



# Russian journalists under constant threat

## (Abstract in English)

Journalists' and Media Workers' Union (JMWU) Report  
on violations of journalists' rights in 2018 and  
prospective threats to freedom of speech  
in Russia in the immediate time.

May 2019

### Introduction

This report aims to analyze the major violations of journalists' rights and media freedoms in Russia in 2018 and assess the possible vectors along which the situation may develop in 2019. As in the report of 2017 we note egregious cases of obstruction to journalists' work while covering protests and sensitive cases in the courts, as well as massive violations of the journalists' rights on the Crimean peninsula. However, we must now stress the selective use of legislation and prosecutions for "extortion" and "justification of terrorism" for the purpose of putting pressure on journalists and the media in general, as well as the issue of sexual harassment.

It is worth mentioning here that in Russia and elsewhere (e.g., Turkey), people face the prospect not only of direct legislative, judicial and extrajudicial pressure on the media, but also of a gradual erosion of independent journalism through the use of financial measures and the purchasing media by businessmen loyal to the government.

The incident that was most shocking for the journalistic community occurred last year in the Central African Republic — the murder of three Russian journalists — **Orkhan Dzhemal** (Орхан Джемаль), **Aleksandr Rastorguev** (Александр Расторгуев) and **Kirill Radchenko** (Кирилл Радченко).

This crime remains under investigation and its perpetrators have not been found. In addition to the issue of perpetrators, the tragedy in the CAR gave rise to the topical issues related to editorial practices when sending correspondents to “hotspots”. A survey conducted by the journalists of JMWU in autumn 2018 showed that the media outlets in Russia are practically not engaged in ensuring the safety of correspondents in “hot spots”, as well as their health after returning.

The JMWU believes that many of the threats described in this report will remain in 2019. With the adoption of laws on the "autonomous Internet", "fake news", "obvious disrespect" to the state and other initiatives in Russia, the possibilities for

censorship and prosecution of unwanted media and journalists have been significantly enhanced.

The JMWU seeks to establish the status of a journalist as particularly important for the development of democracy, the ideas of the rule of human rights and freedom. In order to do this in this report the Union outlines a number of measures that can improve the situation with our colleagues at the systemic level.

The Union makes a number of specific proposals and recommendations to the executive and legislative authorities, public officials and journalists that can improve the situation of freedom of speech and the overall fate of journalists in Russia. A full list of these recommendations is available in the Russian version of this report.

## Systematic violation of the rights of journalists involved in protests covering

As in 2017 reporters are still at a great risk when covering protests in Russia. According to the Union’s monitoring results, **in 2018 at least 60 journalists and other media workers were detained while performing their professional duties.** At least three cases were accompanied by physical violence and aggression by law enforcement officials.

The Journalists’ and Media Workers’ Union certainly condemns illegal actions aimed

at preventing reporters from fulfilling their professional duties. Numerous applications were filed to regional law enforcement bodies by the Union concerning actions of the police, covered by Art. 144 of the Criminal Code of the Russian Federation (*obstruction of the lawful professional activities of journalists*). All applications were predictably rejected by the regional subdivisions of the Prosecutor’s Office or the Investigative Committee of the Russian Federation.

## Hindering journalists’ work in courts

The practice of hindering journalists’ work in Russian courts still remains. In addition to the ban on photographing and voice recording (not only in the courtroom, but generally in the courthouse),

journalists are often not allowed to be present in the course of open trials. As a rule this happens when covering trials against political activists or fellow journalists. It’s difficult to record statistics of

such violations as they have become an everyday practice. In addition it's worth mentioning here a systematic personal ban for work in courts for certain journalists.

Most of these actions contradict Russian laws on the openness of legal proceedings. In addition

the Union doubts that the practice of systematic restriction of video and audio broadcasts of public proceedings is justified from the point of view of the spirit of the law, as it has actually turned into a tool for limiting citizens' right to information.

## Prosecution under the article on extortion as a method of combating unwanted journalists

The use of article 163 of the Criminal Code of the Russian Federation (*extortion*) against journalists in recent years has become one of the favored methods used by local authorities (and especially those close to them) in Russia to retaliate against, or silence critical journalists. Moreover, crimes under this article (in its third part, according to which journalists are usually accused) are considered particularly serious crimes with imprisonment from seven to fifteen years. It is worth emphasizing that article 163 comes immediately after other articles attributed to particularly serious crimes – "robbery" and "plundering".

The misreading of article 163 of the Russian Criminal Code in relation to journalists is usually based on direct provocation and falsification or on huge exaggerations of minor facts. A clear scandalous example of provocation is the case against Igor Rudnikov (Игорь Рудников), the

publisher and editor-in-chief of the Kaliningrad newspaper *Novye Kolyosa*, who has been detained for a year and a half on the deliberately fabricated, absolutely fantastic accusation of extortion of \$ 50,000 from Viktor Ledenyov (Виктор Леденёв), the general of the Investigative Committee, who was accused of corruption by Igor Rudnikov in his publications. The court proceeding was conducted with numerous procedural defects.

There are a number of other examples of the use of this article of the Criminal Code in relation to Russian journalists for whom they have served, or are currently serving a sentence, such as Alexandr Valov (Александр Валов) and Alexandr Tolmachev (Александр Толмачев). At the same time, it is quite obvious that journalists' work almost never falls under the definition of "extortion" as it was in particular stressed in its explanations by the Supreme Court of the Russian Federation.

## Prosecution of journalists for "justification" or "propaganda" of terrorism

"Anti-terrorist" laws, which came into force in April 2018, predictably turned into another tool used to fight against unwanted journalists and

publications. A broader interpretation given by the legislator, now allows Russia to imitate the regime of Recep Tayyip Erdogan, who in recent years has

been making similar accusations against the media and their employees. Fortunately, the number of such sentences in Russia is much less than in Turkey. However, the practice of applying other retaliatory laws shows that as the «technology» of their application improves, the number of charges against them is likely to increase.

The charges of media and journalists for "justification of terrorism" are based on articles of the administrative code, which provide for significant fines. However, the new version of article 205.2 of the Criminal Code includes a real prison sentence (up to five years) and is of

greater concern. The citizen journalist **Nariman Mamadaminov (Нариман Мемедеминов)** in the Crimea, journalists **Viktor Korb (Виктор Корб)** in Omsk and **Svetlana Prokorieva (Светлана Прокорьева)** in Pskov have been accused according to this article.

The vagueness of article 205.2 in its new wording makes it possible to apply it selectively to any publications related to the problems of terrorism, based only on a questionable "expert report", executed by those "experts" who are close to the police or special services.

## Selective application of laws in order to press journalists

Some of the Russian legislative initiatives to increase the bans and total control of information often causes confusion and doubts associated with the possibility of their execution. This is an example of a set of legislative amendments that have been given the informal title "Sovereign Internet Law". The question about the purpose of such initiatives can be answered if we pay attention to the fact that with the increase of the number of legislative bans, cases of their selective application to press journalists are becoming more and more frequent.

For example, a review of *BBC Russian Service* materials in early January 2019 was announced by Roskomnadzor. According to the state media regulator the check «revealed that *BBC* broadcasts the ideological attitudes of international terrorist organizations (in particular, quotes of terrorist al-Baghdadi)». The *Medialogia* company conducted a study and found out that the same quotes were cited in the materials and broadcasted via numerous Russian media with no claims to them from Roskomnadzor.

Similar double standards were applied in the case of pressure onto the newspaper *7x7* and another one owned by *Andrey Rylkov Foundation* which were sentenced to large fines for allegedly "propaganda of narcotic drugs". The most egregious example of economic pressure on the Russian media – an egregious fine of 22.3 million rubles (over 300 thousand euros) to which the court sentenced *The New Times* magazine.

Such pressure is less scandalous than forceful obstruction of the work of the editorial office or physical attacks on journalists, and is based on formally legitimate grounds. This enables the authorities to make references to the independence of the court. In this case the laws are applied freely and situationally: the same formal legislation violation may be unnoticed for years for a publication loyal to the government, but it becomes a good reason for the "bureaucratic execution" of a small independent newspaper.

## The safety of correspondents in the "hotspots"

The deaths of three Russian journalists of Mikhaïl Khodorkovski's Investigation Management Center in the Central African Republic — **Orkhan Dzhemal**, **Alexander Rastorguev** and **Kirill Radchenko** quite naturally again raised questions on the level of these trips organization from the point of safety and professionalism. Unfortunately, this tragedy was not the first one that makes ask these questions and discuss again: tragedies have occurred before – during the various conflicts of the nineties and oughts and even recently – during the phase of active hostilities in Eastern Ukraine between 2014 and 2015.

The Union tried to analyze and summarize the existing editorial experience in order to facilitate and encourage the sharing of experiences and opinions in the sphere of journalist safety and risk minimization in the future – regardless of the editorial policy followed by a particular medium, by means of conducting an anonymous survey. The

questionnaire was compiled based on standard recommendations made by such organizations as the Rory Peck Trust and Reporters Without Borders.

The result is disappointing: such relatively important questions for many Western media as protection from possible post-traumatic disorders, protection of fixers and partly – debriefing of the conducted missions were not understood by many respondents to their full extent.

Only a few Russian media correspondents (in comparison to mostly Western journalists) go on dangerous missions in accordance with long-established international professional community rules. The Union advises to follow the instructions that have been worked out long ago both by the Russian and international journalistic community in more precise manner and, in particular, by large news agencies that have centuries of experience in organizing such missions.

## Violations of journalists' rights in Russian regions and territories being under Russian control

All Russian regional media have similar problems related to financing, pressure from local authorities and businesses close to them. However, the intensity of this pressure varies from region to region. The Union singled out three regions for the current report, in which (with the exception of Chechnya, where the situation with media is close to the situation that is observed in Turkmenistan and North Korea) all these problems are most acute.

### Crimea

The situation with freedom of speech and media in Crimea in 2018 remained extremely worrying in the context of suspended international legal status of the peninsula, mutual sanctions and the ongoing territorial and political conflict between Russia and Ukraine. The uncertain international status of Crimea, combined with Ukrainian laws has compromised access of journalists from Ukraine and international media to the peninsula. Herewith the local authorities are trying to put any information flows under strict control. The

Crimean authorities give journalists almost no full comments or real statistics, hiding or distorting information in every possible way. The federal media also effectively review reports from the peninsula, refusing to speak about any negative topics relating to economic and environmental issues, such as the seizure of land for further construction by the major business people, etc.

Since the beginning of the 90-ies, when the Crimea was part of Ukraine in the form of an "Autonomous Republic" it was a rather specific and unsafe region for journalists. Following the peninsula's annexation by Russia the specific nature of these problems remained the same, but the scale and type of threats increased significantly, as traditional sluggish mafia showdowns over the most lucrative territories and businesses exaggerated by new Russian applicants having appetite for them against extremely painful ideological confrontation related to the arguments about the country of ownership of the Crimea. At the same time concern has increased at the growing Crimean Tatars tensions and, accordingly, with the coverage of related issues on the peninsula.

All this against the formal compliance of the law has turned the Crimea more than any other region (except Chechnya) into a zone of Rafferty rules towards journalists. Some of them were forced to cease their activity and/or leave.

32 information websites in the Crimea are blocked, many journalists and bloggers are persecuted for informing and expressing opinions (one criminal case was opened against a journalist, two were sentenced), have to face detentions (at least 6 cases), searches and seizure (3 cases), threats (at least 5 cases), attacks (2 cases), fines (at least 1 case), deportations (2 cases) and other forms of pressure. The Crimean authorities filed

six lawsuits against journalists and media in 2018 related to honor and dignity protection.

## The Krasnodar Region

The Krasnodar Region has long been notorious for its regular and gross violations of human rights, being a region where human rights defenders, social activists and journalists have been subjected to many unlawful prosecutions, violence, pressure and various restrictions. In 2018 we recorded numerous violations of journalists' rights related to violence, illegal persecution, arrests and censorship in the region.

One journalist died under strange circumstances in the Police Department of the city of Tuapse. Two journalists were attacked by unknown persons. At least six journalists were detained; two of them were sentenced to administrative arrests (for 7 and 10 days, respectively). One of the opposition media in the region (Sovetskaya Kuban) was closed by the court decision in line with another court decision against The Insider and its author **Sophia Rosova (Софья Русова)**, who was accused of "slandering" the Director of the Caucasian Reserve. The defendants were ordered to remove the critical article and to compensate the damage to the reputation of the major character of the material. Presentation of the *moloko plus* almanac in Krasnodar was disrupted by the police officers with all available copies seized.

## The Kaliningrad Region

In the Kaliningrad region, three print media ceased to exist in 2018 — the weekly newspapers *Novye Kolyosa* (New Wheels) by **Igor Rudnikov (Игорь Рудников)** and *Tridevyatiy Region* (Far Away Region), as well as the oldest daily edition of the region — *Kaliningradskaya Pravda*; Igor Rudnikov and **Boris Obraztsov (Борис Образцов)** both were prosecuted under the article "extortion".

The printed version of the newspaper *Novye Kolyosa* ceased to be published in April 2018. Its publisher Igor Rudnikov was at this time at pre-trial detention center accused of "extortion" from the head of the regional Investigative Committee. Journalists of the editorial office tried to continue to publish the newspaper. But as announced the

acting editor-in-chief **Yuri Grosmani** announced on March 30th, unknown people seized the new issue of the newspaper *Novyye Kolyosa* from outlets. After that, printing houses refused to print the paper, and trade networks to distribute it. It is currently published occasionally via the Internet.

## Persecution of the authors of the *moloko plus* almanac

*moloko plus* is an irregular cultural almanac dedicated to the study of violence, extremism, drug use, revolutionary movements, etc. Despite the fact that its issues have been repeatedly seized by law enforcement agencies and subjected to examination, it has never revealed any illegal information in its publications. Despite this, the authorities across the country, as well as in Belarus, are systematically persecuting this almanac, in every way preventing its distribution and its authors' public appearances. This phenomenon is rather significant, as it demonstrates the conservative thinking of the authorities and law enforcement authorities across the Russian regions, those who cannot accept the idea of the existence of an extraordinary publication, vividly writing about sore points.

In 2018 the team of the almanac faced a lot of problems. Members of the team were interrogated, searched and detained by the police. Journalists were attacked by strangers on the street; their presentations were sabotaged in Krasnodar, Saint Petersburg and Nizhny Novgorod. Some copies of the publication are still held by police – police experts continue to look for "extremism" in these copies. In Moscow the officers of Russian domestic intelligence service searched the apartment of **Pavel Nikulin**, the founder of the almanac, and in Nizhny Novgorod he spent two days in the police office and was convicted by the court for "disobeying the legal requirement of the police officer" during the almanac presentation sabotaging act.

## Sexual harassment of journalists and editorial staff

In 2018 in Russia there was a discussion about the unacceptability of sexual harassment. The problem of harassment became one of the most discussed in the journalistic community after the public learned of several cases of harassment of journalists while performing their professional duties, as well as harassment and other manifestations of sexism in the editorial offices of the Russian media.

A huge scandal followed the multiple allegations of harassment against the Deputy **Leonid Slutsky (Леонид Слуцкий)**, who, despite all accusations by the media (of both corruption and harassment), did not suffer any punishment for his actions, and still remains at the head of the State Duma Committee on International Affairs.

The authorities defiantly ignored or even supported the actions of Slutsky, while journalists

were accused of provocation and slander. The State Duma commission on matters of parliamentary ethics found no behavioral violations on the part of the Deputy. Deputies refused to listen to the audio recording confirming accusations of harassment.

On the other hand, the reaction to allegations of harassment against **Ivan Kolpakov (Иван Колпаков)**, the editor-in-chief of *Meduza* showed that the

Russian media, though sometimes ready to line up against external aggression, remain toxic to their own employees. Keeping for Kolpakov the post of the editor-in-chief in a seemingly «progressive» edition showed that unacceptable acts are not subject to real condemnation and punishment, which means that they can be repeated - both in *Meduza* and in other editorial offices.

## Credits

**We appreciate the efforts made by group of Journalists' and Media Workers' Union members to collect data for this report:**

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Full version of report in Russian will be published on JMWU [website](#) shortly.