



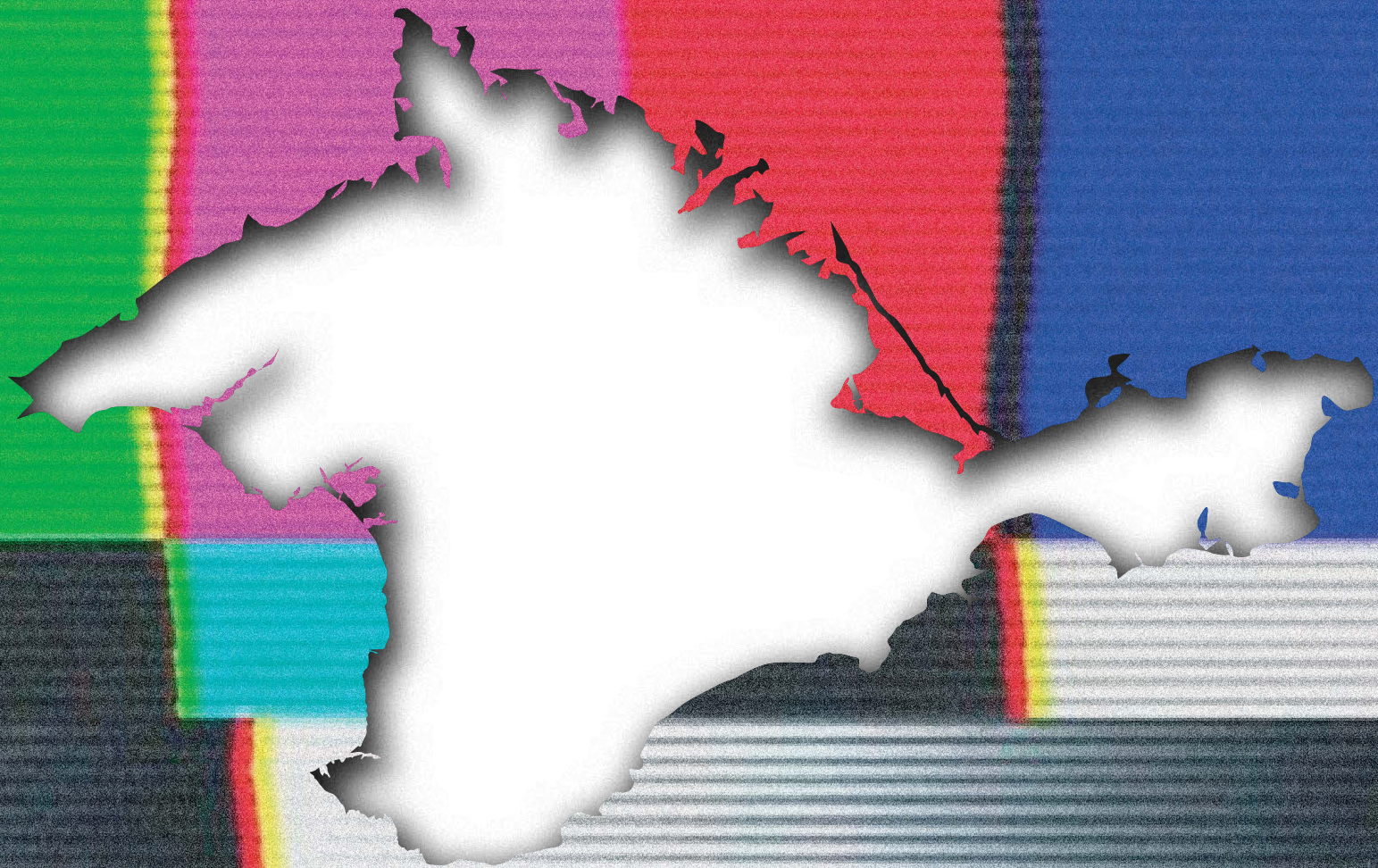
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ANALYTICAL REPORT

INFORMATIONAL OCCUPATION OF CRIMEA

after February 24, 2022



Kyiv 2023

Analytical report on: **Informational Occupation of Crimea after February 24, 2022**

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Introduction

Since 2014, Ukrainian and international experts have produced a number of thorough studies on the violation of freedom of speech on the territory of occupied Crimea and the restriction on media functioning. But there is every reason to believe that after the beginning of the full-scale invasion of Ukraine by the Russian Federation on February 24, 2022, a new stage of restriction of the media functioning and violation of freedom of speech in occupied Crimea began. During this time, a number of publications monitoring and analyzing the violation of freedom of speech in Crimea during this period have already been made public. In particular:

- [*Repression in Crimea amid Russia's Full-Scale War against Ukraine*](#);¹
- [*Trials against Crimeans Opposing Russia's Military Aggression. Eighteen Months of War*](#);²
- [*Information and Analytical Note «Bringing the temporarily occupied territory of the autonomous republic of Crimea and Sevastopol to administrative responsibility for participation in the activities of a foreign or international non-governmental organization in respect of which a decision has been taken to recognize its activities as undesirable on the territory of the Russian Federation»*](#);³
- [*Memo on illegal prosecution for the so-called «discrediting of the armed forces of the Russian Federation» in the occupied Crimea*](#).⁴

This study does not claim to be a complete analysis and coverage of all the causes and consequences of the Russian policy in the information space of the occupied Crimea after February 24, 2022. However, our goal is to add an additional piece to the puzzle, which will help create a complete picture of the information space of Crimea under occupation after the beginning of the full-scale invasion.

In addition to other publications by Ukrainian organizations, authorities and independent experts, the study also uses information from open sources, statements of representatives of the occupying Russian power, reports of international organizations, etc. However, the most valuable source of information for this material was the testimony of persons who were in the territory of occupied Crimea and directly experienced the consequences of the Russian occupation policy. Hence, our endeavor is not only to once again detail the violations of the aggressor state and the facts of media restrictions, but, importantly, we will try to convey the atmosphere of fear, insecurity, indifference and hatred that currently prevails on the Crimean peninsula.

We sincerely believe that this report will soon become a source of information offering insight into the past rather than the present.

¹ <https://krymsos.com/wp-content/uploads/2022/06/represiyi-v-krymu-ua.pdf>

² <https://crimean-process.org/cudebnye-proczessy-v-otnoshenii-krymchan-vystupayushhih-protiv-voennoj-agressii-rossijskoj-armii-poltora-goda-vojni-ukr-eng/>

³ <https://ppu.gov.ua/documents/informatsiyno-analitychna-dovidka-ptytiahnennia-na-tymchasovo-okupovaniy-terytorii-avtonomnoi-respubliki-krym-ta-m-sevastopolia-do-administratyvnoi-vidpovidalnosti-za-uchast-u-diialnosti-inozemnoi-ab/>

⁴ <https://ppu.gov.ua/documents/qui-qua-e-molestias-quas-ab-est/>

Section 1 International Standards of Freedom of Speech

The standards of international law regarding freedom of speech have already been outlined on numerous occasions in previous publications. For the purposes of this report, we will therefore summarize a list of the most important instruments and outline those provisions and regulations that are relevant in the context of this report.

[European Convention on Human Rights](#)⁵

Article 10. Freedom of expression.

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

[Universal Declaration of Human Rights](#)⁶

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

[International Covenant on Civil and Political Rights](#)⁷

Article 19.

1. Everyone shall have the right to hold opinions without interference.
2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a) For respect of the rights or reputations of others;
 - b) For the protection of national security or of public order (ordre public), or of public health or morals.

⁵ https://www.echr.coe.int/documents/d/echr/convention_ukr

⁶ https://zakon.rada.gov.ua/laws/show/995_015#Text

⁷ https://zakon.rada.gov.ua/laws/show/995_043#Text

Article 20.

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950⁸

Article 10. Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Geneva Convention relative to the Protection of Civilian Persons in Time of War of August 12, 1949⁹

Article 70. Protected persons shall not be arrested, prosecuted or convicted by the Occupying Power for acts committed or for opinions expressed before the occupation, or during a temporary interruption thereof, with the exception of breaches of the laws and customs of war.

UN Human Rights Council Resolution on Safety of Journalists, October 6 2022¹⁰

The resolution incorporates new language which raises deep concern over «the misuse of overbroad or vague laws to repress legitimate expression, including defamation and libel laws, laws on misinformation and disinformation or counter-terrorism and counter-extremism legislation». This bolsters existing language in the resolution which calls on governments to «ensure that defamation and libel laws are not misused ... and where necessary to revise and repeal such laws».

⁸ https://zakon.rada.gov.ua/laws/show/995_004#Text

⁹ https://zakon.rada.gov.ua/laws/show/995_154#Text

¹⁰ <https://digitallibrary.un.org/record/3992428>

These laws are precisely designed without clarity or precision as to target journalists, as well as human rights defenders, academics, artists and other civil society actors. We are increasingly seeing these actors attacked, prosecuted and imprisoned under such laws. The application of such laws has only grown as a response to the COVID-19 pandemic.

«We urge all States who co-sponsored or joined consensus on the resolution to immediately repeal or amend such laws in line with international standards, and to cease legal harassment of journalists. We also take this opportunity to remind States that criminal sanctions are always a disproportionate response to defamation, and future iterations of the resolution must make this clear.»

Obligation of the States to create a safe environment for media and participation in public affairs

The European Convention of Human Rights also imposes a positive obligation on contracting states to safeguard the freedom and pluralism of the media and to create a favorable environment for participation in the public debate.

For example, in *Dink v. Turkey* (2668/07, 6102/08, 30079/08, 7072/09, 7124/09), the court noted: «states have positive obligations regarding freedom of expression: they shall not merely refrain from any interference, but must sometimes take protective measures even in the sphere of relations between individuals. They were also required to create an environment conducive to public debate among all stakeholders, allowing them to express their thoughts and ideas without fear.»

Recommendation N R (96) 4 of the Committee of Ministers of the Council of Europe «On the Protection of Journalists in Situations of Conflict and Tension»¹¹

The document reaffirms that all journalists working in situations of conflict and tension are entitled to full protection in the context of the provisions of international humanitarian law and international human rights law.

In its recommendation, the Committee of Ministers of the Council of Europe invites governments of the member states to be guided in their actions and policies by a set of basic principles in the context of the protection of journalists in situations of conflict and tension. These basic principles should apply to both foreign journalists and local journalists without any discrimination. Governments are also encouraged to widely disseminate the text of the Recommendation, in particular to the media, journalists and professional organizations, government agencies and their officials, both military and civilian.

¹¹ https://zakon.rada.gov.ua/laws/show/994_734#Text

*Council of Europe Parliamentary Assembly Resolution 1438 (2005) Freedom of the press and the working conditions of journalists in conflict zones and Council of Europe Parliamentary Assembly Recommendation 1702 (2005) on Freedom of the press and the working conditions of journalists in conflict zones*¹²

These two documents are a timely and necessary response to the current situation where, on the one hand, journalists are increasingly confronted with obstacles and restrictions in the performance of their professional duties, which are crucial for the exercise of the right of access to information, and, on the other hand, face dangerous conditions that seriously undermine their privacy, freedom and safety.

*Resolution 1738 (2006), adopted by the UN Security Council at its 5613th Meeting on December 23, 2006*¹³

The said resolution emphasized that journalists engaged in dangerous missions in armed conflicts are equal to civilians and should be protected as such. The UN Security Council emphasized that in accordance with the provisions of international humanitarian law, attacks deliberately directed against civilians constitute war crimes, and the UN Security Council urged all parties to an armed conflict to respect the professional independence and rights of journalists, media personnel and related personnel as civilians.

¹² <https://rm.coe.int/16806b5970>

¹³ <https://ips.ligazakon.net/document/MU06180>

Section 2.

Restrictions on Freedom of Speech in Occupied Crimea before February 24, 2022

Since the beginning of the temporary occupation of Crimea, a number of thorough studies have been produced on exactly how freedom of speech in Crimea was dying under Russian occupation. We will cite just a few examples:

1. [*Crimea without Rules. Information Occupation*](#)¹⁴
2. [*Pressing Machine: How Russia Destroyed Freedom of Speech in Crimea*](#)¹⁵
3. [*Crimea: Freedom of Speech in Occupation*](#)¹⁶
4. [*Hate Speech in the Information Space of Crimea*](#)¹⁷
5. [*Peninsula of Fear: Five Years of Unfreedom in Crimea*](#)¹⁸

Instead, we will very briefly describe the main processes that took place in the information space of Crimea after the beginning of the temporary occupation:

- Expulsion outside the Crimean peninsula of independent journalists, in particular: Oleksandr Yankovskyi, Andrii Klymenko, Tetiana Huchakova, Valentyna Samar, Serhii Mokrushyn, Nataliia Kokorina and many others.
- Termination of media outlets that were not controlled by the occupying state, in particular: ATR, LALE, Chornomorska TV Channel, editorial boards of the websites 15 Minutes [15 Khvylyn], QHA, Crimea Events [Podii Krymu], Center for Journalistic Investigations, Civil Defense, «BlackSeaNews», Meydan Radio, etc. Already after the first year of occupation, there was a 10-fold decrease in the number of media outlets on the peninsula.
- Persecution of bloggers, citizen journalists and other persons for publishing pro-Ukrainian information in social media, streams from sessions of the so-called «courts» and other fabricated cases, which take the form of fines, attacks, threats, searches, detentions, imprisonment, psychological pressure, etc. In particular, we are talking about the following persons: Oleksii Bessarabov, Vladyslav Yesypenko, Seiran Saliiev, Marlen (Suleiman) Asanov, Tymur Ibrahimov, Server Mustafaiev, Osman Arifmemetov, Remzi Bekirov, Ruslan Suleimanov, Rustem Sheikhaliiev, Amet Suleimanov, Asan Akhtemov, Iryna Danylovyh, Vilen Temerianov, Ernes Ametov and others
- Total control over the information space of Crimea by integrating it into the Russian information field, spreading propaganda and blocking Ukrainian and foreign media.

¹⁴ https://www.helsinki.org.ua/wp-content/uploads/2016/04/4Kr_Ru_fin_18.12.2017.pdf

¹⁵ https://zmina.ua/wp-content/uploads/sites/2/2018/06/The-Press-Crimea-UA_web.pdf

¹⁶ <https://crimeahrg.org/wp-content/uploads/2020/02/krimbookru.pdf>

¹⁷ <https://crimeahrg.org/wp-content/uploads/2018/03/Hate-book-RU.pdf>

¹⁸ https://crimeahrg.org/wp-content/uploads/2019/06/Peninsula-Fear_2019-RU.pdf

Section 3

Changes to Russian Legislation Aimed at Restricting Freedom of Speech after February 24, 2022

The full-scale invasion became a catalyst that fueled pro-Ukrainian and anti-war movements in the temporarily occupied territories of Ukraine, particularly in the Autonomous Republic of Crimea. Anti-war movements also intensified in Russian society itself, on a much smaller scale though, and did not last long.

Therefore, the occupiers took measures to suppress pro-Ukrainian messages of people living in the occupation.

Pressure on the media in occupied Crimea in connection with the topic of the Russian invasion began on February 18, 2022, after the media published information about the movement of military equipment on the territory of the peninsula. The editorial offices received a tacit ban on any publications that could relate to the topic of war and publication of information that was at variance with the statements of the occupation administration. In particular, coverage of information about the movement of Russian troops across the Crimean Bridge was also banned.

On February 26, Roskomnadzor (Federal Service for Supervision of Communications, Information Technology and Mass Media of Russia) sent a notice to media editors to block access to them if they did not stop publishing materials about the Russian invasion of Ukraine.

«The above resources, under the guise of truthful reports, posted publicly important information that does not correspond to reality, regarding the shelling of Ukrainian cities and the deaths of Ukrainian civilians as a result of the actions of the Russian army, as well as materials in which the military operation is called an attack, invasion or declaration of war.»

In addition, Roskomnadzor announced it was holding «administrative proceedings» against media outlets that published information contradicting Russian propaganda under **Article 3.15 of the Code of Administrative Offenses of the Russian Federation, which provides for liability in the form of a fine of up to RUB 5 million**¹⁹.

On March 4, 2022, amendments to a number of articles came into force providing for administrative and criminal liability for people who have an anti-war stance, publicly admit that Russia is an aggressor country and the Russian army is committing war crimes against the civilian population of Ukraine.

Administrative liability was provided for by the new article 20.3.3. of the Code of Administrative Offenses of the Russian Federation. The first part of this article defines

¹⁹ <https://ru.krymr.com/a/news-roskomnadzor-voyna-ukraina/31724622.html>

punishment for «public discrediting of the use of the Armed Forces of the Russian Federation (hereinafter referred to as the AF of the RF) and its citizens to maintain international peace and security, calls to obstruct the use of the AF of the RF, as well as for public discrediting of state bodies of the Russian Federation and voluntary associations. The second part of this article defines responsibility for the same actions that are combined with «unauthorized public events».

Article 207.3 of the Criminal Code of the Russian Federation, which established criminal liability for «discrediting» the Russian Federation, also entered into force.

«Public dissemination, under the guise of truthful reports, of knowingly false information containing data on the use of the Armed Forces of the Russian Federation to protect the interests of the Russian Federation and its citizens, preserve international peace and security or the exercise by state bodies of the Russian Federation of their powers outside the territory of the Russian Federation for the above purposes, as well as containing data on the provision by voluntary formations, organizations or individuals of assistance in the performance of tasks assigned to the Armed Forces of the Russian Federation».

The sanction for violation of this article provides for liability in the form of a fine from RUB 700 thousand to RUB 1.5 million, or imprisonment for up to 3 years.

If there are qualifying factors, for example, violation of this article by a group of persons, or if violations of this article entailed «grave consequences» and so on, the penalty will be up to five years.

Article 280.3 of the Criminal Code of the Russian Federation (hereinafter referred to as the CC of the RF) established liability for a repeated violation of Article 207.3 of the CC of the RF within a year.

«Public actions aimed at discrediting the use of the Armed Forces of the Russian Federation for the purpose of protecting the interests of the Russian Federation and its citizens, preserving international peace and security, including public calls to prevent the use of the Armed Forces of the Russian Federation for the specified purposes, committed by a person after being brought to administrative responsibility for a similar act within one year, shall be punished by a fine in the amount of one hundred thousand to three hundred thousand rubles or in the amount of the salary or other income of the convicted person for a period of one to two years, or by forced labor for a term of up to three years, or by arrest for a term from four to six months, or by deprivation of liberty for a term of up to three years with deprivation of the right to hold certain positions or engage in certain activities for the same period.»

Article 20.3.4. of the Code of Administrative Offenses and Article 284.2 of the Criminal Code of the Russian Federation provide for liability for repeated public calls for sanctions against the Russian Federation, its citizens and legal entities.

According to the human rights organization Crimean Process [Krymskyi Protsses], from March 4, 2022 to August 19, 2023, materials were submitted to the occupation courts of Crimea in relation to 474 persons under Article 20.3.3 of the Code of Administrative Offenses of the Russian Federation. Of these, there was only 1 acquittal, in 424 cases the court imposed an administrative penalty, 25 protocols were returned for elimination of violations and were not considered, 10 proceedings were terminated, 12 proceedings were not considered at the time of the study.

Important is the form of «discrediting» the occupying army and Russian state bodies.

In 129 cases, prosecution of Crimeans is prosecution for publications in social media, which accounts for 53.5% of all prosecutions under this article. 73 people or 33% were prosecuted for verbal statements.

Crimean Process notes that prosecutions for direct action anti-war campaigns were mostly taking place immediately after the full-scale invasion and over time this became a format of demonstrating an anti-war and pro-Ukrainian position. For this, the occupier brought to administrative responsibility 20 people from the total number of those persecuted²⁰.

On March 21, 2022, Facebook and Instagram resources were recognized as extremist. It is worth noting that there had been no cases of any product being recognized as extremist on the territory of the Russian Federation before.

At the same time, the media began to be held liable for links to Facebook and Instagram materials. Articles 8, 11, and 13 of Law No. 114-FZ «On Counteracting Extremist Activity» stipulate the responsibility of the media for disseminating extremist materials and carrying out extremist activities.

On April 7, 2022, a new article 13.48 of the Code of Administrative Offenses of the Russian Federation came into force, which introduced punishment for public comparisons between the USSR and Nazi Germany, Axis powers during World War II. This refers to similarities in the goals, decisions and actions of the military commanders and servicemen of the USSR. In addition, punishment is established for denying the decisive role of the «Soviet people» in the defeat of Nazi Germany and the humanitarian mission of the USSR in the liberation of the countries of Europe.

On July 14, 2022, amendments to the Criminal Code of the Russian Federation came into force, according to which a number of repressive articles that establish punishment for the dissemination of information were added. In particular, we are talking about article 280.4 of the Criminal Code of the Russian Federation, which introduces liability for public calls for activities against the security of the Russian Federation, the authorities and their officials.

²⁰ <https://crimean-process.org/cudebnye-proczessy-v-otnoshenii-krymchan-vystupayushhih-protiv-voennoj-agressii-rossijskoj-armii-poltora-goda-vojnny-ukr-eng/>

Another new article is Article 275.1 of the Criminal Code of the Russian Federation, which provides for criminal liability for cooperation with a foreign state, international or foreign organization on a confidential basis. At the same time, the wording of the regulation is too vague and can be used to prosecute absolutely all people who cooperate or have any contact with international organizations if law enforcement agencies believe that such cooperation may threaten the Russian Federation.

It is known that in 2023, at least 3 Crimeans, two residents of Yalta²¹ and one resident of Bakhchysarai District²² were arrested under this article for probable cooperation with the Ukrainian security services, they face up to 8 years in prison.

In addition, amendments were made to Article 276 of the Criminal Code of the Russian Federation on «espionage». The article now defines the below actions as a criminal offense: the transfer, collection, receipt or retention for the purpose of transmission of information that could be used against the Armed Forces of the Russian Federation, other troops, military formations and bodies of the Russian Federation.

This definition is also as vague as possible, allowing them to be applied broadly to harass anyone who could simply reach for a phone while Russian military equipment was moving.

On December 1, 2022, the law «On Control over the Activities of Persons Under Foreign Influence» came into force.

According to it, if foreign agents publish any information, they are to put up a note saying that a person, organization or public association is recognized as a foreign agent. The indication is obligatory even in cases when a foreign agent is simply mentioned. According to the Law «On the Protection of Children from Information Harmful to their Health and Development», information created by foreign agents (or based on their materials) should be accompanied by the age restriction sign «18+». Materials in which foreign agents are quoted should also bear the same sign.

Practice has shown that such signs significantly reduce coverage among people and attract additional attention on the part of the law enforcement bodies. Accordingly, independent media outlets and citizen journalists, who are in occupation and want to continue their activities without reprisals from the law enforcement agencies, avoid such references, in particular in order not to be recognized as a foreign agent in the future.

²¹ <https://zmina.info/news/fsb-zatrymala-v-tymchasovo-okupovaniy-yalti-dvoh-krymchan-za-nibyto-spivpracyu-z-sbu/>

²² <https://www.interfax.ru/russia/926202>

Section 4 **Occupied Crimea Perspective**

After the beginning of the full-scale invasion of Ukraine by the Russian Federation, a new stage of bans and restrictions on the activities of the media and journalists in Crimea began. Of interest in this context are the testimonies directly from the occupied Crimea:

1. January-February 2022: *«Starting in mid-January, videos and photos of the movement of military equipment on the roads of Crimea began to be published en masse in social media. «Official» sources of the Ministry of Defense (Russia) could not ignore the footage shot on the streets and roads of the peninsula. Therefore, there were no sanctions for such publications. The Ministry of Defense officially commented on it as an exercise. Moreover, the government (Russian) media outlets published videos and photos of the movement of military equipment across the Crimean Bridge towards the Krasnodar Territory. The situation has changed dramatically since February 18, 2022. After the information from Roskomnadzor with a warning about responsibility for spreading fakes about the war, the local Crimean media did not know how to make publications. Official (Russian) information differed dramatically from reality. A tacit ban on the word «war» appeared. Publication of information on Ukraine and Donbas could be safely submitted only with the wording «special military operation».*

2. February 2022: *«Editors received the following message in a personalized mailing from Roskomnadzor: «In accordance with the requirements of the General Prosecutor's Office of the Russian Federation, Roskomnadzor issued a notice on the need to restrict access to inaccurate information to Echo of Moscow, InoSMI, Mediazona, New Times, Dozhd, Free Press, Qırım.Aqiqat, Novaya Gazeta, Journalist, and Lenizdat.» Under the guise of reliable reports, these resources posted publicly significant information about the shelling of Ukrainian cities and the deaths of Ukrainian civilians as a result of the actions of the Russian Army, which does not correspond to reality, as well as materials in which the operation is referred to as an attack, invasion or declaration of war. In case of failure to remove the mentioned inaccurate information, access to these resources will be restricted in accordance with Art. 15.3 of Federal Law No. 149-FZ «On Information, Information Technologies and Information Protection».*

3. September 2022: *«For the second time in six months, starting on February 24 (2022), Roskomnadzor gave «recommendations» to the media on how to work. Any information that in one way or another concerns Ukraine should refer to «official» (Russian) federal or regional sources. No, they have no idea that the media choose their sources at their own discretion. To confirm their words, they cite the enacted article of the Criminal Code on fakes about the use of Russian Armed Forces and discrediting the army. Thus, you either write only about feats and strategic retreats and maneuvers, or you go to jail. The choice is limited.»*

4. July 2023: *«There have been several moments in the media this month that defy common sense. First, another destruction of the bridge across the Kerch Strait. There is no*

secrecy here, but it is the bridge that is used to supply food, fuel, medicinal products and other vital supplies. Therefore, information about the condition of the bridge is socially important information. Whether the passage is allowed, how dangerous it is to drive it, what kind of car can be used to get across – all this is very important for civilians. This kind of information should be published. However, threats keep coming. This is where we need to elaborate. The threats are unofficial. First, the intelligence agencies «discover» the fact of publication with the help of frantic activists, then the same activists find the author and, under threat of arrest, demand that they record a video with apologies. If a journalist is emotionally weak, fearing for their life and the lives of their loved ones, they record such videos. Activists post them and next time bloggers and journalists do not publish information about the bridge at all to avoid further disgrace. At the same time, «official» persons commenting on anything like this do not confirm anything, and referring to such recordings answer that the author of the publication confessed, repented and apologized, so the author had the intention to cause harm or did so unknowingly. The same applies to the Tavrida Highway. If the ammunition depots are shelled and hit, the highway gets closed. Accordingly, the road to the administrative center of Crimea becomes inaccessible. And here there is no official ban on publishing photos of eyewitnesses. Pro-Russian activists – or former employees of intelligence agencies, who obstruct the work of the media through intimidation – come into play here. Here the choice is up to each individual. If you do not have guts and confidence in the knowledge of the law, it has become impossible to work in independent media outlets.»

5. May 2023: *«The media have divided into those that have made it their goal to cover pro-Russian topics and those that are completely closed to the subject. For the latter, there are only obvious facts. The provocations of the former are aimed at them.»*

6. October 2023: *«Currently, the coverage of military actions falls under an unspoken taboo due to the impossibility of providing objective information. Any information that differs from that officially presented by the Ministry of Defense (of Russia) is unreliable, and dissemination leads to criminal liability for discrediting the armed forces (of Russia).»*

7. November 2023: *«War. More and more journalists have been choosing not to cover the war. The only thing that is acceptable is the publication of life-saving information, such as emergency phone numbers, alarm notification, and information on how to avoid danger. The humanitarian mission of mass media is to save life.»*

An important aspect of the restriction of freedom of speech in the occupied Crimea is reduced opportunities for the media to receive funding for independent activities. To this end, the aggressor state significantly limits the ability of Crimean media to place advertisements by introducing unreasonable advertising requirements and extremely high fines for their violation. This can be perceived as a violation of media freedom, as it is used as a tool to suppress and intimidate the media.

Disproportionately high fines can have fatal consequences for many media outlets, especially small local and regional ones, which do not have sufficient financial resources and do not take money for their activities from the occupation authorities. In Western states, it is more common to talk about disproportionate penalties in the context of defamation. This is because large amounts of fines for possible defamation in the work of the media by court order can have a «chilling effect» when journalists are forced to stop any activity that is threatened by such fines. This always goes hand in hand with vague legislation that provides for an extremely broad definition of defamation and is accordingly unclear as to when exactly this article can be applied.

On the territory of occupied Crimea, of course, defamation cases do not have a significant impact on the situation. However, using a similar mechanism, the Russian Federation is restricting the functioning of small media outlets on the territory of occupied Crimea by imposing disproportionate fines under extremely generic laws or non-serious violations of legislation. This in turn effectively forces them to cease their own operation. And while this differs fundamentally from the world's common norms for limiting defamation penalties, certain patterns do emerge. First of all, the main philosophy behind such actions is to put pressure on journalists and media outlets to limit or completely shut down their activities.

In addition, the norms of freedom of speech in Western states provide for the protection for journalists and media outlets against unfounded and strategic lawsuits against public participation. In the European Union, they are referred to as SLAPP (***Strategic Lawsuits Against Public Participation***²³). *SLAPP*²⁴ are a particular form of prosecution that is increasingly being used against journalists and others involved in public interest advocacy. They are unfounded or exaggerated lawsuits initiated by government agencies, business corporations or powerful individuals against weaker parties that criticize or disseminate messages inconvenient to the plaintiffs on matters of public interest. Their goal is to censor and intimidate critics, burdening them with legal defense costs until they recant their position. Although SLAPP cases do not directly concern occupied Crimea, however, from time to time similar tactics as described above are also used by the occupying state to suppress the freedom of journalists and media outlets.

In this context, we would like to cite several comments directly from the temporarily occupied territory of the Crimean peninsula that directly attest to the widespread use of such methods by the Russian occupation regime:

²³ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A32022H0758>

²⁴ <https://zmina.info/news/rada-yevropy-maye-stvoryty-rekomendacziyi-shhodo-borotby-zi-strategichnymy-pozovamy-proty-uchasti-gromadskosti/>

1. June 2022: *«There is very little opportunity left to tell the truth on the territory of Crimea. For the media, which in one way or another depend on the finances and business structures connected to the official power of the state, it is acceptable to reflect only the point of view defined by specific individuals of this very state.... Therefore, at the moment, in this context, it is only possible to exist legally and relatively independently if you profit from advertising local businesses.»*

2. June 2022: *«...it is virtually impossible for the media to air truthful information. The only thing left to do is to reflect and rewrite texts into allegories. But even this does not save if there is an «order» to destroy a particular media outlet «from above».*

3. April 2022: *«The media, bloggers, journalists had questions about Google blocking. In early April, Roskomnadzor imposed requirements on Google LLC. Now it is forbidden to advertise Google products and its information resources, e.g. YouTube. Now the responsibility under Art. 14.3 of the Code of Administrative Offenses will be borne by both the one who orders advertising of Google and its information resources, and the one who publishes it. Fines for legal entities reach half a million rubles... Websites with Gismeteo weather bars faced this. The weather outlet began to broadcast photos from Bucha and Irpin as a screen saver. Employees of the federal security service (of Russia) began to call users of the weather widget with a warning, asking (politely so far) to remove this widget from the website due to the inability to control the broadcast.*

4. May 2022: *«Roskomnadzor, with the help of the Federal Antimonopoly Service, began to use the way to make it impossible for the media to operate. If there is no «sponsored» or «Advertising» sign on the advertising page, the media outlet can go bankrupt. And this is not taking into account the fact that right after the issue the entire circulation was destroyed, except for the obligatory copies.»*

5. June 2022: *«On June 17, a court hearing was held at which a report was drawn up against one of the independent media outlet.» The sanctions under the article were up to 500 thousand per editorial board and 20 thousand per editor for the absence of a «sponsored» or «advertising» sign on an advertising article in one of the circulations. As it turned out, Roskomnadzor started looking for ways to get a copy of the newspaper before it was published in order to bring the newspaper to justice. There was no reason, based on the publications, as they were verified down to the finest detail, to the letter. The flaw was found in the advertisement submission. After sending the obligatory copies, the error was discovered by the editorial staff on the day of publication. That is, not ONE copy was sold. Roskomnadzor filed a statement with the Federal Antimonopoly Service about the discovery of the offense. As a result, administrative proceedings were initiated and both the editor and the founders of the media outlet were held liable. I emphasize – not a single copy was sold. The entire circulation, except for the mandatory copies and the archival one, was banned for distribution and subsequently disposed of.»*

6. September 2022: *«Starting on September 1, Roskomnadzor 'got' another 'plaything' in the form of a mandatory sign «advertisement» on every article of an advertising nature plus information about the advertiser. The supervisory body «has not come up» with a way such information should be submitted. However, in its absence, calls are already coming in. So far, there are no reports for violating the law on advertising precisely because of the lack of information about the advertiser or the presence of a sign. But since the penalty can reach half a million rubles, we need to pay attention to this. And yes, the usual phrase «the law has no retroactive effect» does not work here, because an advertising article posted for several years ago opens up on request here and now, so you need to monitor and run through a filter every single advertising article».*

7. January 2023: *«In order not to get hundreds of thousands of dollars in fines and to protect themselves, radio employees had to know by heart the list of all authors and singers from the list of foreign agents. Yes, you need to know them by heart, because according to the innovations invented by the «MPs» in the New Year's Eve frenzy, it is necessary to indicate involvement of foreign agents before each distribution of materials. Part 2.1-2.3 of Article 13.15 of the Code of Administrative Offenses of the Russian Federation provides for fines ranging from RUB 2,000 to RUB 2,500 for individuals, from RUB 4,000 to RUB 5,000 for officials, from RUB 40,000 to RUB 50,000 for legal entities for the violation of the requirements for labeling information about a foreign agent and its materials. And this is for each mention».*

8. August 2023: *«The most difficult thing this month was to make the right decision on advertising labeling. «The state (Russia) has begun to control the media to such an extent that it requires us to label all from advertisements September 1, to get signs without which it is forbidden to publish advertisements, to report profits from advertising and to show advertisers. Thereby they create a leverage on independent media by prohibiting advertisers from ordering advertising. No way around this has been found, since the minimum fines for violation are RUB 500 thousand. The only thing to do here is to nut up and bring all advertising posts, articles, links, and banners into compliance with the requirements. There is one catch, though. To do this, even the most meager media, blogger or freelancer must have an in-house programmer, because one can get this very sign only through API. This involves writing software code into the body of a website or other Internet resource and further interaction with the advertising data operator. As a result, on August 31, many media outlets removed all advertising from their resources, thus signing their own death warrant. This is the end for them.»*

On the other hand, an additional way to ensure the activities of the media can through charitable contributions (donations), in particular from abroad. However, even this way of maintaining the media in the occupied Crimea is virtually impossible:

1. June 2022: **«As for donations and «set-ups», I think there is no need to go into details, we can just mention the example of Navalny's Anti-Corruption Foundation being put on the list of foreign agents for a one-time transfer of money in the form of a small amount from abroad.»**

In December 2022, Anastasiia Zhvik, a journalist from Sevastopol, was recognized as a foreign agent. As early as March 8, 2022, she was brought to administrative responsibility for her pro-Ukrainian and anti-war stance. Six months later, she was prosecuted again under the same article. In addition, she works for the media outlet Meduza, which was recognized as a foreign agent in 2021.

Recognition as a foreign agent requires people to file reports and label all their posts online with a disclaimer that the person is recognized as a foreign agent. There are administrative and criminal penalties for failure to file these reports or labeling violation.

In addition, the register of foreign agents publishes not only the full name, but also the tax and insurance number. Foreign agents are subject to 18 prohibitions, including educational activities for minors. Anastasiia Zhvik planned to teach journalism in occupied Crimea.

It is worth noting that anyone can be recognized as a foreign agent since it is possible to become one even if a person or organization receives methodological, scientific, and technical and any other assistance from abroad.

Testimony regarding «undesirable organizations»:

August 2023: **«Regarding the threat of losing one's job, namely because of the closure of a media outlet or blocking the creativity of a blogger, channel and the like. Right now, the biggest misunderstanding is whether there will be liability for mentioning undesirable organizations anywhere, ever on a website or in saved sources. The law defines this term as a foreign or international non-governmental organization whose activities may pose a threat to the foundations of the constitutional order of the Russian Federation, the country's defense capability, or the security of the state (Federal Law «On Measures of Influence on Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation»). It is clear from the very interpretation of this law that being included in the list of those who sympathize with this undesirable organization is already a death sentence. In order to survive (just like in a computer game), you cannot quote the materials of this unwanted organization, distribute its materials. Just reposting an article in the feed threatens with administrative punishment under Art. 20.33 of the Code of Administrative Offenses of the Russian Federation, which entails an administrative fine of five thousand to fifteen thousand rubles; for legal entities – from fifty thousand to one hundred thousand rubles.»**

Other evidence of the state of freedom of speech in occupied Crimea:

1. January 2023: *«An attempt to analyze the housing market through the media is punishable. No, not officially. There is a known case when after a comment given to the media about the paralyzed housing market, the owner of a real estate company called and asked to remove all references to the company, because «the call from the authorities and threats of possible mobilization of family members was very frightening.» This was enough to not put the company's employees at risk.»*

2. January 2023: *«One of the important points of January was the looming threat of a criminal case for participation in the activities of an undesirable organization. Administrative and criminal liability has been established for implementing, managing and participating in the activities of an organization that has been recognized as undesirable. The worst thing is that there is no interpretation of «participation in activities». It can be an interview with such an organization, or consultations, or references and dissemination of information published by such an organization.»*

3. *Journalists received threats first from a police officer and then from intelligence agencies for a mere collection of information for publication. They call the editorial office and come in person. Again, legally, there is no danger, even with the changes in the «legislation» (Russian law concerning freedom of speech). But they do it using other methods that have little to do with law and order. First, they call the journalist and demand that he or she stop «unlawful actions» in the form of information gathering, then either visit the journalist in person or demand that he or she come to the «police» station (and they threaten again that if he or she does not come, criminal proceedings will be instituted for resisting the lawful demands of «police» officers). After that, the «police» officers inform that either they will initiate a criminal case against the journalist for espionage, or under another «milder» article – for discrediting the army, or offer another option – to record a video with «apologies and remorse» with subsequent publication on the Internet. After that, the recorded video goes to «court» and a fine of 30 thousand (Russian rubles) for discrediting the army is imposed. Thus, through the constant pressure on journalists, now 9 out of 10 journalists do not write anything about what is really happening, do not conduct or publish analysis, do not give the other side a chance to speak out, and thus do not observe the rules of journalism.*

4. *The media is not allowed to attend any children's New Year's Eve events. Do you know why? It's because there aren't any. However, schools celebrate military holidays almost every week, one or more times. In December (2023) alone the Day of the Unknown Soldier, the Day of the Hero of the Motherland, the Day of the Strategic Rocket Forces, the Day of Military Counterintelligence Agents, and the Day of State Security Services were celebrated with solemn ceremonies and invited guests. Every school has a «soldier's desk». This is another piece of trash, when in the school lobby or in a separate classroom, they choose a desk, decorate it, and hang a sign saying that an SMO hero («Special Military Operation» in Russian), or WWII hero («Great Patriotic War» in Russian), or some other hero sat there. And children keep a watch of memory with a guard of honor at such a «soldier's desk».*

Conclusions

The full-scale invasion by the Russian Federation and the war crimes committed by the occupying army became a catalyst for protest movements and attempts to defend freedom of speech among the media, bloggers and ordinary residents of Crimea, as well as a reason for new restrictions on freedom of speech in the occupation.

We can conclude that the suppression of freedom of speech on the occupied peninsula had been prepared together with the preparation of the invasion, since as early as February 18, 2022, editorial offices received a tacit ban on the publication of any materials related to the topic of war, the movement of occupying troops on the territory of the temporarily occupied territories. All information about this had to coincide with the so-called «official statements» of the occupying authorities.

After that, the occupiers threatened the media to block access to their resources if the publication of materials about the Russian invasion of Ukraine did not stop.

Despite this, information about the crimes committed by the Russians still got into the media. Therefore, the Russian legislation has undergone many changes, which increased the oppression of freedom of speech and imposed significant restrictions on the residents of the occupied Crimea, who publicly expressed their position and condemned the military aggression by the Russian Federation.

In addition to «legislative» restrictions on freedom of speech in Crimea, journalists are pressured and intimidated by law enforcement agencies, as well as pro-government «activists». For example, the personal data of journalists, bloggers, and residents of Crimea, who are «inconvenient» for the occupiers and who want to tell others the truth about Russian war crimes and do not recognize Crimea as Russian, are posted online. After that, a wave of threats and intimidation from the supporters of the occupiers begins. Journalists are forced to record a video with an apology and admission of guilt for «discrediting» the occupation army.

Because of this, some of the media outlets refused to publish any information about military operations and at the same time try to at least ensure the humanitarian mission of the media, i.e. to report on air raid alerts in Crimea, information on the availability and condition of shelters, as well as information on the work of the Kerch Bridge, which is one of the options for leaving Crimea. However, the publication of even such information is persecuted by the occupiers.

An important factor in the pressure on media, citizen journalists and bloggers is also the restriction of the sale of advertising on their resources due to the excessive bureaucracy of the sale of advertising and reporting on it afterwards. In fact, it was the only source of existence for editorial offices that did not cooperate with the occupiers. After an unsuccessful attempt to collect charitable contributions from readers for the continuation of their activities, some media outlets were forced to cease their operation.

Therefore, we can state that the occupiers are purposefully and comprehensively working to destroy any manifestations of freedom of speech in the occupied territory and are trying to achieve full control over the activities of the media in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol.

Only the deoccupation of the peninsula and the return of Ukrainian state authorities to Crimea can bring fresh air of freedom of speech to Crimea.



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