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**Contribution by Reporters Without Borders (RSF),
a non-governmental organization with special consultative status,
on freedom of the media and information in Russia**

An international Paris-based NGO that has promoted media freedom worldwide since 1985, Reporters Without Borders (RSF) has consultative status with the United Nations. Its national sections, its bureaux in ten cities and its network of correspondents in 130 countries enable it to closely monitor freedom of information and expression all over the world.

Overview of the press freedom situation: an increasingly oppressive climate

Since the Universal Periodic Review's 16th session in 2013, the situation of press freedom has remained a source of great concern in Russia, which is ranked 148th out of 180 countries in RSF's 2017 World Press Freedom Index. Russia has failed to implement any of the recommendations relating to freedom of the press and information that it accepted during the last UPR cycle (Nos. 43, 46, 47 and 50). The pressure on independent media has grown steadily, with leading independent news outlets either being brought under control or throttled out of existence, making it harder and harder for Russian citizens to access independently reported news and information. The climate has become increasingly oppressive for those who question the patriotic and neo-conservative official discourse. More and more bloggers are receiving prison-sentences for their activity on online social networks while draconian legislation has trampled on the rights of Russian citizens, leading to the slow death of Internet freedom during the past few years. The communications regulatory agency Roskomnadzor is playing an increasingly important role in supervising this erosion of freedom of expression and information in Russia.

Draconian legislation eroding freedom of expression and information

Laws recently adopted by the Russian parliament have increasingly restricted the right of Russian citizens to information and freedom of expression although article 29 of the Russian Constitution guarantees this right. As the Internet remains one of the few places where critical and independent debate takes place, social networks and blog platforms have become the main targets of the increasingly repressive legislation. The official list of blocked websites, created in 2012, keeps on getting longer while legislation is not only reinforcing government control over communications, but also posing a new threat to the work of journalists and to the protection of fundamental rights.

- A few months after adopting laws that penalize “offending religious beliefs and feelings” and banning propaganda of “non-traditional sexual relations”, the Duma passed two laws in

December 2013 on blocking “extremist” website content and penalizing the expression of “separatist opinions”. As the authorities no longer need to refer to the courts before blocking websites, they soon took advantage of these new provisions to block access to three leading opposition websites in March 2014, adding *Grani.ru*, *Kasparov.ru* and *EJ.ru* to the “unified register of banned content”.

- A 2013 amendment to the media law banning use of “obscene language” in the media also led to the brief closure of the news agency *Rosbalt* at a Moscow court’s behest after two videos that included swearwords were posted on its website.
- Under a 2014 law, bloggers – defined as persons “who post open information on a personal page” that gets at least 3,000 visits a day – are increasingly being subjected to obligations that approach those of large media outlets. They must provide their surname, initials and email address, they must register with Roskomnadzor, and they can be held responsible for the comments posted on their blog. The law also targets social networks, blog platforms and online messenger applications, described as “organizers of the dissemination of information”, which are required to store the history of their users’ activities for six months and make it available to the authorities if asked.
- The 2015 data storage law, which requires providers to store Russian personal data on servers based in Russia, has also drastically increased the surveillance of Russian Internet users.
- Under the 2016 “Yarovaya package” of counter-terrorism amendments, telecom operators are required to store all communications and conversations for six months and, on request, to make them available to the authorities, including the police and the Federal Security Service (FSB). Services offering encrypted messaging such as WhatsApp and Telegram are also required to help the FSB to decrypt any message on request or face a heavy fine. This in turn poses a great threat to journalists who use encrypted messaging in an attempt to communicate safely with their informants and contacts.
- The crackdown on the Russian Internet has continued in 2017. Two laws banning software that bypasses online censorship and tightening government control of search engines and messaging services marked a turning point in online censorship. Under one of these laws, services that circumvent website blocking – such as VPNs, proxy servers and the Tor network – are now required to block websites that are banned in Russia. Those that do not comply will be rendered inaccessible, while search engines are required to remove all references to sites that are blocked in Russia. The second law forces the users of messaging services such as WhatsApp and Telegram to identify themselves by means of their telephone numbers and will allow the authorities to block certain subscribers or messages.

Independent news outlets reined in

In response to a major wave of protests in 2011 and 2012, and to the Ukrainian crisis, international sanctions and the economic crisis, President Vladimir Putin has been clamping down on civil society and restricting the space for debate. Drastic curbs on foreign investment in news organisations have undermined the independence of certain leading media outlets while a witch-hunt is being waged against independent media, which are increasingly branded as a “fifth column” seeking to destabilize the country. Changes in the editorial boards of leading independent media outlets and the suspension of over-the-air broadcasting by non-Kremlin-affiliated TV channels have threatened the right to information and endangered media pluralism in Russia.

- The Russian parliament amended the Mass Media Law in 2014, lowering the ceiling on foreign ownership of shares in TV channels, radio stations, print media and online media from 50% to 20%. Since 2015, media outlets are also required to inform Roskomnadzor, the communications oversight agency, about all funding from “international sources”.
- The editorial boards of *Lenta.ru* and *RBC*, which used to be leading sources of independent news, have been transformed in recent years following editor Galina Timchenko’s dismissal at *Lenta.ru* and the resignation of Maxim Solyus, Elizaveta Osetinskaya and Roman Badanin at *RBC*. The latter earned its reputation with its uncompromising investigations into corruption

within the Russian elite. It had appeared increasingly likely that *RBC* would be reined in after its coverage of the “Panama Papers” and its disclosures about the wealth of President Vladimir Putin’s presumed son-in-law. Galina Timchenko’s sudden dismissal at *Lenta.ru*, a popular news website, came shortly after it received a warning from Roskomnadzor for interviewing a Ukrainian ultra-nationalist leader. She was replaced by Alexei Goreslavsky, a journalist widely regarded as pro-Kremlin.

- One of Russia’s few really independent TV broadcasters, *Dozhd* – which is often outspoken and gives space to opposition views – suffered an unprecedented campaign of harassment at the beginning of 2014. A controversial poll conducted by *Dozhd* was used as grounds for the suspension of its signal by most Russian cable and satellite providers and an investigation of the TV channel by the Saint Petersburg prosecutor’s office. The colossal disproportion between *Dozhd*’s alleged offence and the measures taken against it suggest that the poll was used as a convenient excuse to silence an independent broadcaster.
- The oppressive climate also affects regional broadcasters that are not under the Kremlin’s direct control. In 2014, Tomsk-based *TV-2* – one of Siberia’s few independent TV stations – had to end over-the-air broadcasting after its contract was rescinded by the local branch of the state telecommunications network RTRS, which has an over-the-air transmission monopoly.

Journalists arrested and jailed, impunity for their attackers

- At least five journalists and citizens-journalists are currently imprisoned in Russia because of their journalistic activities, according to RSF’s tally. The latest case to come to trial was that of Alexander Sokolov, an investigative reporter who was sentenced in August 2017 to three and a half years in a penal colony for “perpetuating the activities of a banned extremist organization”. Sokolov was arrested in July 2015 after exposing a corruption scandal and has been detained ever since. The official reason for his arrest was his previous activist links. He and three others were running the website of a group called “For Responsible Government” (ZOV) that was campaigning for a referendum to amend the Russian constitution so that politicians could be held accountable under criminal law. As this could hardly be regarded as a crime, the indictment claimed that Sokolov “realized” that the group’s true aims were “destabilization of the government” and “distribution of extremist texts”. The indictment did little except criminalize peaceful activities. It made little reference to Sokolov’s role with the group, which appears to have been very limited.
- Journalists have been arrested and prosecuted for covering protests. In March 2017, for example, at least 17 journalists were arrested while covering nationwide anti-corruption demonstrations. As well as being subjected to police violence, they were accused of taking part in banned protests and refusing to comply with police instructions. Sofiko Arifdzhanova of *Otkrytaya Rossiya* and Roman Demyanenko, a photographer with *RIA-Voronezh*, were fined while Aleksandr Nikishin of *Otkryty Kanal* was sentenced to four days of administrative detention. Alexei Alexeyev, the news website *Chernika*’s correspondent in the northwestern city of Petrozavodsk, was also hit in the face and legs by an unidentified policeman who broke his glasses and insulted him.
- Bloggers are receiving prison sentences for what they post online. Siberian blogger Alexei Kungurov was found guilty of “justifying terrorism” in December 2016 after he published a political post entitled “Who are Putin’s hawks really bombing ?” that criticized Russian foreign policy. He received a 30-month jail sentence from a military court in Tyumen, Western Siberia. His case is not isolated, as persecution of Internet users has increased significantly in the past three years in Russia. Jail sentences are often imposed for comments, photos or videos posted on social networks, or even just reposts. According to the human rights group Agora, at least 29 people were sentenced to imprisonment in 2016 in connection with their online activity.
- While journalists and bloggers are being convicted and jailed, those who physically attack or murder them enjoy complete impunity in Russia. This contravenes the undertakings that Russia gave during last UPR session in 2013 to “take further measures to improve the security of journalists and to ensure that violations of the rights of journalists are fully and promptly

investigated and that anyone found responsible is brought to justice according to international standards” (No. 46) as well as to “conduct a thorough, prompt and impartial investigation into the assassinations of journalists and human rights defenders (...) and bring the perpetrators to justice” (No. 47). Since then, at least three journalists have been killed in Russia because of their work: Akhmednabi Akhmednabiev, deputy editor of the weekly *Novoe Delo* in 2013, Timur Kuashev, who used to be Nalchik correspondent for *Dosh*, in 2014 and Nikolai Andrushchenko, co-founder of the *Novy Peterburg* weekly, in 2017. The person or persons who masterminded well-known journalist Anna Politkovskaya’s murder in 2006 have never been arrested.

- Impunity has in turn fostered a growing climate of insecurity for independent journalists in Russia. Yulia Latynina, a Russian journalist who worked for *Novaya Gazeta* and *Ekho Moskvy*, was forced to flee the country in September 2017 after a series of attacks in which, inter alia, her car was set on fire, an unidentified substance was sprayed around her home and faeces were thrown at her.

Chechnya and Crimea: two information “black holes”

Independent journalism has been almost completely eradicated in Chechnya and in the occupied Crimea. Ramzan Kadyrov, who rules the autonomous Chechen Republic with an iron hand, often refers to independent journalists as “traitors” and “enemies of the people.”

In Crimea, censorship has reached a critical level with news media being closed and journalists being harassed and threatened.

- In March 2014, the signals of the Ukrainian TV stations *1+1* and *5 Kanal* were suddenly cut in Crimea while operators began broadcasting the Russian TV station *Rossiya 24* instead of the local station *Chernomorka*. As noted in a report by the office of the UN High Commissioner for Human Rights, only 232 of the 3,000 Crimean media outlets registered under Ukrainian legislation received a licence from *Roskommadzor* in 2015. Crimean Tatar media outlets that had political content were prevented from continuing.
- Non-Kremlin-affiliated journalists were prevented from covering the situation in Crimea and some of them were even accused of being spies. This was the case with Olga Ivshina of the *BBC*’s Russian service when Russian soldiers with no insignia aimed their guns at her.
- Free speech has been criminalised in Crimea and the last critical journalists are being purged. This was exemplified in September 2017 by the case of Nikolai Semena, who was given a suspended sentence of two and a half years in prison and was banned from working as a journalist for three years. A reporter for *Radio Free Europe/Radio Liberty*’s Crimean service, he was convicted of “publicly calling for the Russian Federation’s territorial integrity to be violated” in a 2015 report criticizing Crimea’s annexation by Russia and supporting the blockade of the peninsula being organized at that time by Ukrainian activists.
- *Tvoya Gazeta* editor Alexei Nazimov has been detained since October 2016 on trumped-up charges of extortion. His lawyer said he was beaten and subjected to other forms of mistreatment by guards.

The crackdown on independent journalists has also intensified in Chechnya. Any journalist daring to defy the official consensus and obligatory pro-government enthusiasm in Chechnya is warned or threatened, and pressure is put on relatives.

- One of the most recent emblematic examples of this trend has been that of Zhalaudi Geriyev, a contributor to the independent news website *Kavkazsky Uzel*. In December 2016, on no evidence, Chechnya’s supreme court confirmed his three-year term sentence on a trumped-up charge of drug possession. The court systematically ignored defence testimony confirming that three plainclothesmen kidnapped Geriyev from a minibus that was taking him to the Chechen capital, Grozny, from where he had planned to travel to Moscow for work-related reasons. Geriyev told the court that his abductors took him to a wood where they beat him, tortured him and

interrogated him. His complaints about his mistreatment were dismissed without any action being taken.

- Violence against journalists seems to have no limits in Chechnya. A new threshold was crossed when a minibus carrying Russian and foreign journalists and members of the Committee for the Prevention of Torture, a Russian NGO, was attacked in neighbouring Ingushetia, just a few hundred metres from the Chechen border, in March 2016. A score of masked men beat the passengers, forced them get out of the bus, and then set fire to it.

Recommendations

In the light of these observations, RSF urges the Russian authorities to:

- Free all journalists who are imprisoned in connection with their journalistic activities including those held on politically-motivated charges of extremism or separatism.
- Lift all measures that have imposed increasing censorship on the media and the Internet, in order to protect freedom of expression as guaranteed by article 29 of the Russian constitution.
- Stop using the “anti-extremism” law and the law on “separatist opinions” to criminalize free speech and prosecute journalists.
- Ensure that free speech can only be restricted by a court decision that complies with the three conditions stipulated in Article 19 of the ICCPR: that the restriction must be provided by law, that it pursues a legitimate aim, and that it is necessary. Revoke all extra-judicial mechanisms that permit any limitations on freedom of expression.
- Ensure that the Russian police are properly trained to respect journalists’ rights, and that journalists who are clearly identified as such are not arrested while covering protests.
- Fully and effectively investigate all acts of violence against journalists and identify both the perpetrators and masterminds of journalists’ murders.
- Prohibit any filtering of online content without reference to a judge and continue to allow the use of proxy-servers and anonymizers.
- Guarantee media pluralism and balanced news coverage, and allow foreign journalists into such territories as Crimea and Chechnya.

Reporters Without Borders (RSF)

Contacts:

Johann Bihr
Head of the Eastern Europe and Central Asia desk
+33 1 4483 8467
jbihr@rsf.org

Sophie Busson
Head of Advocacy
+33 1 4483 6055
sbusson@rsf.org