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RUSSIAN FEDERATION: REPRISALS AGAINST JOURNALISTS WHO COVER PROTESTS

The new wave of protests that swept across Russia on 5 May 2018 and the reprisals against journalists and media workers covering the protests have shown the authorities' increasing crackdown on the rights to freedom of expression and peaceful assembly. The authorities use reprisals against journalists and media workers covering public assemblies for the purpose of limiting publicly available information about the protests. This is illustrative of the authorities' ongoing clampdown on media freedom. The authorities should immediately end the reprisals and promptly, thoroughly and impartially investigate all allegations of human rights violations against journalists and protesters, as well as bring to justice anyone suspected to be responsible in fair trials. The authorities must respect, promote and fulfil the rights to freedom of expression and peaceful assembly for all.

On 5 May 2018, protests against the presidential inauguration of Vladimir Putin under the slogan "He Is Not Our Tsar" were organised in almost a hundred cities and towns across Russia. In most cases public assemblies were not authorised by the local authorities, which under the current Russian legislation and practice made them "unlawful" in the eyes of the authorities. According to the independent human rights media project OVD-Info, at least 1,600 people were arrested on the day in 27 cities and towns throughout the country, including 719 in Moscow and 217 in St. Petersburg. The protests were notable for excessive use of force by the police, as well as violence against peaceful demonstrators by pro-government counter-protesters and organised groups of men in Cossack uniform. Police is routinely present at the sites of street protests, yet on the day it failed to prevent or stop the violence unleashed by pro-government groups.¹

Amnesty International and other human rights monitors documented numerous cases of police and pro-government groups obstructing legitimate work of journalists and other media workers who were covering the protests on-the-spot on 5 May 2018, including by the use of excessive force and arbitrary arrests. Obstruction of legitimate work of journalists were already observed in the past on repeated occasions, including during the anticorruption rallies across Russia on 26 March 2017. However, the number of reported cases of obstruction, and particularly the use of excessive force against journalists and other media workers, has grown considerably.

Reprisals against free media and their staff who organised online broadcasting and provided other coverage of public assemblies have become almost routine in recent years.² In one notable case following the protests of 5 May 2018, on 7 May armed police officers arrived at an information agency's studio during a live video broadcast, and arrested an interviewee – who participated in a demonstration two days earlier. Journalists using social media posts to provide coverage of street protests have also been targeted. In at least two cases, journalists writing about forthcoming assemblies on Twitter have been accused by police of organising "unlawful gatherings".

Human rights violations, including arbitrary arrests and abusive use of force by police against journalists who covered the protests of 5 May 2018, have been reported to the authorities, including by the journalists themselves. However, a month after the protests, the allegations against the police have not been effectively and impartially investigated.

¹ See Amnesty International, *Russia: Outrageous use of force against protesters in Moscow and all over the country*, news story, 5 May 2018, available at <https://www.amnesty.org/en/latest/news/2018/05/russia-outrageous-use-of-force-against-protesters-in-moscow-and-all-over-the-country/>.

² See Amnesty International, *Russian Federation: The right to freedom of peaceful assembly – freedom in all but name*, public statement, 15 March 2018, para. 7, available at <https://www.amnesty.org/en/documents/eur46/8027/2018/en/>.

Below are only some of the cases reported in connection with the 5 May 2018 protests.

Obstructions to the on-the-spot journalist reporting

In over 30 instances on 5 May 2018, journalists and media workers covering the protests on-the-spot faced severe obstructions in connection with their legitimate work, including arbitrary arrests in at least 21 cases, 14 cases of police brutality, and two cases of violence by pro-government groups in the presence of police who failed to intervene to stop the violence. By way of comparison, during the anticorruption rallies of 26 March 2017, 17 similar cases of obstruction of journalist work were reported, and fewer involved violence against journalists.³

Roman Golovanov, a reporter from *Komsomolskaya Pravda*, was lashed with a Cossack whip on the shoulder by a man in Cossack uniform.⁴ Golovanov protested that he was a journalist. In response, the man punched him in the head with a fist. A group of “Cossacks” was present at the scene of protest in Moscow on the day. Amnesty International observers directly witnessed them using physical force, including whips, against the protesters.⁵

Alexander Skrylnikov from MBKh Media was covering the protest in Moscow on 5 May when he was beaten by a police officer. Skrylnikov was easily identifiable as a journalist because of the big microphone with a big media logo. He also had a press card and a document confirming his editorial assignment (a standard document issued by media outlets to journalists in Russia). When he was video-recording the arrests and cases of excessive use of force by police, a police officer approached him and hit him in the kidney area with a truncheon.⁶ The police officer then left immediately without saying a word. A professional medical centre, where the journalist sought help, diagnosed him with traumatic pneumothorax (potentially life-threatening condition). With severe pain, the journalist was transported by an ambulance to the [Sklifosovsky Clinical and Research Institute for Emergency Medicine](#) for treatment. The Institute changed the diagnosis to contusion of the right side of thorax. Skrylnikov filed official complaints with the Investigative Committee (a stand-alone agency in Russia which conducts criminal investigations) and the Police Department of the Tverskoi District of Moscow. The Investigative Committee refused to initiate a criminal case into this incident, and on 25 May 2018 Skrylnikov’s attorney appealed the authorities’ inaction in relation to his complaint at the Tverskoi District Court in Moscow.

Targeting online broadcasting and social media posts

In the near-total absence of coverage of protest events in the mainstream, government-controlled broadcast and published media, online broadcasts have become a popular alternative. Some of the live and recorded broadcasts from mass rallies provided online are widely watched, and the authorities have on repeated occasions attempted to stop them.⁷

Journalist **Elena Malakhovskaya** led a live broadcast of the protests on 5 May. On 17 May, she was arrested near her home by police and taken to a police station. Publicly available footage shows that the arresting officer refused, at least initially, to clearly identify himself and explain the reasons for the arrest. She was not allowed to return home and take ID documents with her (in the absence of which a person may be subjected to additional checks and a longer detention by police), and was not informed where she was being taken.⁸ As Malakhovskaya subsequently explained in an interview to Radio Liberty, she was charged with “organising or holding an unauthorised rally” for simply covering the protest rally as a journalist. The charges were based on screenshots of her online broadcast. The case materials did not specify what exactly was illegal in her actions.⁹ The police allowed Malakhovskaya to leave the

³ Journalists’ and Media Workers’ Union, *Report on the Primary Threats to the Freedom of the Press in Russia in 2017 for the Presidential Council on Human Rights*, available at <https://drive.google.com/file/d/1mNylLaHqxqkA-80s8DdSA783bc332105F/view>.

⁴ The photo of the journalist’s injury is available in public domain at <https://s15.stc.all.kpcdn.net/share/i/4/1490040/wx1080.jpg>.

⁵ See Amnesty International, *Russia: Outrageous use of force against protesters in Moscow and all over the country*, news story, 5 May 2018, available at <https://www.amnesty.org/en/latest/news/2018/05/russia-outrageous-use-of-force-against-protesters-in-moscow-and-all-over-the-country/>.

⁶ The photo of the journalist’s injury is available in public domain at <https://t.me/mbkhmedia/2503>.

⁷ For information on the authorities’ attempts to stop online broadcasts from the rallies of 26 March 2017 and 28 January 2018, please see <https://www.amnesty.org/en/documents/eur46/8027/2018/en/> Amnesty International, *Russian Federation: The right to freedom of peaceful assembly – freedom in all but name*, public statement, 15 March 2018, para. 7, available at <https://www.amnesty.org/en/documents/eur46/8027/2018/en/>.

⁸ The footage is available in public domain at <https://twitter.com/elmalakhovskaya/status/997064637194661889>.

⁹ See Radio Liberty, “Vedushchaya ‘Navalny Live’ o svojom zaderzhanii”, 18 May 2018, available at <https://www.svoboda.org/a/29235939.html>.

police station reluctantly, and only after her defence counsel came and argued that she had a minor left at home. She is now awaiting the trial.

On 22 May, the anchor of popular Navalny Live YouTube channel, **Ruslan Shaveddinov**, was arrested in Moscow on his way to work, during an abduction-style operation by plain-clothed police officers. A group of unfamiliar men apprehended him by the entrance to the apartment building where he lives, took away his backpack and phone, pushed him into the car and took him to a police station.¹⁰ Shaveddinov was denied access to his legal counsel. On the same day, Tverskoi District Court sentenced Shaveddinov to 30 days in detention for “repeated violation of regulations on holding public assemblies”. The judge ruled that his tweets about the forthcoming rally of 5 May, dated 26 April and 30 April, constituted “unlawful calls” to participate in unauthorised protests. According to Shaveddinov’s defence counsel, when the tweets had been posted, the authorities were still considering the proposed protest organisers’ “notification” (request for permission to hold the public assembly). The organisers received the official response (refusal of permission) on 10 May only, after the rally had taken place. Accordingly, Shaveddinov was not only charged but also deprived of his right to freedom of expression and peaceful assembly, on account of his tweets about a purportedly unlawful event that wasn’t even “unlawful” under the unduly restrictive Russian law at the time of posting. The judge did not watch the tweeted videos and refused the defence counsel’s motion to call a witness, before proceeding to sentence Shaveddinov to 30-day in detention. On 31 May, the Moscow City Court refused to overturn the decision on appeal.

Alexey Navalny’s press secretary **Kira Yarmysh** came to the police station where Ruslan Shaveddinov was held, with a power of attorney appointing her as Shaveddinov’s defence counsel. The police immediately arrested and kept her at the station overnight. On 23 May, Yarmysh herself was sentenced to 25 days in detention for the same “offense” as Shaveddinov. She was similarly charged in connection with two tweets about the 5 May protests that allegedly distributed information about “unauthorised” public assemblies. The tweets were posted on 12 April. As in the case of Shaveddinov, this was long before the assembly was banned by the authorities. According to the photo published by Yarmysh on Twitter, the *protokol* (official report about an alleged administrative offence) documenting her “offense” was being finalised by police right in the courtroom, in violation of procedural rules.¹¹ On 31 May, the Moscow City Court refused to overturn the decision on appeal. The appellate court refused all defence counsel’s motions, including the motion to call police officers who prepared the *protokol* as witnesses.

Police raid on the information agency FreeNews-Volga

Police visited the studio of information agency FreeNews-Volga in Saratov on several occasions. On 7 May, they came looking for Mikhail Murygin, the regional coordinator of Alexey Navalny’s campaign office, who participated in the 5 May protest in Saratov. According to the agency, around 8.30 pm about ten law enforcement officers came to their offices, both uniformed and plain-clothed, some armed with assault rifles. They searched the offices occupied by the information department, correspondents and the editor-in-chief. The reason for the search was unclear, as Murygin was not there. At the time, he was giving a live interview at the studio, streamed online. As can be seen on the publicly available footage¹², the journalists protested to the intruders that Murygin was a guest at a live broadcast and asked for permission to finish it. The police officers at first agreed, but then arrested Murygin amidst the live broadcast. The police did not have any documents authorising or justifying his arrest.

On 10 May, a police officer came to the information agency to question the editor-in-chief. According to the officer, an administrative offence of “disobedience to the lawful requests of the police officers” had been committed at the agency on 7 May, when the agency’s journalists purportedly interfered with Murygin’s arrest. As can be seen on publicly available footage of the questioning, the police officer could not explain what exactly constituted the disobedience, who committed it, and which officers’ “lawful requests” were not complied with, and had no official document with him regarding these administrative charges.¹³

The journalists filed complaints with the regional Department of the Ministry of the Interior and the Investigative Committee for the Saratov region requesting to check if the police actions constituted the crime of “obstructing the lawful journalistic activity”. Journalists and their readers started a public campaign against the pressure on the

¹⁰ See TV Rain, “‘Yest komanda nas vseh pozakryvat’: vedushchiy ‘Navalny Live’ Ruslan Shaveddinov o svoem zaderzhanii”, 22 May 2018, available at https://tvrain.ru/teleshov/here_and_now/navalnyj_live_iz_tverskogo_suda-464240/.

¹¹ The photo from the courtroom is available in public domain at https://twitter.com/Kira_Yarmysh/status/999216212361011200.

¹² The footage is available in public domain at <https://www.youtube.com/watch?v=bqJJoOK70k&feature=youtu.be> (20:15-25:09).

¹³ The footage is available in public domain at https://www.youtube.com/watch?time_continue=271&v=bRRVoBlmDZO.

information agency, including solidarity posts on social media and photos of people with the sign “Hands off from Free-News”. The Journalists’ and Media Workers’ Union, Saratov Media Workers’ Union, and the regional branch of the Russian Union of Journalists made public statements in their support, protesting against the authorities’ subjecting the information agency to unlawful pressure.

On 14 May, it was reported that the administrative case against the journalists had not been initiated “due to the absence of the event of the offense”. On 15 May it also became known that the police officer in charge of the 7 May search and arrest operation had been subjected to disciplinary proceedings for not having an official ID during this operation. However, the Department of the Ministry of the Interior in Saratov region had found no other violations in police officers’ actions on 7 May. The Investigative Committee is still checking the lawfulness of police actions.

International human rights standards

International human rights instruments, including Article 19 of the International Covenant on Civil and Political Right, emphasize the importance of the rights to freedom of expression, peaceful assembly and media freedom.

Similarly, General Comment No. 31 [80] “The Nature of the General Legal Obligation Imposed on States Parties to the Covenant” further clarifies that governments have an obligation to investigate and bring to justice suspected perpetrators of rights’ violations.¹⁴

UN Special Rapporteurs and European human rights mechanisms have repeatedly emphasized that there is a right to observe and make recordings at assemblies and to disseminate these, journalists play an important role in this process, and the states have a duty to protect them.¹⁵

Resolution 68/163 “The Safety of Journalists and the Issue of Impunity”, adopted by the UN General Assembly on 18 December 2013, condemns all attacks and violence against journalists and media workers, urges the member states to “do their utmost to prevent violence against journalists and media workers, to ensure accountability through the conduct of impartial, speedy and effective investigations into all alleged violence against journalists and media workers falling within their jurisdiction and to bring the perpetrators of such crimes to justice and ensure that victims have access to appropriate remedies”, and calls upon member states to “promote a safe and enabling environment for journalists to perform their work independently and without undue interference”.¹⁶

A dangerous trend for human rights in Russia

Amnesty International has documented numerous instances of attacks on and harassment of journalists in Russia in recent years. They contribute to a crackdown on the right to freedom of peaceful assembly, as presented in the organisation’s recent publication.¹⁷ Further deterioration puts the rights to freedom of expression and peaceful assembly at an even greater risk.

The Russian authorities should immediately end undue restrictions on the rights to freedom of peaceful assembly and expression and respect, protect, promote and fulfil these rights for all. The authorities should promote a safe and enabling environment for journalists to perform their work independently and without undue interference, and ensure their right to report on protests. The authorities should also promptly, thoroughly and impartially investigate all allegations of human rights violations by law enforcement officials in connection with 5 May protests, including

¹⁴ UN Human Rights Committee (HRC), *General comment no. 31 [80], The nature of the general legal obligation imposed on States Parties to the Covenant*, 26 May 2004, CCPR/C/21/Rev.1/Add.13, para. 15 and 18, available at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhsiYoiCfMKoIRv2FVaVzRkMjTniRO%2Bfud3cPVrcM9YR0iW6Txaxgp3f9kUFpWog%2FhW%2FTpKi2tPhZsbEJw%2FGeZRASidFuuJQRnbJEaUhbv31WiQPI2mLFDe6ZSwMMvmQGVHA%3D%3D>.

¹⁵ See, for example, UN Human Rights Council, *Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies*, UN Doc. A/HRC/31/66, 4 February 2016, para. 69-71, available at http://freeassembly.net/wp-content/uploads/2016/02/A.HRC_31.66_E_with_addendum.pdf; OSCE-ODIHR and Venice Commission, *Guidelines on Freedom of Peaceful Assembly*, 2nd ed., 2010, Guidelines 5.9-5.10 and Explanatory Notes, paras. 168-169 and 206-210, available at <https://www.osce.org/odihr/73405?download=true>; Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe, *Special Report on handling of the media during political demonstrations*, 21 June 2007, available at <http://www.osce.org/fom/25744>; Parliamentary Assembly of the Council of Europe, Resolution 2116 (2016), 27 May 2016, para. 7.11, available at <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=22802&lang=en>.

¹⁶ UN General Assembly, *The safety of journalists and the issue of impunity: resolution / adopted by the General Assembly*, 21 February 2014, A/RES/68/163, para. 5-6, available at <https://www.seapa.org/wp-content/uploads/UN-GA-Resolution-on-the-safety-of-journalists-and-the-issue-of-impunity.pdf>.

¹⁷ Amnesty International, *Russian Federation: The right to freedom of peaceful assembly – freedom in all but name*, public statement, 15 March 2018, para. 7, available at <https://www.amnesty.org/en/documents/eur46/8027/2018/en/>.

arbitrary arrests, excessive use of force, as well as failure to protect journalists and media workers from violence by pro-government counter-protesters, and bring all those suspected to be responsible to account in fair trial proceedings.

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