

Ref: CommHR/DM/sf 007-2019

Ms Tatiana MOSKALKOVA

High Commissioner for Human Rights in the Russian Federation
Moscow, Russian Federation

Strasbourg, 13 February 2019

Dear Ms Moskalkova,

I am writing to you concerning the situation of Ms Svetlana Prokopyeva, a freelance journalist, who is a suspect in a criminal investigation under Article 205.2 of the Criminal Code of the Russian Federation for alleged "justification of terrorism". I understand that the case was opened in connection with Ms Prokopyeva's comments made on 8 November 2018, in which she apparently criticised the state authorities while reflecting on the reasons that had led a teenager to detonate a bomb in a Federal Security Service (FSB) building in Arkhangelsk in October last year, killing himself and injuring several FSB officers. On 6 February 2019 law enforcement officials searched Ms Prokopyeva's home and the local office of Radio Echo of Moscow in Pskov in connection with this case. She could be charged with a terrorism-related crime punishable by, among other penalties, imprisonment up to seven years. Furthermore, the local magistrate court fined Radio Echo of Moscow in Pskov and *Pskovskaya Lenta Novostey* (Pskov Newsfeed), respectively 150,000 and 200,000 rubles, for publishing Ms Prokopyeva's comments on their websites.

As you may know, one of the key elements of my mandate is to assist member states in proper implementation of Council of Europe human rights standards. In my country and thematic work I have observed a worrying phenomenon of misuse of anti-terrorism legislation to limit legitimate reporting or criticism of state authorities, as I have highlighted in a recent [Human Rights Comment](#). According to international and European human rights standards, states should ensure that any interference does not lead to unnecessary and disproportionate restrictions upon freedom of expression and media freedom. Informing the public on matters of general concern, including terrorism-related issues, is one of the natural functions of the media and journalists, and their capacity to operate should not be unduly restricted. In this context, imposing criminal liability upon a journalist for her expressions that do not contain elements of violence and do not incite others to terrorism is incompatible with human rights standards on freedom of expression. The foregoing principle has a firm basis in the case-law of the European Court of Human Rights.

Apart from breaching Ms Prokopyeva's right to freedom of expression, the criminal prosecution against her has a broader chilling effect on all media and journalists in the Russian Federation, by preventing them from imparting information of public interest, and interfering with the right of people to receive it. Therefore I would like to respectfully ask you to accord close attention to this case to prevent further deterioration of the situation and ensure effective respect of human rights standards.

I stand ready to continue our dialogue and cooperation and look forward to meeting you in Strasbourg next month.

Yours sincerely,



Dunja Mijatović