European Court of Human Rights: interim measure in ANO RID Novaya Gazeta and Others v. Russia

IRIS 2022-4:1/10

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On 8 March 2022, the European Court of Human Rights (ECtHR) decided to apply an urgent interim measure in the case of ANO RID Novaya Gazeta and Others v. Russia. In the interests of the parties and the proper conduct of the proceedings before it, and having regard to the exceptional context of the war in Ukraine in which the request has been lodged, the ECtHR invited the Russian authorities, under Rule 39 of the Rules of Court, to abstain until further notice from actions and decisions aimed at full blocking and termination of the activities of Novaya Gazeta, and from other actions that in the current circumstances could deprive Novaya Gazeta of the enjoyment of its rights guaranteed by Article 10 of the European Convention on Human Rights (ECHR), more precisely its right to freedom of expression and information.

The applicants in the case are two Russian companies, ANO RID Novaya Gazeta and OOO Telekanal Dozhd, and two Russian nationals, Dmitriy Andreyevich Muratov, and Natalya Vladimirovna Sindeyeva. Mr Muratov is the 2021 Nobel Peace laureate and editor of *Novaya Gazeta*, a daily newspaper, while Ms Sindeyeva is the owner of Telekanal Dozhd, a television company, both established in Moscow. On 3 March 2022, the ECtHR received a request by Mr Muratov for an interim measure asking that the ECtHR indicate to the Russian Government not to interfere with lawful activity of Russian mass media, including *Novaya Gazeta*, covering the armed conflict on the territory of Ukraine, in particular, to refrain from blocking information items and materials containing opinions different from the official point of view of the Russian authorities; and to abstain from full blocking and termination of the activity of Russian mass media, including *Novaya Gazeta*. The request referred to an imminent risk of irreparable harm to freedom of expression and the silencing of independent media in Russia. Reference was made to several orders by the Federal Service for Supervision of Communications, Information Technology and Mass Media (*Roskomnadzor*) for *Novaya Gazeta* to delete specific articles published between 24 February and 1 March 2022 concerning the conflict in Ukraine from its website. Other examples were cited of several other media outlets which had been blocked in Russia, and whose activity had been discontinued in the meantime, including *Telekanal Dozhd* . The applicants subsequently also referred to new Articles introduced on 4 March 2022 into the Criminal Code criminalising, in particular, the spread of knowingly untrue information about the actions of the Russian armed forces with heavy

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custodial and financial penalties (see also IRIS 2022-3/1). On that same date, with reference to the legislation, *Novaya Gazeta* stopped reporting on military action in Ukraine and deleted the already published materials on the matter.

In its decision of 8 March 2022, the ECtHR indicated to the Government of Russia that it should abstain until further notice from actions and decisions aimed at full blocking and termination of the activities of *Novaya Gazeta*, and from other actions that in the current circumstances could deprive *Novaya Gazeta* of the enjoyment of its right to freedom of expression guaranteed by Article 10 (ECHR).

Following the Committee of Ministers' Resolution that the Russian Federation ceases to be a member of the Council of Europe as from 16 March 2022 (Resolution (CM/Res(2022)2), the ECtHR decided on the same day to suspend the examination of all applications against the Russian Federation, pending consideration of the legal consequences of this Resolution on the Court's work. This suspension was however lifted by a decision of the ECtHR of 22 March 2022: the ECtHR will continue to deal with applications directed against the Russian Federation in relation to acts or omissions which may constitute a violation of the ECHR, provided that they occurred before 16 September 2022. In the same decision, the ECtHR declared that the Russian Federation will cease to be a High Contracting Party to the ECHR on 16 September 2022.

Interim measure by the European Court of Human Rights in ANO RID Novaya Gazeta and Others v. Russia, Appl. no. 11884/22, 8 March 2022

https://hudoc.echr.coe.int/eng-press?i=003-7282927-9922567

The European Court of Human Rights decides to suspend the examination of all applications against the Russian Federation, Press Release, ECHR

https://hudoc.echr.coe.int/eng-press?i=003-7287047-9930274

Resolution of the European Court of Human Rights on the consequences of the cessation of membership of the Russian Federation to the Council of Europe in light of Article 58 of the European Convention on Human Rights

https://echr.coe.int/Documents/Resolution_ECHR_cessation_membership_Russia_CoE_ENG.pdf

The European Court of Human Rights decides to suspend the examination of all applications against the Russian Federation, Press Release, ECHR

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