[RU] Rosbalt case at Supreme Court

IRIS 2014-5:1/31

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On 19 March 2014 the Judicial Collegium on administrative cases of the Supreme Court of the Russian Federation made a resolution on an appeal complaint from JSC “News Agency Rosbalt”. The Supreme Court looked into warnings sent by Roskomnadzor (the federal media and telecommunications watchdog) on 12 and 25 July 2013 to the editorial office of the online news service Rosbalt. Roskomnadzor claimed that Rosbalt had abused media freedom by posting materials that contained obscene language. According to the media law, two warnings may lead to a demand by Roskomnadzor that the court annuls a media registration (see, e.g. IRIS 2009-8/28). It also reviewed the subsequent decision of the Moscow City Court to permanently annul Rosbalt’s certificate of registration (dated 31 October 2013).

In its resolution the Supreme Court followed the legal finding of the Constitutional Court of the Russian Federation by saying that “limitations by law of freedom of speech and the right to disseminate information may not take place in relation to activities or information on the mere grounds of their inconformity with established traditional views, or contradiction with moral and/or religious preferences. Other will mean a retreat from the constitutional demand of necessity, proportionality and fairness of limitations of human rights…”

The Supreme Court found that the lower courts had refused to look into the essence of Roskomnadzor claims while the warnings of the watchdog had been procedurally faulty.

The Supreme Court found that the sanctions imposed on Rosbalt were disproportionate and disregarded the context of the news stories. The stories, one of them on the Pussy Riot band, did not aim to shock imagination of the Internet users, but were rather of socio-political nature. Therefore the Moscow City Court decision cannot be recognized as lawful. The Supreme Court pronounced it null and void, and took a new decision that refuted Roskomnadzor claims.

On 27 March 2014, the OSCE Representative on Freedom of the Media Dunja Mijatović welcomed the Supreme Court decision to reinstate Rosbalt news agency’s certificate of registration as a mass media outlet.

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Определение Судебной коллегии по административным делам Верховного суда РФ по делу № 5-АПГ13-57

http://www.supcourt.ru/stor_pdf.php?id=584842

Resolution of the Judicial Collegium on administrative cases of the Supreme Court of the Russian Federation on case #5-APG13-57

Press release of the OSCE Representative on Freedom of the Media, "Russian Supreme Court once again supports media freedom, says OSCE representative", 27 March 2014

http://www.osce.org/fom/116895

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