

## Stop Persecution of Civic Journalists in Crimea

### Statement by members of the Civic Solidarity Platform and other NGOs

2 February 2018

We, members of the OSCE-wide NGO coalition Civic Solidarity Platform (CSP) and other NGOs across Europe, express our serious concern about continued harassment and persecution of civic journalists in Crimea, including searches, detentions, administrative arrests and fabricated criminal charges. We call upon the Russian Federation and the *de facto* authorities in Crimea to immediately take all necessary measures to reverse these highly disturbing developments and abide by the international guarantees of the right to freedom of expression.

#### Crackdown on independent media

Since the annexation of Crimea by the Russian Federation in 2014, the *de facto* authorities have initiated a process of elimination of independent media and journalism, aiming at silencing non-biased voices. The human rights organizations report more than 450 violations of freedom of the media in Crimea following the occupation.<sup>1</sup> The elements of this policy include a cumbersome media registration process, refusals to register or re-register Crimean media outlets<sup>2</sup> and blocking of various websites and social media groups. No independent TV or radio channels are left in Crimea with an exception of few internet publications. Under the pretext of “fighting terrorism, extremism and separatism,” criminal investigations have been launched against journalists;<sup>3</sup> media representatives have been unlawfully detained, interrogated and intimidated by paramilitary groups or the Russian security forces. As a result of these actions, no independent media outlets exist in Crimea.

#### Harassment of civic journalists

In the absence of independent media and independent non-governmental organizations, civic journalism has begun to grow in the peninsula. Civic journalists are often present during searches, arrests and court hearings to report on and document the human rights violations. Currently, they constitute the most reliable and regular source of objective information from Crimea and ensure human rights protection. Since 2014, civic journalists also face repressions, which have significantly intensified in 2017. Nowadays, we have been observing the development of a deliberate practice targeting civic journalists, aimed at stopping their activity, involving searches of their houses, detentions, interrogations, administrative arrests and confiscation of electronic devices.

- On 21 February 2017 in Simferopol, the house of a civic journalist and Crimean Tatar activist **Marlen Mustafayev** was searched, and his electronic equipment (laptop, phone) was confiscated. The *de facto* court found M. Mustafayev guilty of violating Article 20.3 of the Administrative Code of the Russian Federation (propaganda or public display of nationalist symbols) and sentenced him to 11 days of administrative arrest. He was charged with this administrative offense under the Russian legislation, despite the fact that his posts on the

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<sup>1</sup> <https://glavcom.ua/news/za-tri-roki-v-krimu-zafiksovano-ponad-460-porushen-svobodni-slova-400356.html>

<sup>2</sup> CSP, Repressions by Russian authorities against journalists in Crimea require a strong and clear reaction by the international community, Joint statement, 15 February 2017, available at: [www.civicsolidarity.org/article/1181/repressions-russian-authorities-against-journalists-crimea-require-strong-and-clear](http://www.civicsolidarity.org/article/1181/repressions-russian-authorities-against-journalists-crimea-require-strong-and-clear)

<sup>3</sup> *Ibidem*.

internet were published at the time when Crimea was still under Ukrainian jurisdiction. Ten more people who witnessed M. Mustafayev's detention were also detained, including civic journalists **Ruslan Suleymanov**, **Osman Arithmemetov** and **Remzy Bekirov**. They were found guilty of violating Article 20.2 of the Administrative Code of the Russian Federation (a non-authorized mass event) and arrested for 5 days. Their electronic devices were unlawfully confiscated.

- On 12 April 2017 in Bakhchisaray, the house of a Crimean Tatar, activist and civic journalist **Seidamet Mustafayev** was raided by the *de facto* Federal National Guard officers. During the search at S. Mustafayev's house, officers used physical violence against people who gathered to report on the event. Five civic journalists were detained and later on sentenced to administrative arrest (from 3 to 10 days) and fines. S. Mustafayev's laptop was confiscated.
- On 13 July 2017, **Nariman Memediminov**, a Crimean Tatar activist, civic journalist and media coordinator of the "Crimean Solidarity," a public association of relatives of political prisoners, was charged under the above-mentioned Article 20.2 for participating in an unauthorized rally.
- A month later, on 14 August 2017 **Artem Osipov**, was detained and taken for an interrogation at the police station for filming a one-person picket.
- In October 2017, several other Crimean Tatar activists and civic journalists were detained and brought to administrative liability, including **Seyran Saliev**, **Timur Ibragimov**, **Amet Suleymanov** and **Ruslan Belyalov**. On 8 November 2017, R. Belyalov's house was raided, his phones were seized by the *de facto* police and a large amount of money was stolen.
- On 14 October 2017, **Ruslan Gostev** and **Ruslan Suleymanov** were detained by the police.
- Finally, on 8 November 2017, a search was conducted in the house of **Seytumer Seitumerov**, an activist, civic journalist and a camera man of the "Crimean Solidarity" public association. During the raid, his phones and a laptop were seized. S. Seytumerov was fined for posting on the social media VKontakte before the annexation of Crimea.

While performing detentions, the *de facto* police specifically targeted civic journalists and anyone else who filmed or made photos. As a result, anyone who films or otherwise reports from the site of arrest, detention or court hearing becomes a target for the *de facto* police.

Members of the Civic Solidarity Platform and other signatories would like to emphasize the importance of independent watchdogs in exercising public oversight over actions of authorities and providing society with information. They should be endowed with effective guarantees of protection while exercising their freedom of expression.<sup>4</sup> Any restrictions should be based on laws compatible with international norms, proportionate and necessary in a democratic society.

The role of independent watchdogs, which in the past used to be played primarily by traditional mass media, is nowadays often assumed by independent bloggers and civic journalists. As noted in the Vienna Conclusions on Safety of Journalists and Media Ethics of 22 March 2017: "[i]n the digital age, journalism is no longer restricted to full-time media professionals but is recognized as being shared by a wide range of actors, including bloggers and others who self-publish on the Internet, in print or through some other medium."<sup>5</sup> There is an increasing consensus in inter-governmental organizations that international human rights standards on freedom of expression, enshrined in Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention

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<sup>4</sup> European Court of Human Rights, Judgment of 7 December 1976, *Handyside v. United Kingdom*, application no. 5493/72.

<sup>5</sup> The text of the declaration is available at: [www.osce.org/representative-on-freedom-of-media/306836?download=true](http://www.osce.org/representative-on-freedom-of-media/306836?download=true)

on Human Rights which apply to traditional media watchdogs should also serve to protect independent civic actors.<sup>6</sup>

Bloggers and citizen journalists have a right to report freely on events of public interest, including in particular on protests and demonstrations<sup>7</sup> without undue interference and fear of reprisals. Any harassment of media workers and other actors acting as independent watchdogs which hinders their performance of this function should be seen as a serious interference in freedom of expression, leading to the so-called chilling effect.<sup>8</sup> This applies in particular to measures such as deprivation of liberty, disproportionate financial sanctions, seizure of professional material or search of premises, prohibition of exercising the journalistic profession and introduction of other practical impediments for media work hindering independent coverage of events of public interest. It is also worth noting that searches and seizures of electronic devices pose a serious threat to the protection of journalistic sources of information which should be respected also with regard to civic journalists who perform the public watchdog roles.<sup>9</sup> Finally, it must be emphasized that the fight against terrorism does not justify arbitrary interference in the exercise of freedom of expression. All measures taken by states to fight terrorism which limit freedom of expression must respect the rule of law, necessity and proportionality principles and should exclude any form of arbitrariness, as well as discriminatory treatment.<sup>10</sup>

**In light of the above, we call upon the Russian Federation and the *de facto* authorities in Crimea to:**

- **Immediately stop persecution of civic journalists, involving administrative arrests, charges of criminal nature, confiscation of property and other reprisals and extend to them all the guarantees that are provided to professional journalists;**
- **Undertake prompt, effective and impartial investigation into the unlawful detention and any form of physical violence against civic journalists and ensure that the perpetrators are brought to justice, as well as take all necessary measures to prevent such attacks in the future;**
- **Guarantee unhampered access of civic journalists to the public space and their professional activities in order to ensure freedom of expression and access to information in Crimea.**

**We call upon the international community to:**

- **Stand in support of freedom of expression and the right to information of civic journalists in Crimea, and thus also the people who live in the peninsula;**
- **Exert pressure on the Russian Federation and the *de facto* authorities in Crimea to stop persecution of civic journalists and make sure that they can perform the public watchdog function without interference in their freedom of expression;**
- **Ensure necessary protection of those civic journalists who have become victims of repressions and support professional activities of civic journalists in Crimea;**

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<sup>6</sup> European Court of Human Rights, Judgment of 14 April 2009, *Társaság a Szabadságjogokért v. Hungary*, application no. 37374/05. See also Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 8 September 2015, available at: [www.un.org/en/ga/search/view\\_doc.asp?symbol=A/70/361](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/361).

<sup>7</sup> European Court of Human Rights, Judgment of 20 October 2015, *Pentikainen v. Finland*, application no. 11882/10.

<sup>8</sup> See for example, *Declaration by the Committee of Ministers on the protection and promotion of investigative journalism*, 26 September 2007, available at: <https://goo.gl/sRX1Th>.

<sup>9</sup> See footnote 2, Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.

<sup>10</sup> Council of Europe, Committee of Ministers, *Declaration on freedom of expression and information in the media in the context of the fight against terrorism*, 2 March 2005, available at: <https://goo.gl/7BqsRF>.

**We also call upon the international media to include the materials from civic journalists in reporting on Crimea and support civic journalists as peers when they fall victim to repressions and persecution.**

**Signed by the following organizations:**

CrimeaSOS (Ukraine)  
Helsinki Foundation for Human Rights (Poland)  
Helsinki Committee of Armenia  
Helsinki Citizens' Assembly-Vanadzor (Armenia)  
International Partnership for Human Rights (Belgium)  
Public Association "Dignity" (Kazakhstan)  
Bir Duino - Kyrgyzstan  
Human Rights Monitoring Institute (Lithuania)  
Centre for the Development of Democracy and Human Rights (Russia)  
Citizens' Watch (Russia)  
Center for Civil Liberties (Ukraine)  
Association UMDPL (Ukraine)  
Helsinki Association Armenia  
German-Russian Exchange  
Office of Civil Freedoms (Tajikistan)  
Kazakhstan International Bureau for Human Rights and the Rule of Law  
Bulgarian Helsinki Committee  
KRF Public Alternative (Ukraine)  
Human Rights Centre of Azerbaijan  
Macedonian Helsinki Committee  
Barys Zvozkau Belarusian Human Rights House  
Human Rights Centre "Viasna" (Belarus)  
Regional Center for Strategic Studies (Azerbaijan)  
Crude Accountability (USA)  
Protection of Rights without Borders (Armenia)  
Norwegian Helsinki Committee  
The Netherlands Helsinki Committee  
Promo LEX Moldova  
Kosova Rehabilitation Centre for Torture Victims (KRCT)  
Index on Censorship (United Kingdom)  
Legal Transformation Center (Belarus)  
Public Verdict (Russia)  
The Hungarian Helsinki Committee  
The Union of Councils for Jews in the Former Soviet Union (USA)  
Women of the Don (Russia)