

**The Answers of the Russian Federation to the List of questions for CDMSI members on the implementation of Council of Europe standards related to safety of journalists.**

**1. Which are the existing mechanisms to ensure investigation and prosecution of attacks against journalists and other media actors?**

1. For investigating the attacks against journalists and prosecuting the perpetrators the general mechanisms of criminal law and criminal procedure regulation are used in the Russian Federation. According to Article 1 of the Criminal Procedure Code of the Russian Federation (hereinafter RF CPC) the criminal procedure in the Russian Federation is established by the RF CPC, that is based on the Constitution, and this procedure does not specify the investigation of crimes committed against journalists. At the same time, the State ensures the journalist's status in connection with his professional activities, the protection of his honor, dignity, health, life and property as a person in exercise of public duty.

Pursuant to the Resolution № 247 of the President of the Russian Federation of February 11, 2013 on the safety of journalists and strengthening control of investigations of crimes committed against them the [Investigation Department of the Ministry of the Interior](#) provides within its competence control over investigation of criminal cases involving crimes of small and medium gravity committed against journalists. It should be also taken into account that in respect of a person including those with the status of journalists who received threats or in respect of which the crime is committed can be taken specific security measures provided for by part three of Article 11 of the RF CPC and the Federal Law of August 20, 2004 №11-FZ "On state protection of victims, witnesses and other participants in criminal proceedings".

**2. Are there any non-judicial mechanisms, such as parliamentary or other public inquiries, ombudspersons, independent commissions, as useful complementary procedures to the domestic judicial remedies guaranteed under the ECHR, specifically dealing with threats and crimes targeting journalists and other media actors?**

2. All non-judicial mechanisms mentioned are used in the Russian Federation.

**3. Is the confidentiality of journalists' sources of information protected in both law and practice?**

3. According to Article 49 of the Law of the Russian Federation of 27.12.1991 №2124-1 "On mass media" maintaining the confidentiality of information and its source, as well as validation of the reported source of information are the responsibilities of a journalist. Issues of confidentiality of information are regulated by Article 41 of the Law.

In addition, the second part of Article 144 of the Criminal Procedure Code provides that, based on the information about a crime, spread in the media, checks are conducted at the request of the prosecutor by the body of inquiry as well as at the request of the head of the investigative body by the investigator. The editorial body, the editor in chief of the respective media must pass on the request of the prosecutor, investigator or body of inquiry available documents and materials that confirm the information about the crime, as well as data on the person providing this information,

except the cases when the person has put a condition on keeping in secret the source of information.

**4. Does the domestic legislation in your country regarding defamation/libel include criminal law provisions?**

4. The second part of Article 128 of the Criminal Code establishes criminal liability for libel contained in a public statement, in a publicly shown product or in the mass media, and provides for a penalty of one million rubles or a fine equivalent to the salary or other income of the convicted person for a period of up to one year, or compulsory work for a period up to 240 hours.

Article 298 of the Criminal Code also establishes liability for defamation against a judge, juror, prosecutor, investigator, the person conducting the inquiry and the bailiff.

**5. What are the procedural guarantees (the right to defence, the periods of limitation applicable to defamation suits, exceptio veritatis (defence of truth) and the burden of proof, presumption of good faith etc.) included in the civil and/or criminal legislation related to defamation?**

5. A person may be exempted from criminal liability in connection with the lapse of the limitation period, should two years (Articles 128/1 and 129/1 of the Criminal Code) have passed from the day of committing the offenses (paragraph A of Section 78 of the Criminal Code).

The limitation period shall be calculated from the commission date of the crime, and until the entry into force of a court judgment.  
If a person commits a new crime, the limitation period for each crime shall be calculated independently.

The limitation period is suspended if the offender evades the investigation or trial. In this case, the period of limitation is resumed after the arrest of the said person or his voluntary surrender (parts 1-3 of Article 78 of the Criminal Code).

**6. In the domestic legal framework, are state officials protected against criticism and insult at a higher level than ordinary people, for instance through penal laws that carry a higher penalty?**

6. An administrative responsibility is established for the insult, i.e. humiliation of honor and dignity of another person, expressed in an indecent form, as well as contained in a public statement, publicly shown product or in the mass media (the Article 5.61 of Code of Administrative Offences of RF).

Criminal responsibility is established for contempt of court (Article 297 of CC), for insult of the representative of authority (Article 319 of CC) and for insult of the military serviceman (Article 336 of CC RF).

Moreover, according to the decision of the Supreme Court of the Russian Federation of 14.02.2005 №3 courts should take into consideration that in accordance with Articles 3 and 4 of the Declaration on freedom of political debate in the media, adopted on 12 February 2004 at the 872 meeting of the Committee of Ministers of the

Council of Europe, politicians who strive to enlist public support agree to become the subject of political debate and criticism in the media. State officials can be criticized in the media on how they perform their duties, because it is necessary to ensure a transparent and responsible manner of exercising their powers.

**7. Do laws on the protection of public order, national security or anti-terrorism have safeguards for the right to freedom of expression? What are these safeguards?**

7. According to the Constitution of the Russian Federation, everyone is guaranteed the freedom of thought and speech, no one can be forced to express his or her views and convictions or to reject them and, everyone has the right to seek, receive, transmit, produce and disseminate information by any legal means (Article 29 of the Constitution of the Russian Federation).

While maintaining public order and public security police activities are open to the public to the extent that it does not contradict the requirements of the Russian legislation governing the criminal proceedings, proceedings in cases of administrative offenses, rules for investigative activities, and protection of state secrets and other secrets protected by law, and does not violate the rights of citizens, public associations and organizations (Article 8 of the Federal Law of February 7, 2011 №3-FZ "On Police").

Citizens, public associations and organizations have the right as prescribed by the law, to obtain reliable information about the police activities, to obtain information from the police, which directly affect their rights, exception is made for information, access to which is limited by federal law.

The Police in accordance with the legislation of the Russian Federation provides information on its activities to the media at the official request of their editorial offices, and also by holding press conferences, circulating reference and statistical materials and in other forms.

The information discrediting honor, dignity and business reputation of a citizen, made public by a police officer, if found invalid by a court, investigator, body of inquiry or the police itself, must be refuted in the same form in which it had been handed over to publicity as soon as possible, but not exceeding one month from the date of recognizing of such information untrue (Article 4 of the Federal Law "On Police").

The Code of Administrative Offences of the RF provides for administrative liability for the insult, which is defined as the humiliation of honor and dignity of another person expressed in an indecent form (Article 5.61).

Moreover, the insult contained in a public statement, publicly shown product or mass media is punishable by an administrative fine in the amount from 3 thousand to 5 thousand rubles for citizens and from 100 thousand to 500 thousand rubles for legal entities (Part 2 of Article 5.61 of the Code of Administrative Offences of RF).

**8. Are the following instruments translated into the national language and disseminated widely, in particular brought to the attention of judicial authorities and police services? Are these made available to representative organisations of lawyers and media professionals?**

8. The CoE instruments are mainly translated into Russian and disseminated by the MFA to all relevant state bodies, judicial authorities and the National Police Department. The documents are available to organizations of lawyers, media professionals and experts.