European Court of Human Rights: Verbal threats and concerted campaign of intimidation against journalists violate their freedom of expression and private life

IRIS 2025-5:1/11

Tarlach McGonagle
Institute for Information Law (IViR), University of Amsterdam

In *Milashina and others v. Russia*, a unanimous judgment of 4 March 2025, the European Court of Human Rights (Third Section) found that a number of verbal threats against journalists reporting on Chechen affairs, in the form of statements by high-level political and religious figures, amounted to a concerted campaign of intimidation against the journalists. The statements included language that was "dehumanising". The Court held that the applicants' right to freedom of expression and to respect for private life had been violated, pursuant to Articles 10 and 8, respectively, of the European Convention on Human Rights.

At the operative time, the applicant company was an independent editorial and publishing house, which published the national newspaper, *Novaya Gazeta*. The three individual applicants were Ms. Milashina, a staff journalist and editor in the newspaper's special projects department; Mr. Muratov, chair of the newspaper's editorial council and joint 2021 Nobel Peace Prize winner (with a Filipino journalist, Maria Ressa); and Mr. Kozheurov, editor-in-chief of the newspaper and director of the company. As a preliminary matter, in the context of admissibility, the Court reaffirmed, on the basis of previous case-law, that not only authors and editors can invoke the right to freedom of expression, but also publishers, provided that theyabide by the duties and responsibilities that govern the exercise of the right. These considerations were relevant for the applicant company.

On 1 April 2017, *Novaya Gazeta* published Ms. Milashina's article, "Honour Killing", which reported mass abductions, arbitrary detentions, torture and killings of Chechen men who were allegedly homosexual or perceived to be homosexual by the Chechen authorities. The credibility of those allegations was borne out by subsequent reports by various international organisations and leading international media. A related follow-up article was published in the newspaper on 4 April 2017.

On 2 April, a governmental Minister of the Chechen Republic issued a statement on Grozny-Inform, a local state-run internet news portal, in which he described the LGBTQI community as "filth", warned of persecution and said he could not exclude the possibility of (others taking) "more radical measures". On 3 April, a meeting was held in the central mosque of Grozny; it was attended by

© European Audiovisual Observatory (Council of Europe) 2026

representatives of 24 local communities, Islamic religious and community leaders, and in total 15,000 people. During the meeting, an advisor to Ramzan Kadyrov (Head of the Chechen Republic) called *Novaya Gazeta* journalists "enemies of our faith and our homeland". His speech and the statements by the religious leaders were broadcast by the Chechen State Television and Radio, and they were widely disseminated online. The meeting led to the adoption of a resolution that virulently criticized and dismissed the *Novaya Gazeta* publication and promised retribution for the instigators (journalists). The full text of the resolution was subsequently published on Grozny-Inform. In a broadcast on 14 April, the Mufti of the Chechen Republic and the Chairman of the Muslim Spiritual Authority of Chechnya stated during a radio broadcast that he did not wish to refer to the Novaya Gazeta journalists as "people", before proceeding to refer to Ms. Milashina as a "creature". The next day, Grozny-Inform published another statement by the Mufti of the Chechen Republic, in which he again promised divine retribution. On the same day, the aforementioned Chechen government minister again lashed out at the *Novaya Gazeta* journalists, again via a statement published on Grozny-Inform. A few days later Mr. Kadyrov criticized the *Novaya Gazeta* journalists, stating that they should be chased "far away from our territory".

The applicants perceived these statements by various high-level Chechen political and religious leaders as threats. Ms. Milashina was subjected to a barrage of abusive messages online, including threats and death threats. She had to take extra personal security measures, such as using a signal-jamming device, relocating from her home, limiting her use of public transport, and being accompanied by a driver. Later in 2017, she had to leave Russia out of fears for her safety and because the authorities had not taken any real steps to investigate the threats she had received. Attempts by the applicants to initiate criminal proceedings in connection with the threats were consistently thwarted by the authorities; their requests to open a criminal case were consistently dismissed, including on appeal.

At the start of its substantive assessment, the Court recalled the guiding principle that States have a positive obligation under Article 10 ECHR to create a safe and favourable environment in which everyone can participate in public debate, without fear, even when their opinions and ideas are contrary to those held by state authorities or significant sections of the public. This positive obligation was first formulated by the Court in its *Dink v. Turkey* judgment (2010).

The Court took the view that the statements detailed above, and in particular the resolution of 3 April 2017, "could be understood by the general public, and large numbers of religious believers in particular, as inciting or justifying animosity and violence against the journalists of *Novaya Gazeta*". The Court pointed to the content of specific statements in support of this finding. It also underlined how

© European Audiovisual Observatory (Council of Europe) 2026

statements made by “the Mufti of Chechnya, the region’s highest religious authority, referred to the journalists, and Ms. Milashina specifically, in dehumanising language (“I do not consider them people” and references to them as “creatures”) and repeated the threats of divine retribution in ways that could have incited violence by individual believers”.

The Court attached significance to the prior history of deadly violence targeting *Novaya Gazeta* journalists: between 2000 and 2009, five journalists writing for the newspaper, including reporting on Chechen affairs, were murdered, including Anna Politkovskaya, and eight journalists were attacked. The Court acknowledged that while government officials have the right to respond to media allegations, even vigorously, there are lines that must not be crossed, namely engaging in illegal threats and intimidation of journalists. In this regard, the Court might usefully have referred to the Council of Europe Committee of Ministers’ Recommendation CM/Rec(2016)4 to member States on the protection of journalism and safety of journalists and other media actors (IRIS 2016-5:1/3). Guideline 15 in the Appendix to the Recommendation, for instance, reads: “State officials and public figures should not undermine or attack the integrity of journalists and other media actors, for example on the basis of their gender or ethnic identity, or by accusing them of disseminating propaganda, and thereby jeopardise their safety”. The same guideline also calls on State officials and public figures to “publicly and unequivocally condemn all instances of threats and violence against journalists and other media actors, irrespective of the source of those threats and acts of violence”. However, the Court did not refer to or leverage the Recommendation, even though the applicants had mentioned it.

The Court grouped the initial verbal threats against the applicants into two “distinct but interrelated” sources: “they included public statements made by senior religious figures of Chechnya; which were echoed and reinforced, in turn, by public statements made by senior Chechen government officials, thus amounting to a concerted campaign of intimidation against the applicants”. The national authorities did not distance themselves from those statements at any stage or at any level. The Court also noted that the initial threats were followed by additional threats by unidentified persons, suggesting that the initial threats were inciteful, both in nature and in effect.

The Court considered that the statements made by the senior public officials which reinforced the message of the resolution of 3 April 2017, were capable of engaging the State’s responsibility under the ECHR. State responsibility for violations of human rights may arise from acts of any of its organs or agents, including statements and threats such as those made in the present case. Those statements and threats had a direct impact on the applicants’ journalistic activities and were capable of having a serious chilling effect on their freedom of expression. The Court found that the statements: “made the applicants fear for

© European Audiovisual Observatory (Council of Europe) 2026

their lives and personal safety, attempted to discourage them from pursuing their journalistic investigations and were serious enough to force Ms Milashina to leave the country".

The Court reached the conclusion that the Russian authorities had not taken any reasonable steps to conduct a thorough investigation into the threats, which could have included, for instance, gathering evidence in a timely fashion or pursuing a particular line of inquiry. Nor was there any indication that the Russian authorities had taken steps to assess the threats against the applicants or to prevent the threats being acted upon. Russia had thus failed to fulfil its negative obligation of non-interference and its positive obligation to take reasonable and appropriate measures to enable the exercise of freedom of expression in conditions that are conducive to public debate.

The Court also assessed whether there had been a violation of Articles 2 and 8 ECHR. The applicants had alleged a violation of Article 2, but the Court, as the master of the characterization to be given in law to the facts of the case, opted to focus on Article 8. By making such baseless statements casting doubt on the quality of the applicants' work, the officials clearly intended to "make the applicants feel fearful for their safety, to have them be seen as outcasts by the Chechen people and deter them from carrying out their professional duties".

The statements by the high-level officials and religious leaders directly interfered with the applicants' right to respect for private life and they met the threshold of severity required to engage Article 8. Under that article, States have the negative obligation to abstain from interference with the right to respect for private life, as well as the positive obligation to ensure effective protection of the right, which entails putting in place efficient criminal-law provisions. While criminal sanctions should only be invoked as "an *ultima ratio* measure", "where acts that constitute serious offences are directed against a person's physical or mental integrity, only efficient criminal-law mechanisms can ensure adequate protection and serve as a deterrent factor" and "undisguised calls for attacks on the applicants' physical and mental integrity require protection by the criminal law". The statements by the Chechen political and religious leaders sought to dehumanize the journalists and could have been seen as an invitation or authorisation condoning violent action. The Court found that the national authorities "effectively condoned" the actions of the Chechen officials and the investigation of the applicants' criminal complaints "fell short of being effective", thus constituting a violation of Article 8.

Milashina and others v. Russia, no. 75000/17, 4 March 2025 ECLI:CE:ECHR:2025:0304JUD007500017

https://hudoc.echr.coe.int/eng?i=001-242052

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026