



## RESOLUTION ON THE RUSSIAN FEDERATION

The free expression environment in Russia continues to worsen, with the authorities taking ever more extreme measures to consolidate their control over the flow of information, online and offline. The clampdown on free speech is accompanied by mounting pressure on journalists and writers to stay in line with official opinion and by blocking websites carrying opposition views. Much of this crackdown has been fuelled by Russia's foreign policy, in particular its role in the conflict in neighbouring Ukraine and its armed intervention in Syria.

Since the Russian occupation of Crimea in March 2014, and its 'annexation' of the territory in violation of international law, most opponents of Russia's policies have been harassed into exile or silenced, while media freedom in the peninsula has been severely restricted.<sup>1</sup> In 2014, the Russian authorities introduced Article 280.1 to the Russian Penal Code, which penalises anyone making public calls that 'harm the territorial integrity of Russia' with up to five years in prison.<sup>2</sup> Since then, several people have been sentenced in relation to material posted online. Most charges pertained to remarks about Crimea being part of Ukraine.<sup>3</sup>

Although Russian, Ukrainian and Crimean-Tatar are the three official languages in Crimea, the use of Ukrainian as a language of education in schools across the peninsula has drastically declined since 2014.<sup>4</sup> The use of Crimean-Tatar and Ukrainian in the media has also shrunk considerably, with only one Crimean-Tatar newspaper allowed in circulation.<sup>5</sup>

The Russian authorities have also violated international law by transferring civilian prisoners out of Crimea. Prominent Ukrainian writer and filmmaker Oleg Sentsov – vocal opponent to Russia's 'annexation' of Crimea – was arrested in May 2014 and transferred to Russia where

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<sup>1</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), Report on the human rights situation in Ukraine 16 February to 15 May 2017, 13 June 2017: [www.ohchr.org/Documents/Countries/UA/UAReport18th\\_EN.pdf](http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf)

<sup>2</sup> Human Rights Committee, Concluding observations on the seventh periodic report of the Russian Federation, CCPR/C/RUS/CO/7, 28 April 2015: [tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En)

<sup>3</sup> <https://www.hrw.org/report/2017/07/18/online-and-all-fronts/russias-assault-freedom-expression>

<sup>4</sup> OHCHR Report on the human rights situation in Ukraine 16 August to 15 November 2016, [http://www.ohchr.org/Documents/Countries/UA/UAReport17th\\_EN.pdf](http://www.ohchr.org/Documents/Countries/UA/UAReport17th_EN.pdf)

<sup>5</sup> OHCHR, Report on the human rights situation in Ukraine 16 February to 15 May 2017, 13 June 2017 [www.ohchr.org/Documents/Countries/UA/UAReport18th\\_EN.pdf](http://www.ohchr.org/Documents/Countries/UA/UAReport18th_EN.pdf) and International Court of Justice, Press Release No 2017/15, 19 April 2017: [www.icj-cij.org/files/case-related/166/19412.pdf](http://www.icj-cij.org/files/case-related/166/19412.pdf)

he spent more than a year in pre-trial detention. He was sentenced to 20 years in prison in August 2014 on terrorism charges after an unfair trial by a Russian military court, marred by allegations of torture.<sup>6</sup>

Laws passed since Vladimir Putin's return to the presidency in May 2012 have dramatically increased the Russian authorities' control over the media landscape, with mainstream media acting as government mouthpiece and promoting biased reporting, including on the armed conflict in Ukraine. The authorities have also strengthened their control over the internet. The 'Yarovaya' amendments, signed into law in 2016, compel telecommunication and internet providers to store users' data for six months and metadata for three years for potential access by security services without judicial oversight.<sup>7</sup> In July 2017, the lower house of the Duma passed a law banning the use of virtual private networks (VPNs), used by many to access blocked content. This resulted in protests in Moscow against online censorship.<sup>8</sup> The authorities are increasingly cracking down on peaceful protesters.<sup>9</sup>

Overbroad, anti-extremism legislation has been used to stifle dissent and bring about politically motivated prosecutions. On 5 June 2017, Natalia Sharina, former Director of the state-run Library of Ukrainian Literature in Moscow, was found guilty of both 'incitement of hatred' towards Russian people and 'embezzlement', and was handed-down a suspended four-year sentence for holding 'extremist literature'. She was arrested in October 2015 after investigators found banned works by Ukrainian nationalist Dmitry Korchinsky in the library she headed. She denied that the works belonged to the collection and claimed they had been planted.<sup>10</sup>

Violence against journalists often goes unpunished while impunity for killings prevails. Two journalists, Nikolai Andrushchenko and Dmitry Popkov, were killed in 2017.<sup>11</sup> In the last two decades six journalists from a leading independent newspaper *Novaya Gazeta* have been killed in direct retaliation for their work, including the investigative journalist and PEN member Anna Politkovskaya. Although five men have been sentenced for her murder, those who ordered her killing have never been brought to justice.<sup>12</sup> In early 2017, staff of *Novaya Gazeta* were threatened after they exposed horrific abuses of men believed to be gay in Chechnya. Chechen authorities appeared to condone acts of violence against the

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<sup>6</sup> PEN International, Russia: Free Oleg Sentsov, 10 May 2017: [www.pen-international.org/newsitems/call-to-action-russia-free-oleg-sentsov/](http://www.pen-international.org/newsitems/call-to-action-russia-free-oleg-sentsov/)

<sup>7</sup> UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, communication to the Russian Federation, 28 July 2016: [www.ohchr.org/Documents/Issues/Opinion/Legislation/RUS\\_7\\_2016.pdf](http://www.ohchr.org/Documents/Issues/Opinion/Legislation/RUS_7_2016.pdf)

<sup>8</sup> <https://www.theguardian.com/world/2017/jul/25/hackers-undermine-russias-attempts-to-control-the-internet>

<sup>9</sup> <http://www.pen-international.org/wp-content/uploads/2014/10/18.RESOLUTION-Civic-Space.pdf>

<sup>10</sup> PEN International, Russia: conviction of librarian must be quashed, 7 July 2017: [www.pen-international.org/newsitems/russia-conviction-of-librarian-must-be-quashed/](http://www.pen-international.org/newsitems/russia-conviction-of-librarian-must-be-quashed/)

<sup>11</sup> PEN International, Russia: killing of journalist must not go unpunished, 1 June 2017: [www.pen-international.org/newsitems/russia-killing-of-journalist-must-not-go-unpunished/](http://www.pen-international.org/newsitems/russia-killing-of-journalist-must-not-go-unpunished/)

<sup>12</sup> PEN International, Anna Still Speaks – Remembering Anna Politkovskaya, a fearless journalist, 10 years after her assassination, 7 October 2016, <http://www.pen-international.org/newsitems/anna-still-speaks-remembering-anna-politkovskaya-a-fearless-journalist-10-years-after-her-assassination/>

journalists.<sup>13</sup> In September 2017, Yulia Latynina, radio host and columnist with *Novaya Gazeta*, fled Russia following a suspected arson attack on her car. She has been the subject of previous threats.

The steady squeeze on independent nongovernmental organisations (NGOs) continues. The authorities are using the so-called 'Foreign Agents Law' to place onerous restrictions on NGOs receiving funds from abroad.<sup>14</sup> By the end of 2016, the registry included 146 organisations, 35 of which had permanently closed down.

**In the light of this situation, the Assembly of Delegates of PEN International calls on the Russian Federation to:**

- Repeal laws stifling free expression in Russia, including the 2016 counterterrorism legislation requiring telecommunications providers and internet companies to store all communications data for six months and all metadata up to three years for potential access by security services;
- Review anti-extremism legislation so that it does not unnecessarily or disproportionately curtail the right to freedom of expression;
- Cease pressurising, demonising or criminalising peaceful opposition voices;
- Ensure that independent nongovernmental groups can operate freely and without undue interference, including by repealing the 'Foreign Agents' law;
- Comply fully with its international obligations to protect freedom of expression under Article 10 of the European Convention on Human Rights and Article 19 of the International Covenant on Civil and Political Rights.

**And specifically in relation to the conflict in Ukraine:**

- End the use of propaganda that is fuelling the conflict in Ukraine and do all within its power to bring about peace there;
- Return all Ukrainian nationals arrested in Crimea and now held in Russia to Ukraine, and free all held solely for the peaceful exercise of their right to freedom of expression;
- Recognise and protect the rights of those who speak minority languages including Tatar to freedom of movement, assembly, and association, to freely express themselves in the language of their choice, both orally and in writing and to have their culture valued and their literature promoted and distributed.

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<sup>13</sup> PEN International, Russia: protect journalists who exposed horrific abuses against gay men in Chechnya, 21 April 2017: [www.pen-international.org/newsitems/russia-protect-journalists-who-exposed-horrific-abuses-against-gay-men-in-chechnya/](http://www.pen-international.org/newsitems/russia-protect-journalists-who-exposed-horrific-abuses-against-gay-men-in-chechnya/)

<sup>14</sup> Opinion of the Commissioner for Human Rights, legislation and practice in the Russian Federation on non-commercial organisations in light of Council of Europe standards, CommDH(2015)17, 9 July 2015: <https://rm.coe.int/16806da772>

- Fully comply with the order of the UN International Court of Justice No. 2017/15 from 19 April 2017<sup>15</sup> that demands to duly respect the rights of Ukrainian and Tatar minorities in the Crimea, stop political repression in the annexed peninsula, and halt the covert financial, military, and political support of the militants in Donbas.

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<sup>15</sup> <http://www.icj-cij.org/files/case-related/166/19412.pdf>