

On June 30, the Russian Duma passed amendments to three laws that give the Prosecutor General's Office the right to suspend media outlets for up to six months without trial, ban foreign media outlets and block websites forever. The amendments will take effect on the day they are officially published. We answer all the questions related to the innovations.

1. THE PROSECUTOR GENERAL'S OFFICE WILL BE ABLE TO TEMPORARILY SUSPEND AND CLOSE DOWN MEDIA OUTLETS

1.1 What law has been changed?

A new Article 56.2 "Suspension of the activities of a mass media outlet, invalidation of its registration or termination of its broadcasting licence on the basis of a request from the Prosecutor General of the Russian Federation or his deputies" has been added to the Law "On Mass Media".

Whereas previously only a court could suspend the activities of a media outlet or invalidate its registration at the request of Roskomnadzor, under the new article the right to do so will be granted to the Prosecutor General and his deputies. Thus, they will be able to:

- issue a demand to suspend the activities of a media outlet;
- issue a demand to declare a media outlet's registration invalid or to terminate its broadcasting licence.

1.2 When will the Prosecutor General's Office be able to request the suspension or closure of a media outlet?

The General Prosecutor's Office will be able to demand suspension of a media outlet in cases when the media outlet disseminates:

- fake news, i.e. unreliable information of public importance that is presented under the guise of reliable information and poses a threat to citizens' life or health, or property, a threat of mass violation of public order, etc.;
- fake news about the use of the Armed Forces of the Russian Federation to protect the interests of the Russian Federation and its citizens and to maintain international peace and security, or about state bodies' exercise of authority outside Russia for these purposes;
- fake news about circumstances that pose a threat to the life and security of citizens and (or) about measures taken to ensure the security of the population and territories, methods and means of protection from these circumstances;
- information that can be considered "disrespect for authority" (a manifestation of disrespect for society, the State, the Constitution, state symbols, and state authorities of the Russian Federation in an indecent manner);
- information discrediting the use of the armed forces of the Russian Federation or the exercise of authority by state bodies of the Russian Federation in defense of the interests of the Russian Federation and its citizens and for the maintenance of international peace and security;

- information containing calls for the organization of or participation in unauthorized public events, mass violations of public order or public security, the imposition of political, economic and/or other sanctions on the Russian Federation, its citizens or Russian legal entities, or containing propaganda, rationalisation and/or justification of extremist activities.

1.3 How long can a media outlet be suspended?

For the first time, a media outlet may be suspended for a maximum of three months. In the case of a repeated violation, for a maximum of six months. During this period, the editorial board, editor-in-chief, journalist, publisher and distributor of the publication's output will not be entitled to carry out the publication's activities.

Technically, the procedure for suspension would be as follows:

- 1) The Prosecutor General or his deputies will send a request to Roskomnadzor to suspend the media outlet.
- 2) Roskomnadzor, within 24 hours, makes a corresponding entry in the register of registered media and notifies the founder, the editorial board, the organisation producing or broadcasting the media.

In case the unlawful information mentioned above was disseminated by the media "repeatedly", the General Prosecutor's Office will be able to demand the invalidation of the media registration or termination of the broadcasting license.

1.4 Will the media outlet be able to resume operations prior to the scheduled date?

De jure, an editorial office will have the right to resume its activities ahead of time by deleting information which the Prosecutor General's Office deems illegal. It is not clear whether this will be possible in practice, given that Roskomnadzor often fails to inform the newsroom about the information that caused the blocking.

In cases where a media outlet's registration is invalidated or its broadcasting license is terminated, there will be no such possibility even de jure: it is simply not set in law.

1.5 What does all this mean?

It turns out that the new law simply "equates" print and broadcast media with online publications in the speed of restricting access to their content. Before the adoption of the new norm, it was easy enough to block any Internet publication, while it was possible to close a print or broadcast media outlet only through a court procedure and on the condition that the outlet had received two warnings within a year. Now it will be as simple and quick to close down any print media outlet, television or radio channel as it is to restrict access to a resource online.

In the event the registration of a media outlet is invalidated, it will essentially lose the right to its name (if it is not registered as a trademark). This means that the very next day other people will be able to publish under the same name.

In addition, all journalists of a publication whose registration has been invalidated or whose broadcasting licence has been terminated will lose their accreditation with the authorities or other organisations.

2. ANY WEBSITE CAN BE BLOCKED PERMANENTLY

2.1 What law has been changed?

Deputies have amended Article 15.3 of the Law "On Information, Information Technology and Information Protection", and added a new Article 15.3-2 to the law. It describes the procedure for restricting access to information resources that have violated the law. The most important change is that deputies have legislatively introduced the possibility of lifelong extrajudicial blocking of any resource that has repeatedly posted various illegal information. In addition, Roskomnadzor has been made responsible for blocking the "mirrors" of websites, access to which is restricted.

2.2 For what kind of information can a website be blocked permanently?

The Prosecutor General's Office will be able to demand permanent blocking of a site in cases where it repeatedly disseminated information listed in Articles 15.1, 15.1-1, 15.3 or 15.3-1 of the Law "On Information, Information Technology and Information Security".

These articles now contain, for example, the following grounds for blocking:

- 1) publishing pornographic images of minors;
- 2) dissemination of information on methods and techniques of production and use of drugs and psychotropic substances, their precursors, etc.;
- 3) dissemination of information on how to commit suicide and calls to commit suicide;
- 4) publication of information on child victims, the dissemination of which is prohibited;
- 5) inducing and involving minors in unlawful actions that are dangerous to the life or health of minors or other persons;
- 6) dissemination of information that, in an indecent form, expresses a clear disrespect for society, the State, the official state symbols of the Russian Federation, the Constitution of the Russian Federation or the bodies exercising state power in the Russian Federation (disrespect for authority);
- 7) publication of appeals to extremist or terrorist activity, mass disorders, participation in meetings not coordinated with the authorities;
- 8) dissemination of fake news;
- 9) justification of extremist and terrorist activities;
- 10) publication of materials of extremist organisations and organisations recognised as undesirable;
- 11) dissemination of illegal campaigning and other illegal information.

To this list the deputies also added:

- dissemination of fake news about the use of the Armed Forces of the Russian Federation to protect the interests of the Russian Federation and its citizens, to maintain international peace and security, and about state bodies' exercise of authority outside Russia for these purposes;
- publication of information discrediting the use of the Russian Armed Forces to protect the interests of the Russian Federation and its citizens, the maintenance of international peace and security, or about state bodies' exercise of authority outside Russia for these purposes;
- dissemination of calls to impose sanctions against Russia, its citizens or legal entities, or other sanctions.

2.3 How will websites be blocked: without notice and the ability to edit the text?

The new Article 15.3-2 of the Law "On Information, Information Technology and Information Protection" sets out the procedure for restricting access to websites which have repeatedly disseminated unlawful information.

According to the Article, the decision to block the websites will be taken by the Prosecutor General or his deputies. In this case, the restriction of access will be:

- a) immediate;
- b) without prior notification to the resource owner and the opportunity to remove or edit the disputed information;
- c) permanent: the law explicitly states that "lifting the restriction on access to such an information resource is not permitted". This means that the site can be blocked permanently.

It turns out that whereas in the past in some cases the site owners were informed about the impending blockage and were given 24 hours to edit the material and avoid restricting access (Roskomnadzor, for example, had to act in such a manner when fake news were found in the media), now everything will be different - the blocking will take place immediately, without any possibility to remove the disputed information.

2.4 How will "mirrors" of websites be blocked?

The new Article 15.3-2 of the Law "On Information, Information Technology and Information Protection" obliges Roskomnadzor to restrict access to copies of blocked resources. In essence, it is about restricting access to "mirrors" of blocked websites.

According to the law, a copy of a resource is a resource which is confusingly similar to the information resource to which access is restricted. However, the article does not specify how Roskomnadzor should determine the similarity.

The procedure would be as follows:

- If a site is found on the Internet that is confusingly similar to the blocked site, Roskomnadzor must immediately make a reasoned decision to recognise the resource as a copy of the site whose access is restricted.

- According to the interaction system, Roskomnadzor must send a request to telecommunications operators to take measures to permanently restrict access to the copy of the blocked information resource.
- Telecom operators must immediately restrict access to the corresponding copy of the information resource.

That's all. In relation to blocked copies, the law also states that "lifting of access restrictions is not allowed".

2.5 Can foreign media websites be blocked?

Yes, the new law contains no exceptions. Therefore, not only a Russian website can be blocked, but also a foreign one.

3. FOREIGN MEDIA WILL BE SHUT DOWN IN RESPONSE TO "UNFRIENDLY MEASURES"

3.1 What law has been changed?

MPs have introduced a new Article 3.4 to the Law "On Measures to Influence Persons Involved in Violation of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation" which gives the right to ban foreign mass media in response to restriction of Russian media in other states.

3.2 Who can ban a foreign media outlet and for what?

The decision to ban the work of a foreign media outlet in Russia would be taken by the Prosecutor General or his deputies in consultation with the Ministry of Foreign Affairs.

The authors of the law argued that the purpose of such actions is to introduce a quick symmetrical response to unfriendly measures by foreign states against Russian mass media operating in the territory of other countries.

In other words, a foreign media outlet can be banned from operating in Russia if the state in which it is registered has banned or restricted the work of a Russian media outlet.

3.3 What will the banned media outlets not be allowed to do?

The decision to ban a foreign media outlet in Russia entails:

- a ban on the distribution of any information materials of a foreign media outlet, including through other media or on the internet, as well as the production or storage of such materials for the purpose of distribution;
- a ban on the accreditation of foreign media correspondents on the territory of the Russian Federation;
- a ban on the establishment (opening) on the territory of the Russian Federation of structural subdivisions (bureaus) of a foreign media outlet and the termination of the activities of subdivisions that were previously established;
- a ban on a foreign media outlet's establishment of or participation in legal entities in the Russian Federation;
- invalidating of the registration of a mass media outlet or termination of its broadcasting licence.

In addition, if a foreign media outlet is banned, the consequences set out in article 3.2 of the Law "On Measures to Influence Persons Involved in Violation of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation" will apply. In particular, credit and other financial institutions will be required to refuse to carry out money transactions if one of the parties is a banned media outlet. Financial institutions will also be required to report refusals to the Federal Service for Financial Monitoring, which will transmit information to the Prosecutor General's Office.

3.4 Who can overturn this decision?

The Prosecutor General himself can cancel an earlier decision, in consultation with the Ministry of Foreign Affairs and only if the "circumstances which gave rise to the decision" have been eliminated. This means that a banned foreign media outlet can only be allowed to operate again if the state which imposed restrictions on the Russian media outlet lifts the restriction.

3.5. Can correspondents and editors of foreign media be held liable for fake news about the work of the Russian Armed Forces and discrediting their use?

Yes, the law contains no exceptions, so journalists and editors of foreign media outlets may be held liable if prohibited information is disseminated by them. In particular, a journalist can be held criminally liable for spreading fake news about the actions of the Russian army, and administratively or criminally liable (for the second similar offence) for discrediting the use of the Russian Armed Forces. The publication's website may also be blocked in Russia. However, no sanctions, such as closure of a foreign publication's correspondent office, are envisaged for violations under Articles 207.3 of the Criminal Code, 20.3.3 of the Administrative Offences Code and 280.3 of the Criminal Code.

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Rus version:

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