

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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RUSSIAN FEDERATION: JOURNALIST ROMAN IVANOV MUST BE RELEASED IMMEDIATELY AND UNCONDITIONALLY

Amnesty International is calling for an immediate and unconditional release of Roman Ivanov, journalist from Korolev, Moscow Oblast, who is standing trial on charges of “public dissemination of knowingly false information about the use of Russian Armed Forces abroad committed with the motive of political hatred or enmity” (Article 207.3(2) (d). If found guilty, Roman Ivanov could face up to 10 years in prison. Amnesty International has studied the materials of his case and concludes that he is prosecuted solely for exercising his right to freedom of expression and for performing his work as a journalist. He is a **prisoner of conscience**.

CRIMINAL CHARGES AGAINST ROMAN IVANOV

Roman Ivanov is a journalist from Korolev, a town just north-east of Moscow. He was working for an online media outlet RusNews and was the editor-in-chief of the local independent online media “Chestnyi Korolev” (“Honest Korolev”). On 11 April 2023, police searched his home, and he was arrested under charges of “public dissemination of knowingly false information about the Russian Armed Forces committed with the motive of political hatred or enmity”. On 12 April, the Korolev Town Court ordered that he must be remanded in custody, initially until 10 June. The detention was then extended, currently until 24 March 2024. The start of his trial was scheduled for 31 October but has been adjourned until 9 November.

Roman Ivanov is prosecuted for three of his publications on social media - in the Telegram channel “Chestnoye Korolevskoe” and on a public page with the same name in Russian social media VKontakte. The first publication, dated 5 April 2022, about the killings and torture of civilians in the Ukrainian town of Bucha quoted The New York Times and the BBC Russian Service. The second post, dated 14 March 2023, covered the visit of the Russian Defence Minister Sergei Shoigu to Korolev. The publication quoted Shoigu’s demand at a meeting with the management of a military factory in Korolev to have more missiles produced. It then went on to say that Russia had carried out several missile strikes on Ukrainian civilian infrastructure killing at least 100 civilians. It also mentioned that “[o]n 14 January 2023, 46 people were killed as a result of a missile hitting a block of flats in the city of Dnepr.” Finally, the third publication, which was also posted in VKontakte¹, dated 24 October 2023, quoted a UN report about the war crimes committed by the Russian Armed Forces in Ukraine.

The investigators maintained that “according to the official position of the Ministry of Defence of the Russian Federation this information was not true”.² They further maintained that it “resulted in discreditation and undermining of the authority of the Russian Armed Forces and the Ministry of Defence, forming negative public opinion about the special military operation conducted by the Armed Forces, ...essential violation of the interests of the state manifested in violation of the basics of the constitutional order and public and state security.”³ They concluded that therefore Roman Ivanov had committed a crime.

ARTICLE 207.3 CONTRADICTS RUSSIAN CONSTITUTION AND INTERNATIONAL HUMAN RIGHTS STANDARDS

Article 19 (2) of the International Covenant on Civil and Political Rights (ICCPR) to which Russia is a party provides that “[E]veryone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” While this right is not absolute and could be restricted, such restrictions are permissible only if they are provided by law, are proportionate and necessary for respect of the rights or reputations of others (Article 19(3)(a) or for the protection of national security or of public order (ordre public), or of public health or morals (Article 19(3)(b))⁴.

The UN Human Rights Committee further stressed the paramount importance of freedom of expression “as a necessary condition for the realization of the principles of transparency and accountability that are, in turn, essential for the promotion

¹ The publication in VKontakte was made under the nickname of “Egor Terentyev”.

² Official indictment, on file with Amnesty International

³ Official indictment, on file with Amnesty International

⁴ These provisions are echoed in Articles 29 and Articles 55(3) of the Russian Constitution.

and protection of human rights” in its General Comment 34.⁵ The rules for applying restrictions to the rights enshrined in ICCPR were further developed in Siracusa Principles.⁶ In particular, Principle 31 states that “[N]ational security cannot be used as a pretext for imposing vague or arbitrary limitations and may only be invoked when there exists adequate safeguards and effective remedies against abuse.”⁷ Furthermore, according to Principle 32, the systematic violation of human rights “undermines true national security and may jeopardize international peace and security. A state responsible for such violation shall not invoke national security as a justification for measures aimed at suppressing opposition to such violation or at perpetrating repressive practices against its population.”⁸

Since the introduction of Article 207.3 into the Russian Criminal Code on 4 March 2022, shortly after the full-scale invasion of Ukraine began, Amnesty International has repeatedly raised concerns about this and other legislative provisions⁹ introduced at the same time as being contrary to Russia’s international human rights obligations and its own Constitution and called for these new legislative provisions to be repealed.¹⁰

Indeed, as with the earlier legislative provisions banning “dissemination of knowingly false information” in other contexts, Article 207.3 does not contain a definition of what constitutes such information or any criteria for its assessment. However, the practice of implementation of this provision demonstrates that an individual can be imprisoned simply for sharing information or expressing a view which is contrary to the official position of the Russian government, including contrary to the information distributed by the Russian Ministry of Defence. There is little use in defendants’ referring to authoritative sources which provide evidence in support of the statements, like Roman Ivanov did in his publications. As long as their statements are contrary to the official position of the Russian authorities, they can be regarded by the prosecution and courts as “false” and individuals are found guilty under Article 207.3.¹¹ Official information regarding Russia’s full-scale invasion of Ukraine has been riddled with false and deliberately misleading messages and claims. Debunking such information and providing independent analysis of the situation has been expressly criminalized. Accordingly, Article 207.3 acts as a tool of war-time censorship.

As such, prosecution for “dissemination of knowingly false information” under Article 207.3 contributes to impunity for violations of the laws and customs of war, including war crimes Russian Armed Forces have committed in Ukraine, which is contrary to Russia’s obligations under international humanitarian law.

The claim that Roman Ivanov’s actions were “in violation of constitutional order” do not stand scrutiny either, as Article 207.3 of the Criminal Code is contrary to the provisions of the Russian Constitution itself, Article 2 of the Russian Constitution proclaims human rights and freedoms as the highest value and their defence as the duty of the state¹². Article 17 further declares that human rights and freedoms are guaranteed “in accordance with the recognized principles and norms of international law and this Constitution.”¹³ Article 29 guarantees freedom of thought and speech, freedom to seek, receive, share, produce and disseminate information and media freedom. At the same time, it prohibits censorship.¹⁴

⁵ See, <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>

⁶ Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, available at: <https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf>

⁷ Principle 31 of the Siracusa Principles

⁸ Principle 32 of the Siracusa Principles

⁹ Namely, Article 280.3 of the Criminal Code and Article 20.3.3 of the Code of Administrative Offences introducing the notion of “discreditation” of the use of the Russian Armed Forces abroad and activities of other official institutions abroad

¹⁰ See, for instance: Amnesty International, “Russian Federation: End Censorship of Voices Against the War”, Public Statement, 14 March 2022, AI Index number 46/5345/2022, available at:

<https://www.amnesty.org/en/documents/eur46/5345/2022/en/> ; Amnesty International Public statement “Russia: Authorities Deploy New Criminal Laws to Silence Criticism of Russia’s War in Ukraine”, 2 September 2022, AI index number: EUR 46/5988/2022, available at: <https://www.amnesty.org/en/documents/eur46/5988/2022/en/>

¹¹ See Amnesty International, “Russian Federation: End Censorship of Voices Against the War”, Public Statement, 14 March 2022, AI Index number 46/5345/2022, available at: <https://www.amnesty.org/en/documents/eur46/5345/2022/en/> ; Amnesty International Public statement “Russia: Authorities Deploy New Criminal Laws to Silence Criticism of Russia’s War in Ukraine”, 2 September 2022, AI index number: EUR 46/5988/2022, available at: <https://www.amnesty.org/en/documents/eur46/5988/2022/en/>.

¹² See, https://www.consultant.ru/document/cons_doc_LAW_28399/ec8354bcf00aac2d2899fbf033c3ef963e91411e/

¹³ See, https://www.consultant.ru/document/cons_doc_LAW_28399/d94e831070f1b26a082b3517d51e9e4c348fc419/

¹⁴ See, https://www.consultant.ru/document/cons_doc_LAW_28399/f703218d9357338507052de484404828b3da468e/

CONCLUSION

Roman Ivanov has not committed any internationally recognizable criminal offence but is prosecuted solely for exercising his right to freedom of expression. He is a prisoner of conscience and must be released immediately and unconditionally.

Furthermore, the Russian authorities must:

- repeal Article 207.3 of the Criminal Code and other legislative provisions introduced to clamp down on freedom of expression and information, including Article 280.3 of the Criminal Code, Article 20.3.3 of the Code of Administrative Offences, as incompatible with Russia's obligations under international human rights law;
- pending these changes to legislation, immediately and unconditionally release all individuals detained for peacefully exercising their right to freedom of expression, and ensure that they have access to a remedy for the violations of their human rights;
- immediately stop prosecuting individuals for peacefully exercising their right to freedom of expression, which does not constitute a recognizable offence according to international legal standards;
- ensure the right of everyone to freely express their opinion and impart information, including about Russia's war of aggression in Ukraine.