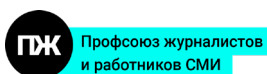


Three Months of War in Ukraine:

**Changes in the Situation for
Independent Media
and Journalists in Russia**



**The Journalists' and Media
Workers' Union (JMWU)**

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Introduction

The so-called 'special military operation' launched by the Russian troops against Ukraine on February 24, 2022 came as a critical challenge for journalists working in the regions affected by this operation and a turning point in the already dire situation of media and journalists in Russia. Our statement after the beginning of the Russian invasion had said this: "Our colleagues from various countries are reporting on what is currently happening in the conflict zone. They are risking their own health and their lives right now, doing this work that is so important for society. We demand that the safety of all journalists working in the region be guaranteed". Over the 3 months that the war in Ukraine has been going on, 32 civilian journalists and media representatives from different countries have been killed in the line of duty.

Russian authorities always react very strongly when staff journalists of Russian state media come under fire anywhere in the fighting zone, yet bluntly overlook casualties, fatalities and injuries alike, sustained by foreign media. The death of Oksana Baulina, a journalist with The Insider, who was killed by a rocket strike while on assignment in Kyiv, was not vouchsafed a single mention on the website of the Russian Foreign Ministry, whereas the news agencies only mentioned it in passing.

Soon after the start of the military actions, wartime censorship was effectively introduced in Russia even though actual martial law was never imposed: provisions have been introduced into the country's Criminal Code and the Code of Administrative Offences to counteract "false information about the armed forces", while the word "war" has itself come under a ban. Criminal prosecution targeting journalists has tripled in frequency; virtually all independent media in the country have been blocked or have suspended their work, many journalists were forced to flee, and whoever has stayed can no longer do their job, without being subjected to various forms of pressure and to prosecution under a variety of pretexts. The report below analyses the situation in which Russian media sources and individual journalists find themselves, along with the way the freedom of speech has been affected over the first three months of war.

Part 1: Situation for Independent Media

Since February 24, dozens of independent media sources in Russia - including the widely popular ones with millions of followers, such as Echo of Moscow, Novaya Gazeta, and Dozhd TV, - have either been closed down or have suspended their activities.

Echo of Moscow, a radio station that had been on air since 1990 and continued to operate throughout the first week of the military operations in Ukraine, was restricted by RosKomNadzor on March 1 by order of the Prosecutor General and was taken off air. The official reason was given as: "deliberate and systematic publication of information containing incitement to extremism and violence targeting Russian nationals, as well as to major violations of public order and public safety, to participation in public events in contravention of the requirements of the current legislation, and to a forcible overthrow of the constitutionally established order.

The same decision prescribed the blocking of Dozhd TV and on March 3 it suspended its activities. At a court hearing in May, where the TV channel challenged that decision, a spokesman of the Prosecutor General's office claimed that the channel's operation was a threat to "the stability of the constitutional order and security of Russia".

Novaya Gazeta, a newspaper founded back in 1993, continued its work throughout March. The senior editors first sought to comply with the newly introduced restrictions, which meant that any publications covering the war in Ukraine came out in a sanitised form. However, on March 28, the newspaper also decided to suspend its work till "the end of the invasion".

Spring 2022 saw an unprecedented scale of extrajudicial blocking of websites belonging to media sources. Over 20 regional media sources have been blocked or forced to cease their work due to the danger of criminal prosecution of their staff; this includes such significant and popular media sources as Znak.com (Yekateriburg), TV2 (Tomsk), Fortanga (Ingushetia), Krasnoye Znamya (Komi Republic). Furthermore, the context of economic instability and the drop in advertising revenue have spurred the closedown of local media. As a result, some of Russia's regions have lost the last of their local independent media.

According to RosKomSvoboda, by the early May 2022, over 3,000 different news, human rights oriented and even some games websites had experienced the effect of the new wartime censorship. Many foreign media sources, broadcasting in Russian and other languages, feature on that list. Many of the media sources that have been blocked by RosKomNadzor continue to be available for online users, this primarily applies to Telegram and YouTube. Twitter was blocked in Russia on March 4, while the more popular Facebook and Instagram met with both blocking and a ban as Meta was officially declared an "extremist organisation".

Colossal sums of fines have become an additional instrument of pressure upon Russian media. In some cases we can speak of Russia as an example of how the government turns out to be the first to resort to the SLAPP practice, which in other countries tends to belong to the arsenal of private companies. In the case of smaller regional outlets, such fines may turn out to be literally deadly. One example would be Vecherniye Vedomosti, which had previously received a 150,000 rubles fine, and was later charged with 54 more counts of “discrediting” the armed forces of Russia in the form of reporting about anti-war protests.

For all that, it would be quite misguided to say that the freedom of speech in Russia has been completely wiped out: quality content and coverage still occasionally come out in media sources belonging to businessmen who are close to the Kremlin administration, and occasionally even from the state-owned media sources.

On the other hand, many of those who have fled the country have been able to keep up the work of their media sources or else have launched new ones. All this largely resembles the developments in Belarus back in 2020-21, yet on a truly massive scale.

Some of the journalists linked to the three largest independent media sources have launched new media projects and continue their work from abroad (Breakfast Show, Novaya Gazeta. Europe, “Zhivoy Gvozd”, Dozhd TV) - the latter has been granted a broadcasting licence in Latvia). Sometimes members of the “virtual editorial team” reside in different countries, including some who continue to live in Russia. The same is true for the staff of such popular media projects as The Insider*, Pskovskaya Guberniya, The Bell, Agentura, Vazhniye Istorii and Proekt. The latter two have been designated as “undesirable organisations”: quoting any of the materials that they publish may result in criminal prosecution.

The situation these media find themselves in is, nevertheless, highly unstable as many previously effective business models are no longer working in the current market conditions.

JMWU welcomes any efficient initiatives, whether aimed at supporting the independent journalists and media outlets living in Russia or seeking to support those who work for the benefit of the Russian-language audience from abroad.

Part 2: Situation for Foreign Media

A number of foreign media sources have since the end of February suspended their work in Russia, evacuating its staff from the country. This was, for example, the case with Bloomberg, The New York Times, BBC and DW. The latter had been banned by the Russian Foreign Ministry from broadcasting in early February 2022, in retaliation for the RT DE ban in Germany, and closed down its Russian bureau.. In May, CBC/Radio Canada met with a similar turn of events. In April, the Russian Foreign Ministry significantly tightened the entry regulations for foreign journalists from “unfriendly countries”. As a result,

many of those currently working in Russia are afraid to leave as they fear they may not be able to return.

While the cases of DW and CBC could in principle be referred to the practice of tit-for-tat response, May brought a threat of foreign journalists being used as a bargaining chip in conflicts which are basically totally unrelated to their media. For example, spokeswoman for the Russian Foreign Ministry Maria Zakharova has threatened to expel journalists in retaliation for YouTube blocking her briefings: "Another blocked briefing will mean one US journalist or one US outlet will have to go home".

The international news TV channels BBC World News, DW-TV, France 24 and NHK World have met with an odd situation. On March 6, they found out that their subscriptions had been removed from the subscription packages offered by Russian satellite and cable operators and replaced with an onscreen statement that the channel is not available "at the request of the copyright holder". No statements followed, however, either from the TV channels or from the service providers.

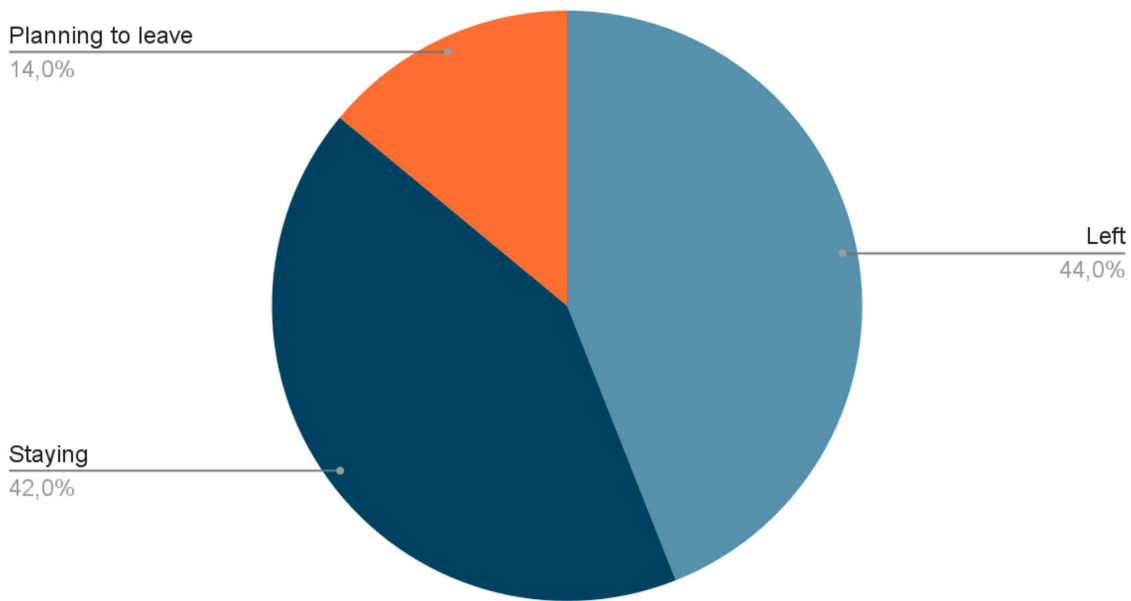
A somewhat uncertain situation was faced by the Russian office of the European Broadcasting Union (EBU). On February 25, EBU announced that Russia would be excluded from participating in 2022. In response, the three major Russian state media holdings made a public statement on withdrawal from the Union but formally never got as far as doing so. On May 25, the EBU unilaterally suspended the membership of Russian broadcasters — RTR, Channel One and Radio Dom Ostankino — for an indefinite period. Should Russia retaliate by shutting the EBU bureau, that will mean an end to sharing video content, hence, foreign correspondents arriving in Russia on short-term trips will no longer be able to avail themselves of the logistical and technical support offered by the EBU.

A tricky situation had been surrounding the media projects of Radio Liberty long before February 24. In 2017, all of those were designated by the Russian government as "foreign agents". That status requires marking all publications with a 24-word disclaimer in large text. Some media sources, — Meduza would be one example, — have agreed to do this and continue doing so to this day, while Radio Liberty had refused, which resulted in it being awarded numerous fines in courts, including for its failure to comply with dozens of demands to take down undesirable content. These fines have already reached a total of 75.8 million rubles (1.13 million euro). On March 2, 2022, RosKomNadzor began blocking the websites of Radio Liberty citing "dissemination of fake news about development in Ukraine" as the reason. Soon after that the editorial team and most of the key employees of the media source left Russia.

Part 3: Situation for Individual Journalists

A rough estimate gives the number of journalists who have fled Russia to be on the order of hundreds. Many were then confronted with problems related to job and accommodation search and sought help from a variety of organisations. A mini survey covering 57 members of JMWU revealed that a majority (44%) have already left the country, with further 14% planning to do so.

Emigration



A number of European countries have eased the visa regulations for journalists from Russia. In late May, the German government made a similar decision to include not only independent media, but also representatives of the state-owned media.

Not all of the staff journalists of the state-owned media sources agree to continue their work in the context of wartime censorship. In March, **Marina Ovsyannikova**, editor with Channel 1, interrupted an evening state TV news bulletin holding a sign which read: "No war. Stop the war. Don't believe propaganda. They are lying to you here. Russians against war". Ovsyannikova's protest made big news and she was subsequently given a 30,000 rubles fine under Part 2 of Article 20.2 in the Russian Code of Administrative Offences, and later left the country. Her story continues to be highly controversial, but it is worth remembering that the opposition of the state television channels in Ukraine to censorship had come as a key factor behind the success of the Orange Revolution of 2004, putting the Ukrainian nation onto the path to democracy.

There have been other instances of less publicised anti-war protest within the major Russian state-owned media as well. On May 9, the website of a private yet pro-government media Lenta.ru published an article critical of the "special operation" and Russia's policies. The material was authored by staff journalists **Yegor Polyakov** and **Alexandra Miroshnikova**. Polyakov later explained that his decision to publish the article arose from the fact that the massive practice of blocking independent media had resulted in the country being left without media sources accessible without VPN.

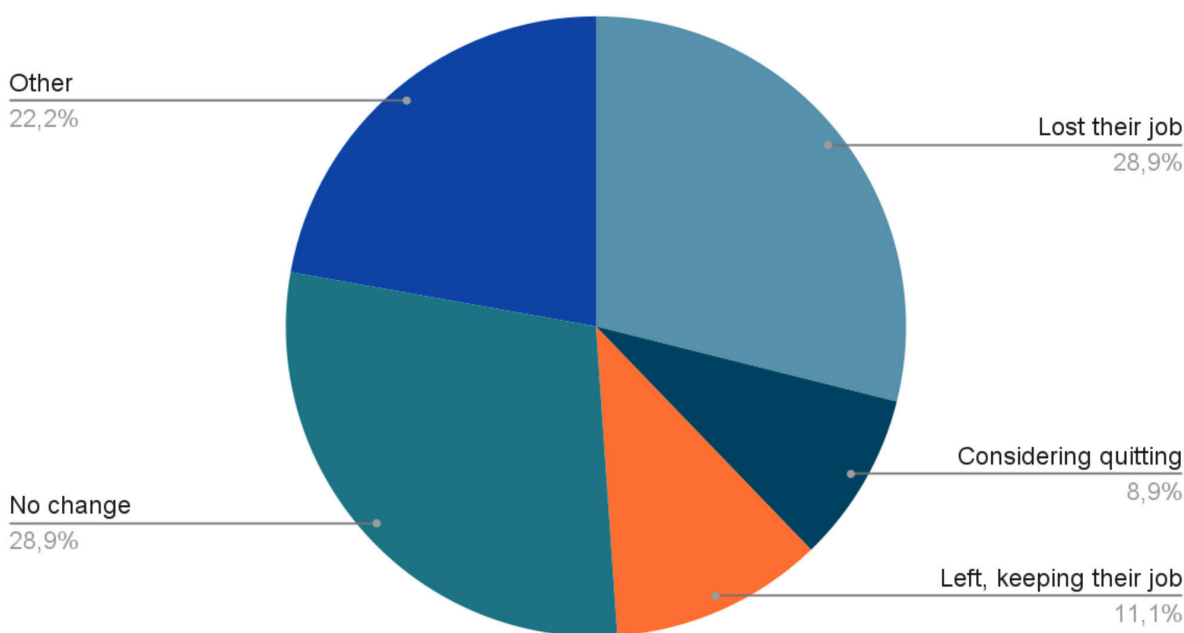
There have been numerous cases of state media journalists quitting their jobs after February 24. Journalist Roman Super in his personal Telegram channel chronicles the instances of protest or resignation among staff journalists of the state-owned media. He lists the names of over 30 journalists and media managers who have resigned and emigrated, including such key personalities as deputy chief producer of Russia-1 channel **Agnessa Nemirovskaya** or Channel 1 reporter **Ilya Andreyev**, who

refused to deliver coverage and quit his job after a field trip to the suburbs of Chernihiv. It can as well be conjectured that cases like these are in reality way more numerous.

There have, moreover, been cases of staff journalists of various media outlets, both state-owned and private, refusing to cover Russia's actions in Ukraine, as the current wartime censorship effectively makes any objective coverage outright impossible. Some senior editors tend to condone this line. Such was the situation reported by several members of our Union in a brief survey taken in May.

This survey is not intended to be viewed as fully accurate, yet may provide an insight into the situation many journalists find themselves in. It was taken by 45 media professionals from 15 cities and towns of Russia. More than half of those (51.1%) reported experiencing "constant pressure and anxiety", 11.1% have sought counselling services; many other replies also indicate declining morale. Only 13.3% have reported no changes. Speaking about changes in their own situation, about one in three (28.9%) reported that they had either lost their job or quit it voluntarily; the same number (28,9%) claimed no changes in their work. Furthermore, almost a quarter (24,4%) are so far in Russia, but are thinking of leaving. A higher number (26,7%) have already left.

Job



JMWU calls upon European NGOs, funds and government institutions to provide well-coordinated and consistent support to Russian journalists facing persecution and repressions, who may find themselves in a hostile situation, whether they choose to stay in Russia or to flee under pressure. Such support may be in the form of eased visa requirements, logistical or financial assistance, or psychological support.

Part 4: Increasing Pressure and Intensifying Repressions

Throughout the three months of spring, **21** new criminal investigations had been launched against media representatives, bringing the total number of criminal actions up to **27**. The bulk of these new cases are directly linked to the current war: **14** cases against journalists were initiated pursuant to Article 207.3 alone. Some of those charged under this article have emigrated, while **8** are being kept in jail. The current number of imprisoned journalists in Russia is **21** persons; before February 24 there were 13 people behind bars.

The list of journalists under prosecution pursuant to the newly invented “crime” includes such “stars” as **Alexander Nevzorov** and **Michael Naki**, alongside staff journalists of small or regional media sources – **Maria Ponomarenko** (RusNews), **Sergey Mikhailov** (Listok, Altai Republic), **Mikhail Afanasyev** (Novy Focus, Abakan). 7 of the 8 people currently kept in preliminary detention on these charges are precisely representatives of smaller media outlets. They are also the ones who are most frequently subjected to administrative arrests.

From February 24 to date, we have registered **150** violations of the rights of journalists – over **100** arrests, as well as at least **9** administrative arrests and **20** searches targeting media representatives; the bulk of these violations took place during the first month of the military operations .

The bulk of searches took place in March and targeted staff journalists of smaller regional media outlets, such as Pskovskaya Guberniya (Pskov), Dovod (Vladimir), A yesli chestno? (Samara), Sota (Kazan, Arkhangelsk). At least, 6 journalists had been subjected to administrative arrests over the first month of the military operations – those were the reporters with Sota, RusNews and Avtozak LIVE who provided coverage of anti-war protests. The longest term of administrative arrest – 28 days – was served by a RusNews journalist from Yekaterinburg **Matvey Golovanov**, who was seized by the police right in the middle of live broadcasting from an anti-war rally. Even though he had his press pass on him and was acting upon his editor’s assignment, that did not stop the police from charging him under Part 8 of Art. 20.2 of the Code of Administrative Offences (repeated violations of the established procedures for holding a public gathering).

Furthermore, February 24 marked the beginning of a string of incidents of physical violence and intimidation targeting journalists. On April 7, two men attacked **Dmitry Muratov**, the editor-in-chief of the independent Russian newspaper Novaya Gazeta, with a mixture of red paint and acetone, leaving the Nobel laureate with a chemical burn to his eyes. In late March, unidentified perpetrators planted a decorated pig’s head and left an anti-semitic slur outside the Moscow apartment of journalist **Alexei Venediktov**. Journalist **Sergey Yerzhenkov** reported that after being arrested while he was covering an anti-war protest in Ryazan region on March 5, he was exposed to torture for 5 consecutive hours in the form of being kept handcuffed and wrapped in sellotape. Not a single criminal investigation has been conducted in connection with these incidents.

The special check that the Moscow Prosecutor's office launched on May 16 against our independent Union can be put down as yet another way in which the increasing pressure on the media community has manifested itself.

In view of the growing pressure and intensifying repressions against media representatives, we emphasise the need to exercise more flexible criteria of who is to be counted as journalists. Socially significant journalism is increasingly done not only by professional journalists who hold press passes of well-known media outlets, but also by bloggers and representatives of unregistered media projects. The latter categories are most vulnerable to repressions. That is why, most of those who are involved in actual collection, processing and dissemination of information in such extreme conditions require the same level of protection as is due to journalists.

Part 5: Media designated as “foreign agents”

The list of media outlets and individuals that have been designated by the Russian Ministry of Justice as “foreign agents” continues to grow. 2021 saw a rapid expansion of this unquestionably discriminatory register from a handful of names in it to now include over a hundred individuals and organisations. By early June, this number stood at 166. 14 among them are members of our Union. Apart from journalists, this list can boast many prominent names from among the human rights crowd, including **Galina Arapova** who heads the Mass Media Defence Centre.

Many of the journalists who had been assigned the status of “foreign agents” were forced to emigrate. Some of them, and some of the editorials from this register, had refused to comply with the requirements of the Foreign Agent Law. This was, for example, the case with Mediazona and its editor-in-chief **Sergey Smirnov**.

In the context of the new crackdown legislation, designation as foreign media agents had somewhat lost some of its topicality, yet it continues to be one of the most effectual instruments in restricting journalist activities and cracking down on freedom of speech. Since the end of February, a bunch of prominent media figures have been put on the list for their opposition to the current war: editor-in-chief of the now defunct Echo of Moscow **Alexei Venediktov**, popular video blogger and journalist **Yuri Dud**, political scientist and Echo of Moscow co-host **Yekaterina Shulman**. In May, a journalist from Meduza, a media outlet designated as a “foreign agent”, was excluded from the Kremlin press pool. Presidential spokesman Dmitry Peskov explained that decision saying that “the outlet had stopped being a Russian news medium, nor does it have Foreign Ministry accreditation as a foreign publication”.

Our Union sees this practice as having a blatantly discriminatory and stigmatising effect, seeing that being put on that list makes life significantly more difficult for media, NGOs, as well as individual journalists and human rights defenders. We demand complete repeal of the laws against “foreign agents”.

Part 6: Expanding the Arsenal of Crackdown Measures

Throughout the years, the practice of unlawful prosecution of Russian journalists employed chiefly the criminal charges of extortion or illegal possession of drugs, and later in time, also charges of libel, "terrorism justification" or "terrorism financing". Today, the bulk of investigation is started pursuant to Article 207.3 (public dissemination of deliberately false information about the use of the Armed Forces of the Russian Federation), which was urgently adopted in March 2022.

This legalistic novelty arose from the Criminal Code article 207.2 (public dissemination of deliberately false information leading to socially dangerous consequences) that was adopted two years previously, during the height of the pandemic. In our analysis at the time titled Covid-1984, we spoke of the risks that development entailed. Some lawyers pointed out that it may literally open a floodgate as the vague wording makes it possible to apply this provision not only to journalists, but basically to anyone who may, in the presence of two witnesses, utter anything that the authorities might potentially deem as "deliberately false socially significant information". Contrary to the worst fears, over the past two years that article has only been invoked in a handful of instances; among them was the case of our Union member, **Alexander Pichugin**, a journalist based in Nizhny Novgorod, who got a 300,000 rubles fine for his sarcastic comment on social media concerning the mass Easter gathering in the midst of the pandemic.

New amendments to this criminal charge that regard "discrediting of the army", provide for a notably more severe punishment which may, under certain circumstances (which are vaguely defined), be as harsh as 15 years in jail. A total of criminal cases under this new article is 53, as of early June; at least, 14 of those target journalists.

The majority of these are still in the pre-trial stage. The only verdict in prosecution on charges of "disseminating false information about the army" was delivered on May 31 against **Pyotr Mylnikov**, the administrator of the Internet community I'm living in shambles, who got off as "lightly" as being awarded a fine of 1 million rubles (15,000 euros). However, some of the people charged under this article are in pre-trial detention, which, as Russian practice of law holds it, almost invariably augurs conviction and prison time.

Throughout many years, the routine practice was to charge both political protesters and journalists covering their protest under Article 20.2 of the Code of Administrative Offences ("violating the established procedure for arranging or conducting a rally"), which provides for a fine or an arrest. Back in March 2022, when spontaneous and mass anti-war protests were still frequent, this legal provision continued to be applied to many correspondents arrested in the discharge of their duties. Yet, a new provision was promptly adopted as Article 20.3.3 of the Code of Administrative Offences, which penalises public actions "discrediting the use of the Armed Forces of the Russian Federation". The legal peculiarity of the new provision is that it is prejudicial: in the event one is repeatedly charged with this violation, the administrative infringement may well be transformed into criminal charges pursuant to

the newly introduced Article 280.3 of the Criminal Code, providing for punishment of up to 5 years in jail. It is under this article that Kamchatka journalist **Vladimir Yefimov**, founder and editor-in-chief of TVK, the first non-state Soviet TV company, was prosecuted.

As of early summer of 2022, the human rights monitoring has chronicled at least 2,000 instances of criminal prosecution under Art. 20.3.3, while the total amount in fines charged has exceeded 20 million rubles. The circumstances and pretexts were quite diverse and, on some occasions, quite absurd – like a blank sheet of paper, a hat in bluish-yellowish colours, a peace symbol, or even an inscription “No to Fascism”. There has been one notorious instance when a fine was imposed on a priest who had delivered a sermon about peace and spoke about “brothers and sisters in Christ dying”.

Yet, Russian legislators did not stop there. They are currently completing the review of 2 new draft laws that pose a realistic threat to journalists, as well as to freedom of speech in general. The former provides for further tightening of the legislation pertaining to the foreign agent status, envisaging an expansion of the scope of organisations and individuals that could potentially be designated as such, as well as aiming to make their lives a living hell. The latter will make it possible to “immediate” invalidate registration in respect of any media outlet suspected of: “false” or unreliable information concerning the use of army, “obvious disrespect” for the society, the state, its symbols, public authorities, and the Constitution, as well as for publications encouraging participation in protest rallies or advocating the imposition of sanctions against Russia, its nationals or companies. The same amendments provide for a possibility to ban any work by foreign media on the Russian territory, regardless of whether or not it is a Russian legal entity, and to permanently ban a media outlet for publishing “illegal” content.

All of these measures are suggested for extrajudicial implementation, by virtue of a mere decision of the Prosecutor General or deputies. Strictly speaking, even before any question of such a law arose, in late May, Russia’s media regulator blocked the websites of the Danish broadsheet Politiken and Finland’s newspaper Helsingin Sanomat and broadcasting company YLE.

In view of Russia’s withdrawal from the Council of Europe and the pending cessation of Russia’s obligations under the European Convention on Human Rights, JMWU seconds the appeals by Russian human rights NGOs requesting support of the right to freedom of conscience and speech and an opinion with regard to prosecution for “discrediting the armed forces”; it also seconds the appeal to the UN Human Rights Council requesting a special rapporteur to be introduced on the situation with human rights in Russia.

Sources:

Amnesty International, The Institute of Mass Information (IMI), Mass Media Defence Centre, Agora, RosKomSvoboda, Net Freedoms Project, Reuters, BBC News | Russian service, OCD Info, Novaya Gazeta, RBK, Kommersant, Radio Free Europe/Radio Liberty, Sever.Realii, Meduza, Mediazona, TASS, RIA Novosti, Interfax, Sota, Avtozak LIVE, RusNews, Pskovskaya Guberniya, Agentstvo, Fontanka, Bumaga, ZAKS.RU, Leniszdat.Ru, DOXA, The Village, Vot Tak, Yuga.Ru, Activatica, Fortanga, Taiga.Info, Skat media, moloko plus, Real View, Investigation Committee of the Ministry of Internal Affairs, Telegram channels: Pavel Chikov, Super, Alexei Venediktov, Faridaily