[RU] Court decision on “extremism” of Facebook and Instagram

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On 21 March 2022, the Tverskoy District Court in Moscow issued its decision on the civil lawsuit of the First Deputy Prosecutor-General of the Russian Federation to the Meta Platforms Inc. Acting in the public interests, the plaintiff requested the court to ban the activities of the “American transnational holding company” on the territory of the Russian Federation on the basis of its extremist activity, with the additional circumstance that the company’s corporate policy “is directed against the interests of the Russian Federation and its citizens, establishes a threat to public safety and to the life and health of the citizens of the Russian Federation, as well as state security.” With the participation of the representatives of the Federal Security Service (FSB) and the media regulator, Roskomnadzor, the Court reviewed the arguments of both sides. It noted the discriminatory measures taken by Meta in regards to the Russian state media, earlier decisions of the Russian courts that proclaimed particular materials in Facebook and Instagram “extremist”, earlier demands by Roskomnadzor that Meta takes down posts found illegal, various fines imposed on Meta for violations of Russian IT-Law (see IRIS Extra 2021), recent calls to violence against Russians that were permitted despite the stated community policies by Facebook, as well as dissemination of false information on the “special military operation” that Russia started on 24 February 2022 against Ukraine. The court dismissed as “declaratory” the arguments of the defendant that the case is of administrative and not civil law nature, that Meta did not discriminate Russian media but only labeled their control by the state, that Meta’s policies related to calls for violence were adjusted and then referred only to calls for violence against the Russian military.

The court said that the only aim of the defendant’s arguments was “to avoid liability for extremist activity in relation to the citizens of the Russian Federation in and beyond the territory” of Russia. The imposed fines and limitations of access to the Meta products, said the court, turned out to be insufficient and nonproportional to the gross violations of the rights of citizens and the interests of the State. Civil law permits the court to cease the violations by banning certain activities, that is placing, dissemination and flagrant non-action in regards to extremist materials – all done “under the guise of commercial activity”.

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Banning of certain activities should not restrict use of Meta software by the persons who were not engaged in illegal acts.

The court supported the lawsuit by the Deputy Prosecutor-General and banned the activity of Meta and the distribution of its products, Facebook and Instagram, on Russian territory. Another product of Meta, WhatsApp, was not touched upon by the judgment, as it “lacks functions on public dissemination of information”. While the decision can, within a month, be appealed in the Moscow City Court, it enters into force immediately. Following the court decision, Roskomnadzor warned Russian media organizations to refrain from using logos of the banned social networks without referring to their extremist activities.

Решение по делу №02-2473/2022

https://nplaw.ru/upload/iblock/b5a/b5a06b9430d04a8bacbd3d3b30b6da4d.pdf

Tverskoy District Court in Moscow, Decision on the case N02-2473/2022

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