



Justice for Journalists
Foundation for International
Investigations of Crime against Media



25 January 2022

**Stakeholder Submission
to the UN Human Rights Committee Review of Russia
(134th Session, 28 February 2022 - 25 March 2022)**

Justice for Journalists Foundation and Human Rights Centre ZMINA are pleased to offer this submission to the Human Rights Committee ahead of the consideration of Russia's report at its 134th Session.

Justice for Journalists Foundation (JFJ) is a British non-governmental organisation created in 2018. JFJ has been monitoring, analysing, and publicising attacks against media workers¹ that took place in 12 post-Soviet states, including Russia, since 2017 and in the occupied Crimea – since 2020. The monitoring is based on content analysis of open sources in Russian and English. In addition, expert interviews with media workers are used to monitor cases that have not been publicly reported. All information is verified using at least three independent sources. JFJ also funds journalistic investigations into violent crimes against media workers and helps professional and citizen journalists to mitigate their risks.

Human Rights Centre ZMINA is a Ukrainian non-governmental organisation created in 2012. It works on freedom of speech, freedom of movement, combating discrimination, prevention of torture and ill-treatment, combating impunity, support for human rights defenders and civil society activists on the territory of Ukraine, including in the occupied Crimea, as well as the protection of the rights of the armed conflict victims. The organisation conducts information campaigns, educational programs, monitors and documents the cases of human rights violations, conducts research and analysis, and seeks changes through national and international advocacy. ZMINA has been monitoring the situation of media freedom and attacks on journalists in Crimea since its occupation by Russia in 2014.

¹ In this submission, the term “media workers” refers to journalists, camerapersons, photojournalists, and other employees and managers of traditional and digital media, as well as bloggers and online activists.

The focus of this submission is the **situation of media workers and media outlets since the consideration of Russia’s seventh periodic report in March 2015** and Russia’s compliance with its obligations enshrined in **Article 19 of the International Covenant on Civil and Political Rights (ICCPR)**.

We refer to Russia’s eighth periodic report (CCPR/C/RUS/8, Paragraphs 14-19, 51-62, 67, 70-71, 77-82, 128, 174-177, 269-297), list of issues (CCPR/C/RUS/Q/8, Paragraphs 4, 9, 13-16, 18, 22, 25) and Russia’s replies to the list of issues (CCPR/C/RUS/RQ/8, Paragraphs 20, 52-56, 82-96, 105-106, 147-154, 193-198).

Section I contains brief information about the environment and the main risks for media workers and media outlets. For additional details and examples, please see reports on JFJ’s website.² Sections II-IV outline relevant Concluding Observations of the Human Rights Committee, Universal Periodic Review (UPR) recommendations, and recent concerns of the Special Procedures. Finally, in Section V, we propose key recommendations.

Due to the illegal occupation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (hereinafter “Crimea”) by the Russian Federation since 2014, this submission recognises the responsibility of Russia as an occupying power to respect and ensure a wide range of human rights in Crimea in the framework of its international obligations, including the ICCPR.

I. Situation of media workers and media outlets (Article 19)

Since consideration of Russia’s previous periodic report in 2015, the environment for journalism has further deteriorated.

The country has slightly improved its position (by two points) in Reporters Without Borders’ World Press Freedom Index and ranks 150 out of 180 countries (“difficult situation”).³ However, internet freedom has been significantly stifled, as evidenced by the loss of five positions in its Internet Freedom Score by Freedom House since 2016, when it was first measured. The score currently equals 30 (“not free”).⁴

Importantly, Freedom House’s assessment does not include Crimea, the freedom of expression situation where is dire. Freedom House’s Freedom in the World Score for Crimea is 7 (“not free”),⁵ meaning that the level of political rights and civil liberties there is on par with Saudi Arabia and Somalia. The score has been systematically deteriorating since 2017 when it was first measured. For comparison, the same score for Russia has steadily equalled 20 (“not free”), which is slightly better.⁶

² https://jfi.fund/report-2020_2/#ru, <https://jfi.fund/attacks-on-journalists-bloggers-and-media-workers-in-belarus-russia-and-ukraine-2017-2019/#russia>, https://jfi.fund/report-2020_2/#crimea

³ <https://rsf.org/en/ranking/2015>, <https://rsf.org/en/ranking/2021>

⁴ <https://freedomhouse.org/country/russia/freedom-net/2016>, <https://freedomhouse.org/country/russia/freedom-net/2021>

⁵ <https://freedomhouse.org/country/crimea/freedom-world/2021>, <https://freedomhouse.org/country/crimea/freedom-world/2017>

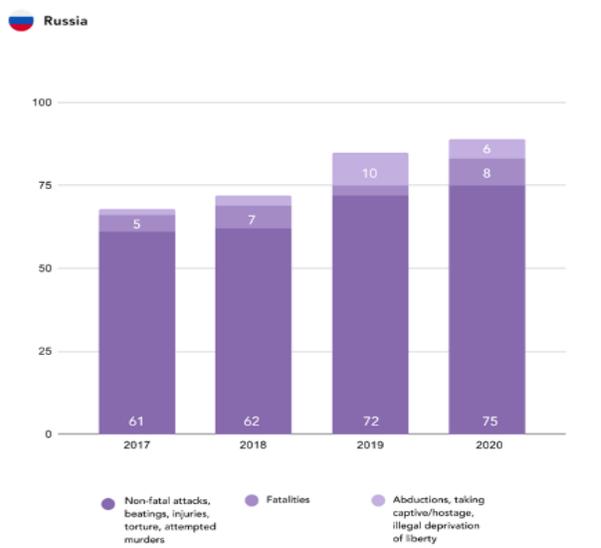
⁶ <https://freedomhouse.org/country/russia/freedom-world/2021>, <https://freedomhouse.org/country/russia/freedom-world/2017>

Russia

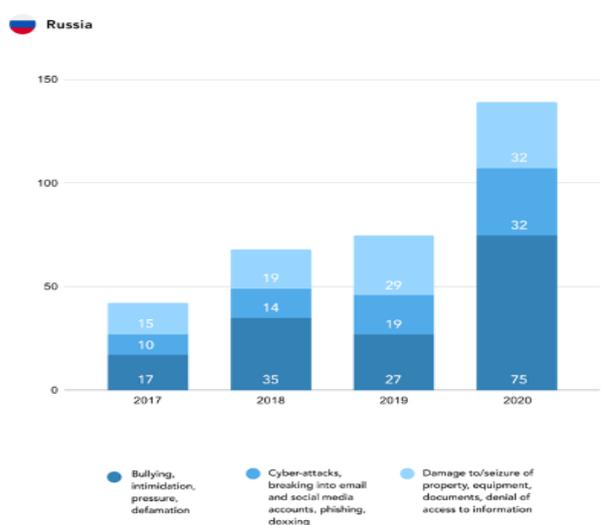
In 2017-2020, Justice for Journalists Foundation documented 2 417 cases of pressure on media workers and media outlets in Russia (excluding occupied Crimea). Three hundred fourteen of them were physical attacks and threats, 324 – non-physical attacks and threats online and offline. In 1 779 instances, judicial and economic means were used to exert pressure. In most cases (about 83 %), the perpetrators were representatives of the authorities.

The graphs below illustrate the distribution of cases over the years and the most widely used types of pressure within each category:

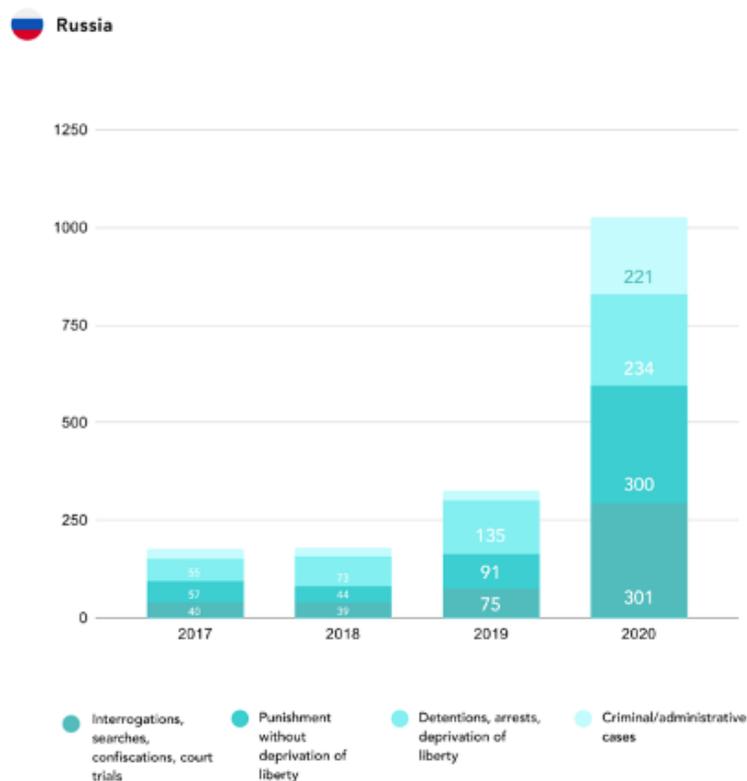
a) Physical attacks and threats



b) Non-physical attacks and threats online and offline



c) Use of judicial and economic measures



Furthermore, in 2020, in at least 187 documented cases in Russia (excluding occupied Crimea), the pressure on media workers and media outlets had a “hybrid” nature, i.e., it was carried out using two or more categories described above. All these instances of hybrid pressure targeted the same 33 media workers. This shows deliberate and systematic attempts to silence particularly critical voices.

In 2021, at least 103 physical attacks and threats, 208 non-physical attacks and threats online and offline, and 1 179 instances of judicial and economic attacks were documented in Russia (excluding occupied Crimea).

Some of the significant developments in Russia included:

1) Big number of physical attacks and threats

In 2017-2021, at least 24 Russian media workers died, most of them – in circumstances likely related to their work. The most high-profile examples include:

- On 16 March 2017, **Yevgeny Khamaganov**, an editor of the *Asia Russia Daily* website and the founder of the *Site of the Buryat People* internet portal, died in a

hospital in Ulan-Ude, the Republic of Buryatia. The 35-year-old media worker's official cause of death was a diabetic coma, but his friends believed it was the result of an assault;

- On 19 April 2017, **Nikolai Andrushchenko**, an anti-corruption journalist for *Noviy Peterburg*, died in a hospital in St. Petersburg without regaining consciousness after having been brought there a few weeks earlier with a severe head injury;
- On 1 May 2017, **Dmitry Popkov**, the chief editor of *Ton-M*, was shot dead in Minusinsk, Krasnoyarsk region;
- On 12 April 2018, **Maxim Borodin**, an investigative journalist for the *New Day*, fell out of the window of his fifth-floor flat in Yekaterinburg and died three days later without regaining consciousness;
- On 30 July 2018, cameraman **Kirill Radchenko**, director **Alexandr Rastorguyev**, and war correspondent **Orkhan Dzhemal** were shot dead while investigating the activities of the Russian private military contractor Wagner Group in the Central African Republic;
- On 12 July 2019, **Pyotr Mikov**, a cameraman with *LenTV*, *100 TV*, and «78», as well as the socio-political show *Open Studio*, was found shot dead in St. Petersburg;
- On 17 July 2019, **Mikhail Kurakin**, a director of the *Gorizont* information and political technology agency and an author of the Telegram channel *Komitet*, committed suicide in Togliatti, Samara region, a day after writing on Facebook, “I don't know why, but it seems that I've got serious problems”;
- On 30 January 2020, **Imran Aliyev** (also known as “Mansur Stary”), a critical blogger from the Chechen Republic, was stabbed to death in the French city of Lille;
- On 4 July 2020, **Mamikhan Umarov** (also known as “Anzor from Vienna”), a critical blogger from the Chechen Republic, was shot dead in a suburb of Vienna;
- On 2 October 2020, **Irina Slavina**, an independent journalist from Nizhny Novgorod and the chief editor of *Koza.press*, committed suicide after long-term harassment by the authorities and a series of judicial and economic attacks against her. She blamed the authorities on her death in a farewell Facebook post;
- On 9 November 2020, **Aleksandr Tolmachev**, a journalist from Rostov-on-Don, who had spent nearly nine years in prison on an allegedly trumped-up extortion charge, suddenly died in an Orenburg penal colony a month before his release.

At least 16 attempted murders and one case where an attempted murder was being prepared but not carried out have been documented. These happened in Russia and abroad, particularly in Sweden and Finland, where two critical bloggers from the Chechen Republic were targeted.

Media workers were also subjected to abductions and torture. Some of the illustrative examples include:

- In June 2018, **Leonid Makhinya**, the editor of the independent online newspaper *Volgogradsky Reporter*, disappeared in Volgograd after having mentioned threats against him to his relatives.
- In September 2020, **Salman Tepsurkaev**, 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, reportedly by the law enforcement officers, subjected to sexual violence, and it is unknown whether he is alive.
- In October 2020, **Sergei Plotnikov**, a *RusNews* journalist and video blogger who had been reporting from the protests, was abducted by unknown individuals in Khabarovsk. He was taken to the forest in handcuffs. In the forest, he was shot under his feet and threatened. A few hours later he was taken to the cemetery and released.
- In September 2021, unidentified individuals threw the blogger **Karim Yamadayev** into a black minibus, put a bag over his head and threatened him with a new criminal case if he complained to the European Court of Human Rights. The complaint in question related to his prior conviction under Article 205.2 of the Criminal Code (“public calls to terrorist activity, public justification of terrorism or propaganda of terrorism”).

Moreover, media workers were threatened by public officials, in particular from the Chechen Republic, in their statements and social media posts.

In the most recent and representative case, on 23 January 2022, the head of the Chechen Republic Ramzan Kadyrov wrote in his Telegram channel that the journalist Elena Milashina, who covers the human rights situation in the Chechen Republic, is a “terrorist” because of her critical publications. He encouraged the law enforcement to arrest her as a “terrorist supporter” and implied that terrorists have traditionally been liquidated. The spokesperson for the president of Russia commented by saying that Ramzan Kadyrov merely expressed his personal opinion. Elena Milashina and her colleagues from *Novaya Gazeta* were repeatedly threatened and attacked in the past.

Journalists have also been frequently assaulted and beaten, often having their equipment seized or damaged, during their work. Since 2017, the level of cruelty of such attacks has increased. The perpetrators included both state actors (such as law

enforcement officers and public officials) and non-state actors (such as pro-government activists, including from the National Liberation Movement (“NOD”) and the South East Radical Block (“SERB”)), as well as unidentified persons.

The overwhelming majority of killings and physical attacks against media workers in Russia are not effectively investigated.

2) Restrictive laws affecting media workers

Since consideration of Russia’s previous periodic report, restrictive legislation has mostly remained in place.

Among the few improvements that have been made is decriminalisation of the first-time non-violent “incitement to hatred or enmity, as well as humiliation of human dignity” (Article 282 of the Criminal Code) and first-time “public calls for actions aimed at violating the territorial integrity of the Russian Federation” (Article 280.1 of the Criminal Code). These first-time offences are now punishable by administrative fines up to 500 000 RUB (5 624 EUR).

However, numerous new laws have been passed that negatively affect media workers in Russia and Crimea. Several examples are listed below.

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 extensively expanded. In total, 15 media organisations and organisations supporting independent media were added to the register of “foreign agent NGOs”; six of them have been subsequently removed because the NGOs ceased to exist.⁷

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”. Two organisations connected with media are on the “**undesirable organisations**” register.⁸

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

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

⁸ <https://minijust.gov.ru/ru/documents/7756/>

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 (56 243 EUR), website blocking, and criminal liability, including up to two-year imprisonment. For “individual foreign agents”, sanctions include fines up to 50 000 RUB (562 EUR), seizure of the “object of the offence” (for example, a computer), and a criminal liability including up to five-year imprisonment. One hundred thirteen “mass media foreign agents” and, so far, no “individual foreign agents” have been designated.⁹ Most “mass media foreign agents” are independent journalists and media outlets.

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**”. Falling under these articles is information about measures being undertaken to ensure security in the conditions of the COVID-19 pandemic. 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 (562 EUR));

⁹ <https://minjust.gov.ru/ru/documents/7755/>

- “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 (56 243 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 (56 243 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 (5 624 EUR) or 1 mln RUB (11 249 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 (33 746 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 will likely restrict 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.

In November 2021, the Ministry of Defence published an extensive list of information **classified as official secrets in the defence sector**. The list contains 813 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 Law No. 149-FZ of 27 July 2006 “On Information, Information Technology and Information Protection” has been significantly amended to allow **extrajudicial blocking** of additional categories of information by the Federal Service for Supervision of Communications, Information Technology and Mass Media (Roskomnadzor) at the request of the Prosecutor General or his/her Deputies. This includes, for example:

- information expressing in an “indecent manner” a “blatant disrespect” for Russian society, the State, its official symbols, the Constitution, or state bodies; and
- false information that defames the honour and dignity of a citizen or undermines their reputation and is related to accusing them of a crime.

A similar mechanism has been added for blocking, at the request of the election commissions, election campaign materials posted on the internet in violation of electoral legislation. Such materials may be interpreted broadly and include a personal opinion posted on social media or a media article on a political topic.

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 (11 249 EUR) and for a repeated violation – up to 6 mln RUB (67 492 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 (89 989 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.

3) Widespread use of judicial and economic pressure

Extensive restrictive legislation creates a basis for the systematic use of judicial and economic pressure against media workers and media outlets.

Some of the trends identified in our analysis include:

- Widespread criminalisation of media workers. In 2017-2021, at least 180 criminal cases were initiated against media workers, and at least 93 of them ended in convictions;
- Stark increase in the number of libel and insult cases against media workers: from 15 in 2017 to 73 in 2021;

- Use of charges discrediting the media workers and their journalism, such as extremism and terrorism-related charges, rehabilitation of Nazism, high treason, distribution of pornography, extortion, and hooliganism;
- Use of punitive psychiatry against media workers – 4 cases in 2017-2021;
- Treatment of journalists covering public assemblies as their organisers or participants, despite the editorial assignments and visible press identification, and imposition of liability under the restrictive public assembly rules – 101 administrative fines and 52 administrative detentions in 2017-2021; and
- New practice of imposing fines for cooperation with foreign media outlets without the Ministry of Foreign Affairs accreditation was started in 2021 – 3 cases.

4) Pressure on media workers' relatives and loved ones

In 2017-2021, the pressure on media workers was often applied through targeting their relatives and loved ones. At least one physical, 12 non-physical, and 21 judicial and economic attacks were documented.

5) COVID-19 restrictions

In 2020, Russia introduced restrictive measures to counter the spread of COVID-19.¹⁰ They resulted in additional pressure on Russian media workers.

At least 188 instances of pressure were documented during the COVID-19 pandemic of 2020. Eight of them were non-physical attacks and threats online and offline (mostly insults, humiliation, threats, and forcing media workers to remove publications that were claimed to contain false information or promote extremism), three were physical attacks and threats, and 177 – the use of judicial and economic measures against media workers and media outlets (mostly related to the alleged dissemination of knowingly false information and violations of self-isolation and quarantine restrictions). In addition, access to courts was widely restricted for the press.

Crimea

In 2020, 58 cases of pressure on media workers and media outlets were documented in Crimea. Four of them were physical attacks and threats, 16 – non-physical attacks and threats online and offline. In 38 instances, judicial and economic means were used to

¹⁰ <https://www.icnl.org/covid19tracker/?location=105&issue=&date=&type=>; <https://pandemicbigbrother.online/en/country/ru/>

exert pressure. In most cases (about 86 %), the perpetrators were representatives of the authorities.

In 2021, at least nine physical attacks and threats, 33 non-physical attacks and threats online and offline, and 96 instances of judicial and economic attacks were documented. In 51 cases, the pressure on media workers combined several methods. Such instances targeted the same 11 media workers, which shows that the most critical media workers are particularly targeted.

Some of the significant recent developments in Crimea included:

1) Criminalisation of citizen journalists

Since the occupation of Crimea in 2014, Russian authorities have been trying to suppress independent journalism and fully control Crimea's information space. As a result of systematic pressure, harassment and intimidation, over ten media outlets have moved to mainland Ukraine, and many media workers have left the profession.¹¹ On the other hand, this has led to the development of citizen journalism: ordinary citizens and civic activists (especially Crimean Tatars) cover the events happening in Crimea.

In 2017-2021, charges were brought against ten Crimean Tatar citizen journalists from the Crimean Solidarity initiative for their alleged participation in Hizb ut-Tahrir (the Supreme Court of Russia banned it as a terrorist organisation in February 2003; however, it is legal in Ukraine and the majority of other countries) and preparing a forcible seizure of power. As a result, nine of them were imprisoned (one person has already served his sentence, four citizen journalists are in colonies and prisons with 14-19-year sentences, one person is under house arrest facing a 12-year term, and four persons are in pre-detention centres awaiting the trial verdicts).

In addition, in March 2021, occupation authorities in Crimea arrested a freelance journalist of the *Radio Free Europe / Radio Liberty* "Crimea. Reality" project Vladyslav Yesypenko and fabricated a criminal case against him with sanction up to 12 years in prison. Yesypenko was tortured in detention, and independent lawyers were denied access to him for 27 days. Currently, the journalist is kept in Simferopol pre-trial detention centre.

2) Blocking of Ukrainian media outlets

The monitoring covering 11 of Crimea's internet providers shows that at least 25 websites of Ukrainian media outlets are fully blocked in Crimea, and five more are blocked in some areas or depending on a provider.

¹¹ <https://jfj.fund/journalists-paid-dearly-for-covering-revolution-russias-war-in-ukraine/>

Monitoring of FM band broadcasting in the north of Crimea shows that the signal of Ukrainian radio stations is accessible in only seven out of 19 population centres. Blocking of signals is implemented by broadcasting Crimean and Russian radio stations on the frequencies of Ukrainian broadcasters.

3) Main methods of pressure

Russian restrictive laws are also enforced in Crimea, and, as of the end of 2020, judicial and economic means were the most widely-used way of applying pressure on media workers. They mainly included the charges of extremism, links with terrorists, inciting hate, rehabilitation of Nazism, high treason, and calling for the overthrow of the constitutional order.

The second most-used category of pressure in 2020 was non-physical pressure, in particular illegal impediments to journalistic activity and denial of access to information. These were primarily related to restricting access of the press to the trials.

Finally, in 2020, four physical attacks were documented. These included two cases of punitive psychiatry use. While this represents a significant improvement – in contrast with 2014, when over a hundred instances were reported in the first month of the occupation alone – the likely explanation is that the media environment has been significantly damaged and long-term imprisonment is broadly used instead to silence critical voices.

4) COVID-19 restrictions

On 17 March 2020, a “state of high alert”, not prescribed in legislation, was introduced in Crimea in connection with the pandemic. The set of restrictions within the framework of this state has been changed on numerous occasions, and some prohibitions are effective to this day.

The restrictions largely limited the opportunity for media workers (especially citizen journalists) to work because they were restricted from leaving their places of residence and observing the trials. Overall, nine attacks connected with quarantine restrictions were recorded in 2020.

II. Relevant Concluding Observations of the Human Rights Committee

In its 2015 Concluding Observations (CCPR/C/RUS/CO/7), the Human Rights Committee expressed concern at “harassment, death threats, intimidation, physical violence and killing of... journalists... in particular of those working in the North Caucasus... and at the slow progress in investigating such cases” (Paragraph 18). In this connection, the Committee recommended that Russia should “immediately take steps

to provide, in practice, effective protection”, “refrain from taking any measures that may constitute harassment or persecution or undue interference in the exercise of their work or of their right to freedom of opinion and expression” and “effectively investigate, prosecute and bring to justice perpetrators of the above acts” (Ibid.).

The Committee also expressed concern about the “developments that separately and jointly create a substantial chilling effect on freedom of speech” (re-criminalisation of defamation, expansion of the definition of treason, blasphemy law, law authorising prosecutors to issue emergency orders to block websites, law criminalising distortion of the Soviet Union’s role in the Second World War, and law requiring bloggers with more than 3,000 visitors daily to conform to burdensome legal constraints and responsibilities) (Paragraph 19). Accordingly, the Committee recommended that Russia should “consider decriminalising defamation” and “repeal or revise the other laws mentioned above... In particular, it should clarify the vague, broad and open-ended definition of key terms in these laws and ensure that they are not used as tools to curtail freedom of expression beyond the narrow restrictions permitted in article 19 of the Covenant.” (Ibid.).

The Committee also expressed concern about the vague and open-ended definition of “extremist activity” and criminalisation of public calls for action aimed at violating the State’s territorial integrity, as well as reports of the use of this legislation to curtail freedom of expression (Paragraph 20). Therefore, the Committee recommended that Russia should “revise without undue delay the Federal Law on Combating Extremist Activity with a view to clarifying the vague and open-ended definition of “extremist activity”, ensuring that the definition requires an element of violence or hatred and establishing clear and precise criteria on how materials may be classified as extremist”, “take all measures necessary to prevent the arbitrary use of the law and revise the Federal List of Extremist Materials”, “ensure that article 280.1 is applied in a manner consistent with the State party’s obligations under article 19 of the Covenant as interpreted in the Committee’s general comment No. 34 (2011) on freedoms of opinion and expression and is not used to silence individuals critical of the State party’s foreign policy, including with regard to Crimea.” (Ibid.).

The Committee also expressed concern about “the lack of clarity as to whether the 2006 Federal Counter-Terrorism Act: (a) contains specific provisions codifying the obligation of the authorities to respect and protect human rights in the context of counter-terrorism operations; (b) authorises temporary restrictions on rights and freedoms not listed in article 11, paragraph 3, of the Act; and (c) provides for independent review of counter-terrorism activities undertaken by the executive, including with regard to monitoring telephone, electronic and postal communications” (Paragraph 13). The Committee reiterated its recommendation that Russia “take all measures necessary to ensure that its counter-terrorism legislation and practices are in full compliance with its obligations under the Covenant” and “ensure that its counter-terrorism legislation provides for an independent mechanism to review counter-terrorism activities undertaken by the executive”. (Ibid.).

The Committee also expressed concern about the “foreign agents law” concerning non-commercial organisations and the law on “undesirable organisations” (Paragraph 22). It recommended that Russia should “repeal or revise the legislation requiring non-commercial organisations that receive foreign funding to register as “foreign agents” with a view to bringing it into line with the State party’s obligations under the Covenant, and take into account the opinion of the European Commission for Democracy through Law in that regard. It should, at the very least: (a) drop the term “foreign agent” from the law; (b) clarify the broad definition of “political activities”; (c) remove the power granted under the law of registering non-commercial organisations without their consent; and (d) revisit the procedural requirements and sanctions applicable under the law to ensure their necessity and proportionality”. (Ibid.).

The Committee also expressed concern about “reported violations of the Covenant in the Autonomous Republic of Crimea and the city of Sevastopol, which are under the effective control of the State party, including: (a) Allegations of serious human rights violations, many of which involve the “Crimean self-defence” forces, including enforced disappearances, abductions, arbitrary detention, ill-treatment and attacks against journalists; and (b) Alleged violations of freedom of expression and information, including harassment of media, blockage of Ukrainian Internet sites and forced relocation of local Internet sites, and threats and intimidation against journalists” (Paragraph 23). It recommended that Russia should “(a) Take effective measures to investigate all allegations of serious human rights violations, in particular abductions, enforced disappearances, arbitrary detention and ill-treatment, including those committed by “Crimean self-defence” forces, and bring perpetrators to justice and provide victims or their families with effective remedies, including appropriate compensation; and (b) Ensure the exercise in practice of freedom of expression and information for all residents of Crimea, including freedom to use the internet, in accordance with the State party’s obligations under the Covenant” (Ibid.).

According to the follow-up letter to Russia dated 18 April 2017, the Committee considered that the recommendations contained in Paragraphs 19 and 22 selected for the follow-up procedure had not been fully implemented.

III. Relevant UPR Recommendations

During the third cycle of the UPR in May 2018, numerous recommendations relevant to media freedom were made to Russia, including the following:

147.54 Review national legislation and take administrative measures to address the concerns expressed by the Human Rights Committee regarding the free exercise of freedom of expression, peaceful assembly and association (Costa Rica) (Noted; A/HRC/39/13/Add.1);

147.55 Repeal or revise legislation in order to bring it into conformity with the obligations under the International Covenant on Civil and Political Rights and to ensure protection

of the rights to freedom of opinion, expression, association and assembly (Latvia) (Noted; A/HRC/39/13/Add.1);

147.61 Repeal the law on foreign agents and ensure that the freedoms of assembly, association, expression, demonstration and the press are not limited (Spain) (Noted; A/HRC/39/13/Add.1);

147.63 Repeal laws on “foreign agents” and “undesirable” organisations, and amend vague and overly broad “extremism” legislation to prevent this from being used to target those exercising their rights to freedom of expression and association (Australia) (Noted; A/HRC/39/13/Add.1);

147.64 Revise or repeal legislation that unduly limits the freedoms of association, assembly, expression, religion or belief, including the “foreign agents” law and the law on “undesirable organisations” (Canada) (Noted; A/HRC/39/13/Add.1);

147.65 Repeal laws that limit freedom of expression online and offline, including the so-called Yarovaya package of counter-terrorism legislation (Sweden) (Noted; A/HRC/39/13/Add.1);

147.66 End the practice of using the broad and vague anti-extremism and counter-terrorism legislation to pursue politically motivated charges (Sweden) (Noted; A/HRC/39/13/Add.1);

147.67 Relinquish de facto executive control over the media, the parliament and the courts, and repeal or amend legislation used to criminalise normal societal discourse, such as that on “extremism”, foreign agents, undesirable foreign organisations, anonymiser bans, and Internet blacklisting, as well as the “Yarovaya amendments”, which are used to criminalise normal societal discourse, so that all its laws are consistent with the Russian Federation’s human rights obligations and commitments (United States of America) (Noted; A/HRC/39/13/Add.1);

147.127 Investigate all reports of attacks on, or threats against, human rights defenders, lawyers, journalists, civil society activists and lesbian, gay, bisexual, transgender and intersex persons, and bring those responsible to justice (Norway) (Supported; A/HRC/39/13/Add.1);

147.150 End impunity for attacks on journalists and human rights activists, and ensure space for civil society and opposition politicians to operate without fear of reprisals (United Kingdom of Great Britain and Northern Ireland) (Supported/Noted; A/HRC/39/13/Add.1);

147.153 Continue easing regulations on media coverage and Internet censorship in order to secure and facilitate the exercise of freedom of expression (Japan) (Supported; A/HRC/39/13/Add.1);

147.154 Ensure fully everyone's right to exercise freedom of expression (Estonia) (Supported; A/HRC/39/13/Add.1);

147.155 Strengthen human rights guarantees for freedom of expression and peaceful assembly (Peru) (Supported; A/HRC/39/13/Add.1);

147.156 Repeal legislation and regulations that limit the legitimate exercise of the rights to freedom of expression, association and belief (Norway) (Noted; A/HRC/39/13/Add.1);

147.159 Ensure that anyone, including human rights defenders and journalists, can exercise their right to freedom of expression, including online, without fear of reprisal (Switzerland) (Supported; A/HRC/39/13/Add.1);

147.161 Take the measures necessary to guarantee the full enjoyment of freedom of expression, in particular freedom of the press, and put an end to restrictions on access to some resources online (Luxembourg) (Supported/Noted; A/HRC/39/13/Add.1);

147.162 Uphold the rights to freedom of assembly and expression, as enshrined in the Constitution (New Zealand) (Supported; A/HRC/39/13/Add.1);

147.163 Safeguard the freedom of association of all its people, as prescribed in the Constitution, including of journalists, lawyers and human rights defenders (Botswana) (Supported; A/HRC/39/13/Add.1);

147.166 Improve existing law and practice to guarantee freedom of expression, freedom of the media, and the safety of journalists (Poland) (Supported; A/HRC/39/13/Add.1);

147.167 Guarantee freedom of expression, particularly online, as well as freedom of the media (France) (Supported; A/HRC/39/13/Add.1);

147.168 Implement recommendations relating to the freedom of the press and information accepted during the last cycle of the universal periodic review (Georgia) (Noted; A/HRC/39/13/Add.1);

147.169 Continue efforts to protect journalists from violence and intimidation and intensify cooperation with the Organization for Security and Cooperation in Europe Representative on Freedom of the Media (Austria) (Supported; A/HRC/39/13/Add.1);

147.170 Ensure that cases of violence and intimidation against independent journalists are independently investigated and that their perpetrators are effectively brought to justice (Belgium) (Supported; A/HRC/39/13/Add.1);

147.171 Prevent and investigate beatings, threats and trials based on dubious charges of human rights defenders, journalists, political actors and civil society (Canada) (Supported; A/HRC/39/13/Add.1);

147.172 Establish institutional mechanisms for the prevention, protection and investigation of acts of intimidation, violence and reprisals that may target journalists and human rights defenders (Costa Rica) (Noted; A/HRC/39/13/Add.1);

147.173 Ensure effective and impartial investigations by the law enforcement authorities aimed at preventing and combating offences against journalists and human rights defenders, with a view to holding the perpetrators accountable (Romania) (Supported; A/HRC/39/13/Add.1);

147.174 Release all journalists detained on politically motivated charges or sentenced for expressing critical or dissenting views, including about political events or the status of illegally annexed Crimea (Slovakia) (Noted; A/HRC/39/13/Add.1);

147.175 Take effective and credible measures to protect and facilitate the exercise of the rights to freedom of peaceful assembly, freedom of opinion and expression, and freedom of association (Slovakia) (Supported; A/HRC/39/13/Add.1);

147.185 Ensure that the federal law on combating extremist activity is not arbitrarily used to limit freedom of expression (Czechia) (Supported; A/HRC/39/13/Add.1);

147.188 Revise the laws on “foreign agents” and “undesirable organisations” to ensure that NGOs and media organisations can exercise their legitimate activities in line with international law and human rights standards (Ireland) (Supported/Noted; A/HRC/39/13/Add.1);

147.194 Revise the so-called “foreign agent” law and take all the necessary steps to ensure that civil society organisations, including the media, can exercise their activities without fear of stigmatisation or punishment by law (Netherlands) (Supported/Noted; A/HRC/39/13/Add.1);

147.309 Repeal laws of the Russian Federation imposed in occupied Crimea and respect the laws in force in Ukraine (Ukraine) (Noted; A/HRC/39/13/Add.1); and

148.2 End legal and political restrictions on freedom of expression, association and assembly against all persons, including Crimean Tatars in the illegally annexed Crimea and in Ukrainian territories under control of armed groups backed by the Russian Federation (Lithuania) (Noted; A/HRC/39/13/Add.1).

IV. Relevant Concerns of the Special Procedures

Since the consideration of the previous periodic report, the persecution of media workers has been the focus of communications sent by the Special Procedures to Russia concerning the allegations of:

- failure to prevent the killing and lack of proper investigation into the death of a journalist Akhmednabi Akhmednabiyev (AL RUS 5/2015, dated 2 September 2015);
- physical attacks and the setting on fire of a bus carrying a group of human rights defenders and journalists (AL RUS 3/2016, dated 12 April 2016);
- legislative amendments, collectively known as the “Yarovaya Law” (OL RUS 7/2016, dated 28 July 2016);
- enactment and subsequent proposed amendments to the “Foreign Agents Media Law” (OL RUS 2/2018, dated 5 February 2018);
- death of a journalist Maxim Borodin, following the publication of his investigative work (AL RUS 10/2018, dated 28 May 2018);
- censorship of media workers in reporting about a mining project (AL RUS 12/2018, dated 7 June 2018);
- killing of three Russian journalists, Orkhan Djemal, Alexander Rastorguev and Kirill Radchenko, in the Central African Republic (AL RUS 23/2018, dated 23 January 2019);
- criminalisation of “fake news” and “blatant disrespect for society, government, official government symbols, constitution or governmental bodies of Russia”, as well as proposed legislative amendments introducing fines on individuals and companies for distributing print from foreign outlets without permission from the government regulator (OL RUS 4/2019, dated 1 May 2019);
- detention of journalists in connection with public demonstrations against the exclusion of certain candidates in the elections for the Moscow City Duma, held on 8 September 2019 (AL RUS 6/2019, dated 19 September 2019);
- arbitrary arrest, detention and torture of moderators of the independent youth Telegram channel Osal Nakh 95 (AL RUS 3/2021, dated 17 February 2021); and
- arrest and arbitrary detention, torture and ill-treatment of journalist Vladyslav Yesypenko in Crimea (AL RUS 7/2021, dated 9 June 2021).

V. Recommendations

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

- Acknowledge the contribution of independent media workers and media outlets in Russia and occupied Crimea to society, and refrain from applying stigmatising labels or encouraging smear campaigns against them;

- Repeal or revise legislation that unduly limits the freedom of expression to bring it into conformity with the strict requirements of necessity and proportionality in article 19 (3) of the ICCPR;
- Ensure the protection of media workers in Russia and occupied Crimea from any undue pressure related to their journalism and emanating from the representatives of the authorities or any third parties;
- Release all media workers detained and imprisoned in Russia and occupied Crimea for the exercise of their right to freedom of expression and for carrying out their legitimate media work; and
- Promptly, effectively, independently and impartially investigate all killings of media workers, as well as reports of attacks or threats against them, bring those responsible to justice, including those with direct and supervisory responsibility, in fair trials and ensure effective remedies to the victims.