile a website blacklist and requiring to put age ban labels on content. The law's vagueness and

inconsistencies render its repressive provisions even more threatening and are encouraging journalists to censor themselves. The vague definition of 'harmful content' leaves too much room for interpretation and increases the probability of overblocking. On the grounds of protecting minors, this law is likely to place serious obstacles on the media's ability to provide the public with general news coverage.

- The Parliament is examining a new law project supposed to complement the latter by forbidding the use of proxy-servers and anonymizers. If adopted, this law would prevent Internet users from any possibility to counter cybercensorship.

- The Parliament has also unanimously agreed to review a law project designed to "protect the believers' feelings". This law project intends to punish those who "offend religious feelings", including through the media, with sentences of up to five years in prison.

Recommendations

Reporters without Borders urgently calls upon the authorities and the judiciary to:

- Fully and effectively investigate all acts of violence against journalists; in particular, identify the authors and the masterminds of 26 murders of journalists committed since 2000.
- Guarantee the protection of journalists performing their duty on difficult assignments, including when they cover demonstrations and in the volatile republics of Northern Caucasus.
- Ensure political pluralism and balanced coverage of news in the national TV channels.
- De-criminalize defamation again.
- Review the "anti-extremism" law and the law "protecting children from harmful information" in compliance with the international obligations of the Russian Federation, in particular the International Covenant on Civil and Political Rights and the European Convention on Human Rights, and define more clearly the scope of their application; in the meanwhile, refrain from applying them to punish expression of opinions by journalists and bloggers or to censor information of general interest.
- Forbid administrative filtering and keep allowing the use of proxy-servers and anonymizers.
- Reject the law project "protecting the believers' feelings".