



STATEMENT ON THE CONVICTION OF JOURNALIST ALEXANDER PICHUGIN ON 'FAKE NEWS' CHARGES IN RUSSIA

This statement can be attributed to a spokesperson for the Clooney Foundation for Justice. For further inquiries, please contact info@cfj.org

The statement was updated November 12, 2020 to reflect that Alexander Pichugin is the first journalist convicted under Article 207.1

Photo source: Reporter-NN

CHARGES

'Public dissemination of knowingly false information'

OUTCOME

Convicted

SENTENCE

Fined 300, 000 rubles

SENTENCE SOUGHT BY PROSECUTION

Restriction of liberty for 2 years and 6 months

November 11, 2020

TrialWatch, a Clooney Foundation for Justice initiative, monitored the trial of Russian journalist Alexander Pichugin on charges of spreading 'fake news.' The charges were based on sarcastic comments Mr. Pichugin published on social media criticizing Russia for permitting religious gatherings as a stark exception to the general rule of social distancing at a time when COVID-19 infection was prevalent. Today, the court convicted Mr. Pichugin and sentenced him to a fine of 300, 000 rubles in violation of his right to freedom of expression.

Article 207.1 of the Russian Criminal Code, under which Mr. Pichugin was prosecuted, makes it an offense to publicly disseminate knowingly false information "about circumstances that pose a threat to the life and safety of citizens." Notably, this is the first time a journalist has been convicted under this law, but Russian human rights organization Agora has reported that since the adoption of Article 207.1 "[criminal proceedings . . . have been initiated more often than every two days.](#)" Mr. Pichugin's conviction also comes against the backdrop of a [deteriorating environment for journalists in Russia.](#)

Mr. Pichugin's conviction violates his right to freedom of expression because it was a disproportionate and unnecessary response to a sarcastic comment on a topic of public interest. Additionally, the prosecution made no effort to show how his message posed any kind of danger to public health or public order in the first place—as required under [international human rights standards](#). **CFJ calls on Russia to reverse Mr. Pichugin's conviction and take measures to protect—rather than seek to stifle—freedom of expression.**

BACKGROUND

Alexander Pichugin is the administrator of the Channel “Sorokin hvost” (The Magpie’s Tail) on Telegram, an instant messaging service that can be used to broadcast messages to large groups. On April 12, 2020, Mr. Pichugin stated on Sorokin hvost that “... leadership of the organization [in reference to the Russian Orthodox Church] uses its adherents-suicide assassins as disseminators of the infection, gathering them in specially designated places, where the distributors deliberately violate sanitary rules, and then they penetrate the society.”

On April 30, he was charged with violating Article 207.1, one of two new ‘fake news’ provisions introduced into the Russian Criminal Code in March 2020. The indictment stated that Mr. Pichugin, “intended to publicly disseminate under the guise of veracious messages knowingly false information about circumstances that pose a threat to the life and safety of citizens, namely, about the circumstances of the epidemic.”

At trial, Mr. Pichugin described his message as “sarcastic journalism,” noting that the comment “... was a text largely conditioned by personal feelings ... [during a] period when the coronavirus just came to Russia” and prompted by the fact that it “look[ed] strange that people are told to stay at home if the temples are open.” He also explained that he had only posted the message after the governor of the province where he lived had gathered bloggers and specifically asked them “to find the most accessible, harsh words so that people understand the danger [of COVID].” The prosecution argued that Mr. Pichugin’s comment had been presented as a statement of fact, rather than ‘sarcastic journalism,’ despite its clear tenor. Further, the only evidence the prosecution presented regarding the danger Mr. Pichugin’s statement had allegedly created was the testimony of two witnesses, one of whom said simply that Mr. Pichugin’s message “...scared [him]... Maybe he knows something that I don’t know.”

As has been made clear by international experts on freedom of expression, [“\[a\]ny attempts to criminalise information relating to the pandemic may create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression.”](#) That is doubly so where—as here—the vehicle is a vague prohibition of ‘fake news.’ Indeed, the 2017 [Joint Declaration on ‘Fake News,’ Disinformation and Propaganda, issued by leading monitors of freedom of expression around the world,](#) explains, “[g]eneral prohibitions on the dissemination of information based on vague and ambiguous ideas, including ‘false news’ or ‘non-objective information’”—such as Russia’s Article 207.1—“are incompatible with international standards for restrictions on freedom of expression.”

Mr. Pichugin’s comment constitutes protected speech under Article 19 of the International Covenant on Civil and Political Rights and Article 10 of the European Convention on Human Rights, instruments to which Russia is a party. Because it contributes to [“public debate concerning . . . public institutions,”](#) it falls squarely within the ambit of speech the UN Human Rights Committee has stated is entitled to “particularly high” value. Vague assertions of danger do not justify restriction of such speech.

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 made available at www.trialwatch.com.

ABOUT THE CLOONEY FOUNDATION FOR JUSTICE’S TRIALWATCH INITIATIVE



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.