



## Threats to Internet freedom in Russia, 2008-2011

### An independent survey

The importance of the Internet in Russia as a foundation stone for the information society and communication, given the increasing pressure on traditional print and electronic media, is growing daily. The number of users of the global network is increasing. Forums for free discussion are moving into the virtual realm. These processes make it necessary to attend to the problems that face individual members of the Internet community.

According to the Public Opinion Foundation, there are about 50 million Internet users in Russia, (up from about 33 million users in 2008). Of these about one third are actively using the Internet at least once a day. This audience demonstrates the significant tempo of growth that will probably mean the number of Internet users will reach 80 million by 2014. The number of blogs and users of social networks is increasing. In the Russian segment of Live Journal alone, according to the statistics of LiveJournal.com, there are more than two and a quarter million users.

At the same time, as the Chairman of Goldman Sachs Asset Management Jim O'Neill said on St.Petersburg International Economic Forum 2011, in Russia the Internet often becomes the tool of the social protest.

The UN has recognized free access to the Internet as an inalienable human right, since it is "an indispensable tool for realizing a range of human rights, combating inequality, and accelerating development and human progress." The [UN report](#) on this issue emphasises that the primary task of all governments must be to ensure universal access to the Internet. In this way, the intentional limitation of access to the global network is considered to be an assault on fundamental human rights.

In his first address to the Federal Assembly in 2008 President Dmitry Medvedev spoke of the need to expand the free space of the Internet. Since then he has regularly repeated this view, saying that "Russia will not support plans and initiatives that place the freedom of the Internet in doubt."

Analysis of the situation, however, shows that freedom of the Internet in Russia ("RuNet", for short) is under serious threat. The latest published report by Reporters Without Borders, [The new media: Between revolution and repression – Net solidarity takes on censorship](#), does not place Russia among the "Enemies of the Internet" but it is listed, with Belarus, as one of 16 countries that must be kept "under surveillance". The Agora Human Rights Association identified 111 incidents between January 2008 and May 2011 in which freedom of access to the Internet was limited or those seeking to exercise this freedom were harassed.

THREATS	Year				Total all types of threat
	2008	2009	2010	2011 Jan-May	
1.Proposals to regulate the Internet	6	7	5	4	22
2.1 Murders	1	1	-	-	2
2.2 Assaults	1	1	1	-	3
2.3 Criminal Prosecution	1	10	8	3	22
2.4 Civil //Lawsuits	1	8	10	6	25
3. Administrative pressure	2	1	2	1	6
4. Limitation on access	-	6	2	1	9
5. Cyber attacks	6	2	1	5	14
6. Other dangers	-	1	4	3	8
Yearly TOTAL	18	37	33	23	111



RuNet activists have been killed and assaulted. There have been attempts to limit freedom of the Internet through legislation. More typical threats are the criminal prosecution of bloggers (for defamation, offensive language or extremism), civil suits for libel (mostly brought by officials), and cautions and warnings issued by prosecutors. The targets of these practices are Internet forums, social networks, Live Journal and Twitter. Owners of websites faced the closure of their websites and cyber attacks, which the police do nothing to investigate; they are cautioned by the Federal Oversight Agency for Telecommunications, Information, Technology and Mass Communications; and suffer limitations on access to their sites, imposed by the providers. The overall freedom of RuNet has repeatedly been the target of criticism by the Federal authorities, from the leadership of the FSB to deputies of the State Duma.

Another important problem is the confidentiality of information and the protection of privacy on the World Wide Web. Recently, for example, there was a major scandal following news that Microsoft was considering whether or not to provide the Russian security agencies with the encryption algorithms for Skype after its recent acquisition of the Internet telephone service.

[Glasnost Defence Foundation](#) and [Center for Journalism in Extreme Situations](#) monitor violations of rights of journalists. Their reviews concern traditional journalism. This review by the Agora Association marks the beginning of a new endeavour by the organization to monitor Internet freedom in Russia, which will be accompanied by publication of regular reports.

## **1. Twenty two attempts to regulate the Internet**

*Agora has identified 22 legislative initiatives, proposals and actions designed in one way or another to regulate access to information on the Internet. The country's leaders consider legal regulation of the Internet a live issue. In April 2011, for instance, the Property Management Department of the President of Russia announced a tender for a study of foreign experience in "regulation of the legal liability of Internet users." The winner of the tender will study the experience of the USA, UK, Canada, France, Germany, China, Kazakhstan and Belarus. Unfortunately, an absolute majority of the initiatives in this area are linked with strengthening regulation of Internet users and tightening legal liability.*

Under the Federal Law "On Communications", and government-approved rules concerning relations between communications operators and law enforcement agencies (the most recent edition of the document was published in 2008), ISPs must independently and at their own cost install equipment required for the Law Enforcement Support System or SORM (the Russian acronym). SORM provides the FSB with unlimited opportunities to observe and exercise surveillance over the private life of citizens on the Internet. The possession of such equipment is a condition for receiving a licence to operate as an Internet Service Provider.

In February 2008 Vladimir Slutsker, a member of the Federation Council (upper house of parliament), proposed that all Internet resources with more than 1,000 visits a day should be obliged by law to register as media outlets. Such a law would subject authors who publish on such websites to the same degree of legal liability as journalists and media outlets.

In March 2008 President Vladimir Putin ordered that the 15 November 2005 decree "On Signing the Convention on Cyber-crime", whereby Russia joined the Council of Europe's Convention on cyber-crime, would cease to have effect on Russian soil. The Russian Federation, henceforth, no longer agreed to allow other states reciprocal access to databases located on her territory.

Speaking at a conference in October 2008 the president of the Russoft association proposed the creation of a gateway between RuNet and the rest of the Internet, after the model of The Great Firewall in China.



In July 2009 the Russian Union of Industrialists and Entrepreneurs declared it was necessary to regulate the use of Skype in Russia by law. One reason was that the Russian security services had no access to communications in this medium.

In September 2009 the Ministry of Justice prepared a bill proposing [1] to strengthen punishment for unsanctioned access to government websites, [2] to oblige providers to stop giving their customers access to the Internet when requested by the Ministry of Internal Affairs or the FSB, and also [3] to tighten the rules for registering domain names.

At a meeting of the Central Electoral Commission in February 2011, Duma deputy Robert Shlegel proposed that a list of sites be drawn up on which it would be permitted to publish election campaign materials. Simultaneously, the chair of the Central Electoral Commission Vladimir Churov suggested that unlawful election campaigning on the Internet should be made a criminal offence.

In April 2011 a top FSB official proposed that use of the Skype Internet telephone service, and the Gmail and Hotmail services, should be banned in Russia because they were not connected to SORM and, therefore, could not be subjected to surveillance.

## **2. Sixty-five incidents of harassment**

*Agora has identified 65 incidents in which Internet activists have been harassed and persecuted. These include the murder of two owners of the Ingushetiya.ru website, assaults on bloggers and journalists, criminal prosecutions, defamation lawsuits, and official warnings and cautions issued by prosecutors and other bodies.*

### **2.1 Two murders**

Since 2008, two people have been killed in Russia whose work was directly related to their exercise of the freedom of the Internet. On 31 August 2008 Magomed Yevloev, the owner of the website Ingushetiya.ru, a website that took a critical position towards the authorities in Ingushetia, was shot dead in Nazran (Ingushetia) during an arrest by police officers that was subsequently established to have been unlawful.

After the death of Yevloev, the website was headed by Maksharip Aushev, a member of the Expert Council of the Russian Federal Human Rights Ombudsman. Aushev was killed on 25 October 2009 on a street in Nalchik (Kabardino-Balkaria).

### **2.2 Three attacks**

On 31 January 2008 Valery Savinkov, the chief editor of the Bankfax news agency, was attacked in Barnaul (Siberia), receiving a blow to the head. It should be noted that earlier Bankfax had been subjected to harassment by the Russian Federal Agency for Communications and Cultural Heritage, which had secured a court order closing Bankfax down on the grounds of extremism.

On 9 September 2009 Mikhail Afanasyev, journalist and editor of the Internet journal *Novy focus*, was brutally beaten in Abakan (Khakassia, Siberia). He had been investigating the catastrophic accident at the Sayano-Shushensk Hydro-electric Station in August 2009.

On the night of 5-6 November 2010 the journalist Oleg Kashin was brutally beaten in Moscow near the entrance to the apartment building where he lived. One interpretation of the attack much discussed in the media, linked the assault publications by Kashin in his personal blog.



### 2.3 Twenty-two criminal prosecutions

*Extremism, incitement of hatred, defamation and offensive language, including insulting representatives of authority - these are the articles of the Criminal Code that are most frequently used to prosecute Internet activists. Along with incitement to ethnic and religious hatred, bloggers and users of social networks have also been charged with defaming particular "social groups" such as "law enforcement officers", "cops", "military personnel", "security service officers [Chekists]" and "representatives of the authorities". In cases of defamation and offensive language, moreover, the accused have automatically been charged under the more serious Section 2 of the relevant article of the Criminal Code, since disseminating information on the Internet is equated to making a public statement.*

In July 2008 the Syktyvkar Court (Komi) sentenced the blogger Savva Terentyev to a suspended sentence of one year in prison for incitement to "burn the useless cops", in a comment posted on Live Journal, despite the contention that his words were a literary device.

On 6 August 2009 four Internet users were arrested in Ufa (Bashkortostan), charged with public incitement to extremist activity, and with participation in an extremist group and incitement of ethnic hatred. In their blogs the accused quoted from a book ruled extremist by the courts on the grounds that it contained harsh criticism of the leadership of the Republic. This was the first case of its kind in which the accused were not allowed bail before the court hearing.

On 18 September 2009 Mikhail Afanasyev, the chief editor of the *Novy focus* web journal (Khakassia), was charged by Abakan police under article 282 of the Criminal Code ("Defamation, involving accusation of involvement in a serious crime"). This was a reaction to publication of an article stating that those running the Sayano-Shushensk Hydroelectric Station had not taken adequate measures to save people following the accident there on 17 August 2009. After a time, the charges were dropped.

In November 2009 the journalist and blogger Irek Murtazin, former press secretary of President Shaimiev of Tatarstan, was sentenced to one year and nine months in prison. Among the charges for which he was convicted were defamation and incitement to hatred against representatives of the authorities. Murtazin was released on parole after he had served more than one year in a low-security penal colony.

On 3 December 2009 Ivan Peregorodiev, a student of the Medical Institute in Saratov, was arrested after he reprinted a news item about the spread of pneumonic plague that had been published on the city's information portal. This caused panic, and the student was charged with knowingly disseminating false information about an act of terrorism. This case became the first in which a blogger was arrested for reprinting news derived from a publicly known source.

In December 2010 a criminal investigation was launched into the activities of Novosibirsk artist Artem Loskutov, famous for his Monster Show (original demonstrations in defence of the right to freedom of assembly). A winner of the Innovation prize, the artist was accused of insulting a representative of the authorities by depicting a policeman "as a demon" on his website. If convicted he could face up to one year's corrective labour.

In February 2011 Alexander Domrachev, an 18-year-old user of Vkontakte [In contact], was charged with inciting social hatred for organising a group on the social network under the title "Beat up the Cops and Save Russia!" [A play on the notorious pre-1917 anti-Semitic slogan, "Beat up the Yids and Save Russia!" tr.]. If convicted Domrachev faces up to four years' imprisonment.

### 2.4 Twenty five lawsuits in defence of honour, dignity and reputation

*One of the most popular ways of bringing pressure to bear on bloggers and those writing on the Internet is to bring civil lawsuits against them, in defence of another's honour, dignity and*



*reputation. Officials, major companies and actors have all appealed to the courts with such charges, demanding compensation up to 500,000 roubles [15,000 USD].*

In June 2008 Alexander Lebedev, a businessman, was obliged to pay 30,000 roubles in compensation for moral damages to Duma deputy Vladimir Medinsky. In his blog Lebedev accused Medinsky of having taken money to lobby for the law on gambling establishments. This ruling, handed down by Moscow's Basmanny district court, was the first known occasion on which compensation was paid for a publication in a blog.

Between December 2010 and April 2011 Vasily Yakemenko, head of the Federal Agency for Youth Affairs, brought several lawsuits against bloggers Oleg Kashin, Alexander Moroz and Marat Gelman and the Gazeta.ru and Novye Izvestia news sites. Writing on the Internet they claimed that Yakemenko and members of pro-Kremlin youth organisations were involved in the November 2010 assault on Oleg Kashin. The plaintiff demanded that they publish a retraction and that each of the accused should pay 500,000 roubles by way of compensation for moral damages.

In May 2011 the administration of the Dmitrovgrad educational colony for juvenile offenders took Gazeta.ru to court for publishing an article about the results of checks carried out at the colony by the prosecutor's office.

On 17 May 2011 Aeroflot-Russian Airlines brought a lawsuit against Artem Lebedev who included a series of pictures in his Live Journal entry that parodied the advertisements of the company.

### **3. Six cautions issued by the prosecutor's office and the Federal Oversight Agency**

*Official persons who do not meet the demands contained in cautions by the prosecutor's office may face administrative sanctions. If the editorial board of a media outlet receives two or more warnings, within the space of a year, from the Federal Oversight Agency for Telecommunications, Information, Technology and Mass Communications (hereafter the Federal Oversight Agency), the court may close down that outlet. In certain cases, moreover, the editor and journalists of a particular publication or outlet may be charged with abusing freedom of the mass media.*

In 2008 the Federal Oversight Agency issued two warnings to the URA.ru news agency (Urals) concerning the extremism voiced in readers' comments to items on the site.

In September 2009 the agency cautioned Mikhail Afanasyev, chief editor of Novy focus in Abakan (Siberia), that the basic information about the site was incorrectly presented and the editorial office lack a proper statute of institution.

On 23 June 2010 the Agency for Political News (Moscow) was formally cautioned by the Oversight Agency for comments on its report, "The Ostankino district court has closed the 'Take your positions!' newspaper". The Agency found that these comments "had permitted expressions of an aggressive character and contained a threat and incitement to violence. They bear the hallmarks of incitement to commit terrorist acts and crimes".

In November 2010 German Aletkin, director of the Centre for Peace and Human Rights, was cautioned by the Tatarstan prosecutor's office that extremist activities were impermissible. This followed his suspected involvement in publishing materials "calling for a change in the constitutional system" on the website of the Alliance of Kazan Anarchists.

In May 2011 the Federal Oversight Agency cautioned the editors of Fontanka.ru (St. Petersburg) for publishing video material, recorded on a mobile phone, showing an act of violence against a 12-year-old schoolboy.



#### **4. Nine instances of restricted access to the Internet or to particular websites**

In March 2009 access to the UfaGub website was blocked within Bashkortostan (Volga) through local ISPs after the court declared it to be extremist. This decision was subsequently reversed by the Bashkortostan Supreme Court.

For several days in December 2009 the operator of the Wimax network Skartel (a Yota brand) would not permit some of its clients access to certain Internet sites. In particular, they could not use Kasparov.ru or sites linked to the currently banned National Bolshevik party, the Solidarity movement, the United Civil Front and the New Times weekly's website. The network operators claimed this was due to technical problems.

In March 2010 the Khanty-Mansiisk district court (Urals) upheld a lawsuit, brought by the prosecutor's office against a branch of Uralsvyazinform plc, to limit access to a number of Internet sites. Among these were the sites of the National Bolshevik party and the Akhtubinsk "For a God-fearing State" popular movement.

On 2 June 2011 the First of May district court in Kirov (Volga) upheld a demand by the regional prosecutor's office that three local ISPs limit access to sites containing material by the National Bolshevik party.

#### **5. Forteen cyber attacks**

*A serious and ever more frequent threat faced by users and owners of websites is the DDoS cyber attack and the use of various types of malware. In April 2011 cyber-attacks led to a lack of access to a number of popular blogs. This lasted for only a matter of hours but it stirred a passionate reaction throughout RuNet. Russia's law-enforcement agencies, unfortunately, are not equipped to prevent and investigate such offences, neither are they willing or able to do so. It does not help that Russia first signed the Convention of the Council of Europe on cyber crime but then, in 2008, withdrew its signature.*

During 2008 several websites of opposition such as Kasparov.ru, Ruffront.ru, Namarsh.ru and websites of the newspaper Kommersant and Internet-media Grani.ru were also under attack.

In December 2009 the site of the *Vedomosti* newspaper was inaccessible for several hours following a cyber-attack.

On 25 February 2011 anonymous hackers announced that they had carried out a DDoS attack on the website of the United Russia party.

On 7 April 2011 the website of *Novaya gazeta* was taken down for two hours after a DDoS attack. The newspaper's site first fell victim to a cyber attack on 26 January 2010. On that occasion it took a week to resolve the problem.

#### **6. Eight other threats and dangers**

*It is impossible to classify all the problems RuNet users may encounter. The types of threat are as varied as the Net itself. The harassment of those who post video images exposing instances of corruption and abuse in official bodies is particularly noteworthy. Those exposing such offences may face quite unrelated charges. However the investigation and prosecution of such actions indicate the real connection between the events.*

In November 2009 a police officer, Major Alexei Dymovsky, published an appeal to Prime Minister Putin on his website, denouncing the abuses committed by those in charge of the city police department in Novorossiysk (Krasnodar Region). By June 2011 this video appeal had received more than one million visits on YouTube. Soon after Dymovsky first posted his appeal he was



charged with criminal defamation and fraud through the abuse of his position. For more than a month he was held in the Krasnodar pre-trial detention centre while searches were carried out in the homes of his relations. As a result of civil lawsuits Dymovsky had to pay 50,000 roubles each to two high-ranking police officers.

In 2007 Grigory Chekalin, deputy prosecutor for the city of Ukhta (Komi Republic), testified at the trial of those accused of setting fire to the city shopping centre. The evidence presented by the investigators, said Chekalin, had been falsified and those on trial were innocent. On 12 November 2009 Chekalin posted an Internet appeal to President Dmitry Medvedev, reporting violations during the investigation of the case and the subsequent sentencing to life imprisonment of innocent individuals. In December 2010 Chekalin was himself sentenced to 18 months imprisonment for false witness.

Detective Mikhail Yevseyev faced similar persecution after launching an online appeal in support of Chekalin. He was accused of beating someone up. Igor Matveyev, a major with the MVD internal forces, was investigated for criminal damage after reporting online that soldiers at his unit were being fed dog food.

In May 2011 blogger Alexei Navalny was investigated for causing financial loss in relation to property. This followed his regular publications in Live Journal, exposing corruption in major companies and irregularities in State tenders.

On 19 May 2011 the URA.ru information agency reported that the Cybercrime department of the main police directorate for the Sverdlovsk Region had requested that the editors provide information about the IP addresses of users who had commented on an item about the activities of the Cybercrime department.

## **Conclusion**

*Changes in the number and nature of particular threats to the Internet, recorded over the period from January 2008 to May 2011, indicate a rising level of tension. Since 2009 not a single Internet activist has been killed because of his activities but assaults have continued, as the attempt to kill Oleg Kashin shows. In 2008 only 18 attempts to restrict freedom of the Internet were recorded. There were no less than 23 such recorded attempts in the first five months of the present year. Cyber attacks on websites have become more frequent.*

*Proposals to strengthen legislative regulation of the Internet, to raise the liability of Internet users, limit the confidentiality of personal information, and so on, have continued to be actively promoted by high-ranking officials and legislators. New ways of expressing opinions, e.g. filmed appeals to the country's leadership in order to expose abuses, have appeared and multiplied, leading to intensified pressure against such activists. All these tendencies, evidently, are linked directly to a further growth in the role played by the World Wide Web in Russia's political and public life. More and more, on-line activists are having to pay for their actions "off-line".*

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June 2011