

# **Freedom of Expression and Information in Russia**

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- Situation of media freedom in Russia continues to be of concern. Although the Constitution provides for freedom of speech and freedom of the press, the Russian media does not consider itself free, being very much pressured by authorities, harassed, and convicted for practicing profession.
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**Journalists remain unable to cover the news freely, particularly with regard to topics of public concern, such as:**

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- government corruption
  - falsification of elections
  - human rights abuses (in particular in Sochi lately)
  - and recently – public protest.
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# **Existing/new problems and trends**

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## **#1**

**Killing of journalists,  
attacks and  
intimidation.**

**Climate of impunity...**

# Climate of impunity

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- Impunity leads to the situation, when journalists restrain themselves from disseminating information on burning issues, the media becomes absorbed in self-censorship, and, consequently, essential and vital information is hardly available via traditional media.
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- It also highlights the failure of Russian government to respect international obligations, which stipulate that the state should protect its people and create an environment which encourages pluralism and political debate.
  - Each year Russia loses up to 10 journalists:
    - 2009 - 9 journalists were killed
    - 2010 - 12
    - 2011 - 6
    - 2012 - 4
    - 2013 - 4
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- Unfortunately, physical violence, harassment, intimidation, cases of detention and the failure to solve a number of murder cases as well as restrictive media policy continue to undermine the exercise of FOE/FOI.
- Attacks against journalists in Russia never stop. For the last 10 years over **260** journalists have been murdered in Russia (about **370** during last 20 years).
- Out of almost **190** cases of violent death of journalists, clearly linked to their professional activity, only 40 cases were brought to court. In **36** cases, the persons accused were convicted, and in **4** cases – acquitted.

# Official reports and reality...

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- The pattern of impunity in journalist killings contrasts sharply with Russian law enforcement's stated record in solving murders among the general population.
  - The Head of Federal Investigation committee Aleksandr Bastrykin, said in his interview to the newspaper Novaya Gazeta, that "law enforcement agencies have been solving vast majority of murders in recent years, as many as 4 out of 5". But that is not applicable to cases of murder of journalists and human rights defenders.
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# Sad trends...

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- ❑ Shockingly, 9 out of 10 murderers are not even prosecuted, making the killing of journalists a cheap, easy and virtually risk free method of silencing critics.
  - ❑ I would like to point out a clear tendency - in many cases journalists received **threats prior murder**, but no attention has been paid to these facts and no effective actions have been carried out.
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# Anna Politkovskaya, murdered on October 7, 2006

Over 7 years after a hired gunman shot to death Anna Politkovskaya outside her Moscow apartment, neither he nor those who sent him to kill “Novaya gazeta” investigative journalist have been brought to justice. The murder of an internationally known journalist in 2006 stirred worldwide outrage.

This murder drew attention, once again, to Russia’s reputation as one of the deadliest countries for reporters.

National and international organisations called for a thorough investigation of the murder and an end to the killing with impunity of journalists in Russia.



# Case of murder of **Akhmednaby Akhmednabiev**, Republic of Dagestan, July 2013

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was shot dead outside his home, 6 months after a previous attempt on his life under the same exact circumstances, when 4 shots were fired at his car. Investigation refused to include charges of attempted murder, limiting itself with the harm to the property and unlawful possession of a weapon. Akhmednabiyev is the 17th journalist to have been killed in Dagestan since 1993. 10 out of them have been killed in the last 4 years.

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# Oleg Kashin

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- A leading Russian reporter for the “Kommersant” newspaper was attacked outside his Moscow apartment building in the early hours of November 6th 2010, and was severely beaten up. Oleg Kashin was hospitalized in an induced coma and the police are treating the attack as a case of an attempted murder. The journalist has covered anti-Kremlin protests and extremist rallies, in particular demonstrations against the construction of a highway through the Khimki forest outside Moscow which has now been put on hold by the government. The Russian Prosecutor General said that he is personally supervising the case. But over three years later perpetrators are not found.



# #2

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**Violating the rights of reporters providing coverage of protest actions and silencing political speech as an element of the right to protest**

# Covering protests...

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- Protest actions of the opposition are going on in Russia for the last few years and are very active since Dec. 2011 Parliamentary elections.
- Nearly every time an outdoor event of the kind is taking place anywhere in the country, the police arrest reporters covering them.

**Following actions of protests showed that authorities cannot tolerate free speech and criticism with regards to elections. Over 40 journalists have been arrested only during actions of protests in Moscow in four days – May 6-9.**

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# Pussy Riot case

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**Pussy Riot is a feminist performance art group, members of which have been found guilty in “hooliganism”. Two out of three members of this group served a bit less than 2 years of imprisonment for their 1-minute performance in a priests-only section of Moscow's Cathedral of Christ the Savior.**

**The specific intention of the performance was to draw attention to the special relationship between President Putin and the leadership of the Russian Orthodox Church, as well as a prayer to the Madonna to drive Putin away.**

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# 430 protesters, including journalists and bloggers, were arrested Monday, February 24

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Over 430 people, including journalists, bloggers were briefly detained in Moscow on Monday while taking part in an unsanctioned rally to protest prison terms for eight activists in the Bolotnaya case. They were found guilty of instigating riots and attacking police during a 2012 protest.



**Misuse of “public order” and “blasphemy” as a reason to silence protests and critical voices is quite a trend in Russia nowadays.**

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# #3

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**Misuse of anti-  
extremism, anti-  
terrorism and  
blasphemy to the  
press**

# Counteracting extremism...

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- Ever since enacting “The Law on Counteracting Extremist Activities” in 2006, it has been used to suppress the freedom of expression, dissenting and critical voices in the Russian press. The number of court cases brought under this law has been growing fast. The trend has become particularly strong over the last 3 years.
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# Considering critical speech as hate speech or blasphemy

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## Grani.ru - Pussy Riot-icon case

Online media Grani.ru, was forced by the authorities (after two official warning leading to closure of the media) to stop illustrating their publications, covering charges against South-Siberia artist for promoting T-shirts, picturing Virgin and a child on the Russian orthodox icon in balaklavas. That was found by the court as blasphemy.

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# #4

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**Criminal  
defamation,  
other criminal  
charges**

**There are about 4,500 civil defamation cases initiated annually in Russia and about 70% of them are against media.**

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- Defamation law has been used to shield public figures and powerful individuals from criticism that are legitimate and healthy in a democratic society. High awards for damages and disproportionate sentences are at times imposed.
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# Mikhail Afanasyev

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The criminal proceedings were started as a reaction to Afanasyev's article "You Are a Liar, Colonel Zlotnikov!", written in response to an appeal by the family of a young man detained by police on suspicion of murder. Relatives were concerned that law enforcement might try to "beat" the desired confession out of the suspect; they asked the journalist to interfere. Afanasyev tried to do a report for his online media but was detained on orders from the police chief, Col. Zlotnikov. Speaking in court, the colonel also charged the journalist with "**pushing two pregnant women under the wheels of a police vehicle**", but both women disproved his words; this point was specially stressed in the court ruling, making it clear Zlotnikov had lied. Yet the journalist was placed under administrative arrest for three days and after the publication, the police colonel initiated criminal defamation proceedings against Afanasyev under Criminal Code Articles 128.1 ("Libel") and 319 ("Insult to a government official").

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# SakhalinMedia.ru

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Premises of the online media SakhalinMedia were searched by police who seized all hard drives, laptops, and other data storage devices from the office, stopping work from taking place. Later, searches were also held at PrimaMedia offices in Vladivostok, the headquarters of the regional online media. Editor-in-chief has been named as an official suspect by police in criminal defamation case as a result of publication of critical article , considered to be libelous about Alexander Verhovskiy, Senator of the Sakhalin Region.

An article was based on a letter to the President Putin, written by the village residents that criticised Verhovskiy. The residents of the village on Sakhalin asked Putin to save them from Senator-businessman. A group of 14 (!) investigators is working hard to put the accusations together.

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# **There are a number of disturbing trends with regards to defamation that need to be addressed:**

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- 1.** Russia just recriminalized defamation in July 2012 (after decriminalising it half a year earlier). Administrative defamation cases (as criminal ones) are heard by justices of peace, the majority of whom have questionable qualifications and very little understanding of the media law, European Convention case-law and freedom of expression nature.
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2. Judges and plaintiffs have limited knowledge and rarely use alternative non-pecuniary measures to solve conflicts, such as the right to reply, self-regulatory mechanisms, that unfortunately still have limited trust from the media community.
3. The simultaneous filing of civil and criminal defamation lawsuits for the same expression, and multiple criminal cases against the same media outlet or a journalist in recent years, with the sole aim of intimidation.

# Sergey Reznik, journalist, blogger

In November 2013, he was convicted to 1.5 years of imprisonment under four different charges. First two had nothing to do with the professional activity and his criticism towards prosecution and judiciary of the region. But that was a reason to open investigation which later was strengthened by another two charges in slandering of governmental official (for calling a head of regional commercial court a "marmoset" and a "crocodile").



Another criminal defamation case is still pending for the online publication, where journalist compared a Prosecutor of the Region with tractor-driver for his slovenly appearance. First he was accused in **commercial bribery**, then for the **false testimony** and finally - three separate charges were brought for criminal defamation which all together gave authorities a possibility to put journalist in jail.

**Using pure criminal charges against journalists in cases where it is rather difficult to bring accusations directly linked to their professional activity – is a new trend that is not only dangerous and intimidating, but it also undermines the trust to journalists among society.**

# #5

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## **Restricting control over Internet**

# Internet

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- An increasing number of internet users and the popularity of internet resources, including blogs, forums and Live Journal, online media, no doubt, provide a wide range of alternative sources of information and bothers the state a lot.
  
  - Thus government introducing new methods of control over Internet that include:
    - Black list of websites for publishing certain information.
    - Blocking websites with no due process and court decision.
    - The last initiative is to force bloggers, who have over 10.000 followers to register as a media.
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# Conclusions

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- Regardless of this depressing picture, we have positive experiences in defending journalists, which proves that it is possible even under such a repressive media regulation in Russia.
  - Special attention has to be paid to working with judiciary, who lack understanding of FOE and value of free press, but are ready to apply it in practice once they receive a sufficient training on that (if not pressured by authorities in politically sensitive cases).
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