



## STATEMENT ON THE CONVICTION OF SVETLANA PROKOPYEVA IN RUSSIA

Photo Source: RadioFreeEurope

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### CHARGES

Public justification of terrorism

### OUTCOME

Convicted and fined 500,000 rubles

### MAXIMUM SENTENCE

Seven years imprisonment

### SENTENCE SOUGHT BY PROSECUTION

Six years imprisonment and four-year ban on journalistic activities

### JULY 6, 2020

The Clooney Foundation for Justice's TrialWatch initiative has been monitoring the trial in Russia of journalist Svetlana Prokopyeva. Today, Ms. Prokopyeva was convicted of public justification of terrorism under Article 205.2(2) of the Russian Criminal Code and fined 500,000 rubles. The charges were based on statements Ms. Prokopyeva made on her radio show and in print about a suicide-bomb attack by a teenager at a local Federal Security Service building to protest the practices of the intelligence services. Ms. Prokopyeva's conviction criminalizes her commentary on this attack and in doing so violates her right to freedom of expression. Further, there are grounds for concern regarding the fairness of the trial and the lack of specificity of the charge. A full report assessing the trial under international human rights law will be released shortly.

Ms. Prokopyeva's conviction comes against the backdrop of the [misuse by Russia of counter-terrorism laws](#) against those critical of the government. For instance, in 2017, "[there were at least 650 criminal prosecutions and sentences against individuals who expressed views deemed to contain a terrorist or extremist element.](#)" In 2018, the European Court of Human Rights held that [a criminal conviction of an editor of a regional Russian newspaper for publishing statements by separatist leaders](#) was a violation of Article 10 of the European Convention on Human Rights. Further, the UN Human Rights Committee has made clear that offences such as 'justifying' terrorism must be defined clearly "[to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression.](#)"

Ms. Prokopyeva's comments connected the attack to repression by the authorities and sought to understand its motives. This was protected speech under Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on Human Rights. As Ms. Prokopyeva explained, she "did not do anything that was beyond the framework of [her] professional duty. And that is not a crime." **While CFJ welcomes that Ms. Prokopyeva was not sentenced to imprisonment, CFJ calls for her conviction to be quashed or for the appeal court to reverse her conviction and order her acquittal.**

## BACKGROUND

On November 7, 2018, Ms. Prokopyeva broadcast commentary on a recent suicide-bombing attack by a 17-year-old boy inside a local Federal Security Service (FSB) building in Arkhangelsk, which killed the teenager and injured two FSB officers. Before commencing the attack, the assailant had posted on social media that he had acted because the “[FSB . . . fabricates criminal cases and tortures people.](#)”

In her [commentary](#), Ms. Prokopyeva drew a parallel to a 19th century movement that had used violence in the context of ‘political struggle’ and asserted that the boy had seen “no other way to make known to others his protest.” She also said that “[t]his explosion, in my opinion, proves better than any political scientist’s opinion piece or any Human Rights Watch report that there are not in Russia the conditions for political activism.” She went on to outline other methods of protest that the attacker had not chosen, saying that “[h]e did not go out and protest. He did not try to organize a meeting. He did not publish an article or a manifesto, an open letter with demands to halt fabrication of cases and the torture of people.” She expressed the hope that the attack would be an exception.

On February 6, 2019, [armed police searched Ms. Prokopyeva’s home and seized documents and electronics](#). She was taken to the police station and interrogated but ultimately released. On September 20, 2019, Ms. Prokopyeva was indicted for ‘public justification of terrorism,’ which is defined in the Russian Criminal Code as “a public statement on the recognition of the ideology or practices of terrorism as correct, and in need of support and a following.” A prosecution witness explained at trial that this meant that “[j]ustification is an explanation, an apology for the actions committed.” At the conclusion of the trial, the prosecution sought a six-year jail sentence for this speech.

Ms. Prokopyeva’s commentary constitutes protected speech on a topic of public interest. As the Council of Europe Commissioner for Human Rights [previously explained in relation to this case](#), “imposing criminal liability upon a journalist for her expressions that do not contain elements of violence and do not incite others to terrorism is incompatible with human rights standards on freedom of expression.” Further, the vagueness of Article 205.2(2)— with the prosecution failing to specify the specific elements of the text that were the basis for the charge—runs afoul of the UN Human Rights Committee’s guidance regarding the need for such offenses to be clearly defined so that they do not result in disproportionate or unnecessary restrictions on freedom of expression. Indeed, the Venice Commission has [previously noted](#) that Article 205.2(2) is drafted so widely that it could also cover academic commentary.

As the defense explained in [closing at the trial](#), “the general purpose of the publication [at issue in the case was] to search for the causes of the terrorist attack . . . [and] also criticism regarding . . . the state.” By contrast, in seeking to show ‘justification’ of terrorism, the prosecution relied not on the text, but on alleged expert analyses that distorted its meaning. For instance, some prosecution experts asserted that linguistic evidence showed that Ms. Prokopyeva had justified the attack by saying that the teenager ‘saw no other way’ and that this was sufficient to sustain a conviction. Prosecution experts also consistently brushed aside the fact that Ms. Prokopyeva had used the word ‘monstrous’ to describe the act and had criticized not only the state, but the act itself, by commenting that “cruelty begets cruelty.”

The judge also dismissed defense requests to examine prosecution experts in light of contradictions and flaws identified in their reports. A Fairness Report about the case, which will be based on a review of audio and video records of each of the hearings, will include a full analysis of the fairness of the trial and will be available at [www.trialwatch.com](http://www.trialwatch.com).

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## ABOUT THE CLOONEY FOUNDATION FOR JUSTICE’S TRIALWATCH INITIATIVE



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*The Clooney Foundation for Justice’s [TrialWatch](#) initiative monitors and grades the fairness of trials of vulnerable people around the world, including journalists, women and girls, religious minorities, LGBTQ persons and human rights defenders. Using this data, [TrialWatch](#) advocates for victims and is developing a Global Justice Ranking measuring national courts’ compliance with international human rights standards.*