[RU] Judicial Chamber Rules on Presumption of Innocence

IRIS 1998-1:1/13

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The Judicial Chamber on Informational Disputes under the President of Russian Federation adopted a Recommendation "On the application of the principle of "presumption of innocence" for the journalists' activity". The Recommendation is a reply to the inquiry of the Moscow Media Law and Policy Center. The immediate reason for the inquiry was the draft law "On Television and Radio Broadcasting" that passed its first reading in the State Duma (lower house of the Parliament) in September 1997, Article 18 of which prohibits broadcasters from disseminating information that violates the "presumption of innocence". The Judicial Chamber has concluded that the principle of presumption of innocence as laid down in Article 49 of the Constitution of the Russian Federation can be applied only to the governmental bodies and their staff that have power to restrict rights and freedoms of a person. Journalists are not among them. Only courts can decide that someone is guilty of a crime with all legal repercussions. As to the journalists, they do investigative reporting or cover criminal investigation as part of their constitutional right to freedom of information, on the other hand they do their professional duty by informing the public on circumstances of public interest. Therefore, opinion of a journalist that was expressed in the mass media shall not influence the right of a person to be considered innocent in the legal sense. Thus the draft law is an ungrounded attempt to narrow the limits of the freedom of mass information as set by the Constitution of the Russian Federation. The Judicial Chamber concludes that the existing legislation on the responsibilities of the journalists is sufficient to protect the rights and legal interests of persons from abuse of the freedom of mass information. Therefore the Chamber appealed to the State Duma with a Recommendation to review the rule of Article 18 of the Broadcasting Bill.

The Judicial Chamber on Informational Disputes was created by the Decree of the President of the Russian Federation on 31December 1993 (No 228). It is a State body that assists the President in the realisation of his constitutional powers to guarantee the rights, freedoms and lawful interests in the sphere of mass information.

O primenenii printsipa presumptsii nevinovnosti v deyatelnosti zhurnalistov (po zaprosu Tsentra “Pravo i sredstva massovoi

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informatsii"). Zakonodatelstvo i praktika sredstv massovoi informatsii, No 12, 1997

Recommendation "On application of the principle of presumption of innocence for the journalists' activity" (On inquiry of the Media Law and Policy Center). Adopted on 24 December 1997 (No 3 (10)). Published in Russian in Zakonodatelstvo i praktika sredstv massovoi informatsii, No 12, 1997

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