[LV] Regulator suspends the retransmission of a Russian TV channel

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On 7 April 2016, the *Nacionālā elektronisko plašsaziņas līdzekļu padome* (National Electronic Mass Media Council), the national regulatory authority (the Council) adopted a decision to suspend the retransmission of the TV channel Rossija RTR for a period of 6 months. The suspension duty applies to all retransmission operators; to cable and satellite operators, as well as to Internet television providers.

The decision is based on Section 19, part 5, paragraph 1 of the Latvian Electronic Mass Media Law (EMML), which provides that the Council generally ensures the freedom of retransmission of broadcasts from other countries, unless these broadcasts manifestly, seriously, and gravely violate Section 24, part 9 or 10, or Section 26, of the EMML. In the current case the Council argues that the broadcasts of Rossija RTR have substantially violated paragraphs 3 and 4 of Section 26 of the EMML. The relevant paragraphs provide: “The programmes and broadcasts of the electronic mass media may not contain: [..] 3) incitement to hatred or discrimination against a person or group of persons on the grounds of sex, race or ethnic origin, nationality, religious affiliation or faith, disability, age, or other circumstances; 4) incitement to war or the initiation of military conflict[...]”.

In the suspension decision the Council argues that the established violations are also contrary to the provisions of Article 6 of the EU Audiovisual Media Services Directive (incitement to hatred based on race or state affiliation).

The alleged violations have been found in the several broadcasts included in the programme of Rossija RTR, namely; the broadcasts “Sunday Night with Vladimir Solovyev” broadcast on 18 and 19 January 2015 and on 29 November 2015, as well as in the broadcast “Vesti” of 6 July 2015. The relevant broadcasts “Sunday Night with V. S.” of 18 and 19 January 2015 discussed the military conflict in Ukraine. In its decision the Council performs a detailed analysis of the contents of the programme and claims that both the host of the programme and almost all participants refer to Ukraine as an “aggressor” multiple times. A following quote is particularly emphasised, and was expressed by a programme participant: “Nazi, non-Nazi, fascist - that’s all just rhetoric. You have to realize - Ukraine is a territory occupied by Nazis (or fascists - whatever you call them). You cannot

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agree upon anything with them. You can only defeat them." In the Council's opinion, this statement includes incitement to hatred as it "is purposefully attempting to convince the audience that Ukraine is a fascist state, Ukraine is run by criminals/fascists who have illegitimately seized power".

The broadcast of 29 November 2015 included an interview with the Russian politician Vladimir Zhirinovsky discussing the downing of a Russian jet by Turkish forces. According to the Council, Zhirinovsky welcomes retaliation in the form of the bombing of Turkey by Russian forces. A quote is provided: "It will not be a war, we will simply strike back without declaring a war. For one of our pilots [that is, a Russian] we will shoot down a hundred of your [Turkish] pilots." In the Council's opinion these statements include incitement to hatred and incitement to war, thus they are contrary to the Section 26 of the EMML and Article 6 of the Directive.

The relevant broadcast "Vesti" focussed on a domestic conflict in Jūrmala, Latvia. The broadcast included an interview with Aleksandrs Gapoņenko who claims: "The [Latvian] government has been persistently kindling the ethnic conflict between Russians and Latvians. To a great extent, they have to do that because of the external political pressure. The Americans are pressing, and the government needs to explain why a military base is located here, why the troops, and why exercises are organized all the time. They are portraying Russia as an enemy." In the Council's opinion this statement, and the broadcast as a whole, includes incitement to hatred and incitement to ethnic conflict.

The programme Rossija RTR is retransmitted in Latvia from Sweden, and the holder of the broadcasting permit is registered in Sweden (NCP "RUSMEDIACOM"). The decision notes that the Council, according to the provisions of the Directive, has sent a notification of the established violations to the European Commission and to the Swedish Regulator, as well as meeting with the representatives of Rossija RTR. According to the Council Rossija RTR has ignored the warnings concerning the violating content, and has continued to make repeated violations. Therefore the Council argues in its decision that such activities of this broadcaster and the relevant content of the broadcasts cause harm to the Latvian public and endanger its security.

This is the second occasion in which the Latvian regulator had suspended the retransmission of Rossija RTR: the first suspension took place in April 2014, when the retransmission was restricted for a period of 3 months. The suspension decision came into force on 11 April 2016, after the publication in the official newspaper "Latvijas Vēstnesis". The decision may be appealed to the Administrative District Court within one month. At the time of writing it is as yet unknown whether the decision will be appealed.

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Press release of the National Electronic Mass Media Council, "NEPLP restricts rebroadcasting and distribution of Rossiya RTR in Latvia for six months", 19 April 2016

http://neplpadome.lv/en/home/news/neplp-restricts-rebroadcasting-and-distribution-of-rossiya-rtr-in-latvia-for-six-months.html

LĒMUMS Nr.77 Par programmas „Rossija RTR" izplatīšanasierobežošanu Latvijas teritorijā. Rīgā, 2016.gada 7.aprīlī

http://neplpadome.lv/lv/assets/documents/Lemumi/Lemums%20Par%20Izplatisanas%20Ierobezosanu_final_pdf%20%281%29.pdf

Decision of the National Electronic Mass Media Council, 7 April 2016

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