



MEMORIAL  
HUMAN RIGHTS  
DEFENCE CENTRE

DGI Directorate General of Human Rights and Rule of Law  
Department for the Execution of Judgments of the ECtHR  
Email: DGI-Execution@coe.int

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**Rule 9.2 Submission on the implementation of individual and general measures in the groups of cases “Novaya Gazeta and others v. Russia” (11884/22), “Suprun v. Russia” (58029/12) and “Google LLC and others v. Russia” (37027/22) prepared by the NGO Memorial Human Rights Defence Centre**

## **Introduction**

This submission is prepared by the NGO Memorial Human Rights Defence Centre. This is a non-governmental organization founded in June 2022 by supporters of Memorial Human Rights Centre (dissolved on 29 December 2021) to continue the work of the latter NGO. Memorial Human Rights Centre was founded in 1993 in Moscow and became one of the first human rights NGOs in modern Russia. It worked with grave human rights violations in (post-)conflict areas, civil and political rights and vulnerable groups. It represented hundreds of victims both domestically and before the European Court of Human Rights (hereinafter - ECtHR). Memorial Human Rights Defence Centre continues to provide legal help to the victims of human rights violations, conduct advocacy and strategic litigation.

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## I. Main findings of the ECtHR

The case “Novaya Gazeta and others v. Russia” consists of 162 applications submitted by 180 individual applicants and concerns legislation introduced in Russia following its full-scale invasion of Ukraine in 2022. The legislation criminalised “discrediting the military” and spreading “fake news” about their actions, leading to criminal and administrative proceedings, as well as the shutdown of applicant media organisations. The Court found a systemic pattern of restrictions on reporting about the war in Ukraine, aimed at silencing dissent rather than protecting national security. It held that domestic courts criminalised any statements that contradicted the official narrative describing the invasion of Ukraine as a “special military operation”, without weighing the vital public interest in information about a major armed conflict and alleged war crimes (Article 10). The Court further found a violation of the right of individual application in relation to the termination of the publication licence of the “Novaya Gazeta” newspaper and the blocking of access to its websites, despite the interim measures indicated by the Court (Article 34).

The case “Suprun v. Russia” concerns the violation of the applicants’ right to freedom of expression on account of refusal of the authorities to grant any or partial access to, and obstruction of, the production of copies of original documents relating to archival materials on Soviet political repression (Article 10). Mr Suprun was found guilty of illegally collecting “personal and family secrets” of victims of ethnic repression, but was released from criminal liability due to the expiration of the statute of limitations. The Court held that the domestic courts failed to make a genuine attempt to assess the applicability of Article 8 of the Convention in the circumstances of the present case, in particular taking into account the lapse of time, the professional nature of the information sought, the aim of establishing the truth and other relevant issues.

The case “Google LLC and others v. Russia” concerns violations of freedom of expression due to the imposition of substantial fines on Google for the failure to comply with

Roskomnadzor's orders to remove user-generated content posted on YouTube. The severity of the penalties, combined with the threat of further sanctions, exerted considerable pressure to censor content. The impugned measures were applied indiscriminately to a wide range of content, including political expression, criticism of the government, reporting on Russia's invasion of Ukraine by independent media, and support for LGBTQ+ rights. The content concerned matters of significant public interest. The disproportionate nature and scale of fines was liable to have a "chilling effect" (Article 10).

## **II. Current situation with the implementation of cases**

### **a. "Novaya Gazeta and others v. Russia"**

Since the delivery of the judgment, the criminal legislation in question has remained, in substance, unaltered. One notable exception is the amendment introduced to Article 280.3 § 2 of the Criminal Code on 21 April 2025, whereby the commission of the relevant offence "for pecuniary motives or for hire" was established as an aggravating circumstance, entailing the most severe penalty of a fine of up to 1 000 000 RUB [~ 11 012 EUR] and imprisonment for up to seven years. The presence of such a motive enables prosecution under the provisions of the Criminal Code without the requirement of any prior administrative conviction under Article 20.3.3 of the Code of Administrative Offences (CAO). Moreover, where a court establishes that the offence was committed out of this motive, it may order the confiscation of any property belonging to the convicted person, without it being necessary to demonstrate any link between the property in question and the offence — the mere presence of the aggravating motive being sufficient.

Criminal prosecutions for offences of disseminating knowingly false information concerning the use of the Armed Forces of the Russian Federation (under Article 207.3 of the Criminal Code) and of repeated discrediting of those Forces (under Article 280.3 of the Criminal Code) have continued unabated. According to official statistics announced by the Head of the Investigative Committee of the Russian Federation, 115 criminal cases were opened in respect of the dissemination of knowingly false information about the Armed Forces during the first nine months of 2025. The same authority indicated that, in 2023 and 2024, there had been 76 and 72 criminal cases respectively under Article 207.3 of the Criminal Code, whereas the figure for the first nine months of 2025 was approximately half that number.<sup>1</sup>

Russian authorities have persisted in applying the above-mentioned legislation against independent media, civil society activists, and opposition politicians. In June 2025, criminal proceedings were instituted against Lev Shlosberg, one of the few remaining independent politicians in the country, on charges of repeated discrediting of the Armed Forces. In December 2025, a further set of proceedings was opened against him in respect of the

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<sup>1</sup> "The number of cases of discrediting the Russian Armed Forces and of spreading the fake news about the army is declining in Russia", Tass, 14 January 2026, <https://tass.ru/politika/26145495>

dissemination of knowingly false information concerning the Armed Forces; he was placed in pre-trial detention.<sup>2</sup>

In October 2025, criminal proceedings were initiated against the journalist Pavel Dmitriyev on charges of disseminating knowingly false information about the Armed Forces. The proceedings arose from his publication of a short video on the YouTube channel of the newspaper “Pskovskaya Guberniya” marking the one-thousandth day of the full-scale invasion of Ukraine.<sup>3</sup> Mr Dmitriyev had previously been subjected to an administrative fine for discrediting the Armed Forces under the CAO.

In February 2025, another journalist, Sergey Mingazov, was convicted and ordered to pay a fine of 700 000 RUB [~ 7 708 EUR] under Article 207.3 of the Criminal Code on account of information posted on his Telegram channel concerning the killing of civilians by Russian forces, which was found to constitute knowingly false information about the Armed Forces and to express a “hostile attitude towards the President and his entourage”.<sup>4</sup>

Also in February 2025, the journalist Yekaterina Barabash was arrested in connection with criminal proceedings under Article 207.3 of the Criminal Code relating to the dissemination of knowingly false information about the Armed Forces posted on her personal Facebook account. She was placed in house arrest; in April 2025 she fled the country and now resides abroad.<sup>5</sup>

In January 2026, Yuri Koretskikh, the head of the non-governmental organisation “Alliance for Animal Protection”, was convicted and ordered to pay an administrative fine of 40 000 RUB [~ 440 EUR] for discrediting the Armed Forces under Article 20.3.3 of the CAO.<sup>6</sup> Mr Koretskikh had previously engaged in public disputes with Edgard Zapashny, a well-known Russian circus animal trainer, who at one point accused him of being an “enemy within” Russia and of being affiliated with the Ukrainian nationalist organisation “Right Sector”.

## **b. “Suprun v. Russia”**

Since the adoption of the judgment “Suprun and Others v. Russia” the authorities have not stopped the practice of the arbitrary interference in the right to seek the historical truth and have not made the access to historical information more accessible thus continuing the violation of the Article 10 of the Convention. On the contrary the access to information in

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<sup>2</sup> “Lev Shlosberg faces a new criminal case for allegedly spreading fake news”, DW, 5 December 2025, <https://www.dw.com/ru/na-lva-slosberga-zaveli-novoe-ugolovnoe-delo-o-fejkah-ob-armii/a-75035720>

<sup>3</sup> “A journalist of “Pskovskaya Guberniya” was accused of “discrediting” the army due to a short YouTube video on the 1,000th day of the war in Ukraine”, Mediazona, 9 October 2025, <https://zona.media/news/2025/10/09/dmitriev>

<sup>4</sup> “Khabarovsk journalist Sergei Mingazov received a fine instead of a prison sentence in a case involving “military fakes.””, BBC, 26 February 2025, <https://www.bbc.com/russian/articles/cjry8qqr75yo>

<sup>5</sup> “Exfiltration d’une journaliste russe via RSF : de Moscou à Paris, le récit de Ekaterina Barabash”, Reporters sans frontières, 5 May 2025, <https://rsf.org/fr/exfiltration-d-une-journaliste-russe-rsf-de-moscou-%C3%A0-paris-le-r%C3%A9cit-de-ekaterina-barabash>

<sup>6</sup> “An animal rights activist who complained against Zapashny was fined for discrediting the army”, Kommersant, 17 January 2026, <https://www.kommersant.ru/doc/8361213>

state archives—particularly to documents relating to Soviet political terror—has become even more restricted.

#### *New access rules*

On 20 March 2025, the Federal Archival Agency (Rosarkhiv) adopted Order No. 38, “*On Approving the Procedure for Classifying Documents of the Archival Fund of the Russian Federation Held in State and Municipal Archives as Documents Containing Official Information of Restricted Distribution, and for Lifting That Restriction*” (hereinafter “Order No. 38”).

Article 1 of Order No. 38 provides that access to any non-classified public archival documents may be restricted when their dissemination “may pose a potential threat to the interests of the Russian Federation.” The list of official archival information of restricted distribution is itself classified as a document of restricted access (Article 2). As a result, the public is not informed what categories of information are deemed restricted or on what grounds such restrictions are imposed. Moreover, Order No. 38 does not establish any time limits for the imposition of access restrictions.

Following the adoption of Order No. 38, archives across the Russian Federation began systematically denying researchers access to archival materials relating to Soviet political repression.

On 1 July 2025, the Office of the President of the Russian Federation responded to an inquiry from an independent researcher, stating that the new access rules were motivated by the need to protect national interests from actions by “unfriendly foreign states.” In particular, the response referred to the need to protect archival information from misinterpretation of historical facts or events, from their deliberate distortion, or from use in the interests of unfriendly states by individuals who may hold foreign citizenship or be designated as “foreign agents.”<sup>7</sup> Subsequently, Rosarkhiv confirmed that the list of official information of restricted distribution includes “information contained in archival documents relating to political repression.”<sup>8</sup>

From approximately summer–autumn 2025, researchers began reporting systematic denials of access to archival documents, including the following examples:

- *Moscow*: Mr Sergey Prudovsky (Prudovskiy v. Russia, no. 61350/21) reported that archives began denying access to unclassified criminal case files of rehabilitated persons. Instead of full access, the researcher is provided only with brief extracts from the case files.
- *Tver, Sverdlovsk, Chelyabinsk, and Kostroma regions*: Archives began granting access to criminal case files of rehabilitated persons exclusively to relatives. Where access was requested by researchers, archives submitted inquiries to Rosarkhiv, which took several months to process and typically resulted in refusal.

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<sup>7</sup> “The procedure for classifying archival documents as official secrets. Complaints.”, the blog of Vladimir Redokop, 30 May 2025, <https://opteey.livejournal.com/89338.html>

<sup>8</sup> See: <https://archives.gov.ru/press/01-10-2025-rosarchiv.shtml>

- *State Archive of the Russian Federation*: Access to bureaucratic documents, including state officials' correspondence, relating to Soviet repression was denied on the basis of the new access rules.<sup>9</sup>
- *Sverdlovsk region*: Researchers additionally reported refusals based on formal grounds, such as claims that the requested documents were being used by archival staff for several consecutive months.

#### *Other cases of restricted access*

Mr Sergey Prudovskiy (*Prudovskiy v. Russia*, no. 61350/21) reported that since July 2022 the Central Archive of the Federal Security Service (FSB) in Moscow has required him, when requesting archival documents, to specify both the precise topic of research and the exact time period of interest. As a result, instead of being granted access to complete case files containing original archival documents, he received photocopies of selected pages, ranging from as few as two pages to fifty pages, chosen at the discretion of archival staff. Mr Prudovskiy emphasised that this practice substantially restricts access to relevant materials and undermines both the objectivity and the completeness of historical research.

In the Volgograd region, between 2021 and 2023, an independent researcher was denied access to the archive of the regional FSB Directorate on the grounds that only researchers accredited by a university were entitled to access archival documents. At the time, the researcher was collecting materials for a book.

#### *Restrictions concerning Memorial archives*

Several researchers have also reported denial of access to archival materials belonging to local branches of the Memorial Society. Following the liquidation of such branches, the organisations were required to transfer all archival materials to state archives.

In particular, the State Archive of the Tver Region denied access to most of the documents contained in the Memorial Society archive, citing the presence of personal data. The researcher was offered the option of obtaining copies of all documents with personal data redacted at a cost of 60 000 roubles [~ 675 EUR].

Similarly, since July 2025, the State Archive of the Novosibirsk Region has denied a researcher access to the Novosibirsk Memorial archive without providing any reasons for the refusal.

#### **c.“Google LLC and others v. Russia”**

Since the adoption of “Google LLC and others v. Russia”, the situation with the state's censorship of “unfavorable” content has not improved. The blocking of the content

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<sup>9</sup> “The case of challenging the Order of the Federal Archives Service No. 38 of 20 March 2025 in the Supreme Court of the Russian Federation”, the blog of Vladimir Redokop, 5 December 2025, <https://opteey.livejournal.com/111080.html>

concerning political expression, criticism of the government, anti-war statements, support for LGBTQ+ rights and other matters of significant public interest continues. All the repressive laws indicated by the Court in its judgment are still in force.

On the contrary, Russia is expanding its repressive legislation, restricting access to information. In July 2025, Russian authorities adopted a new law (article 15.53 of the Code of CAO) which prohibits searching for extremist materials. As it was highlighted by the Court in *Dmitriyevskiy v. Russia*, Russian authorities arbitrarily label dissenting materials as extremist to silence the dissent. For example, since the “LGBT movement” was designated as extremist in Russia,<sup>10</sup> searching for the LGBTQ+ related content may result in a fine. In addition, in July 2025, new amendments were adopted to the Criminal Code establishing the use of a VPN as an aggravating circumstance in the commission of crimes.<sup>11</sup> In Russia, using the VPN services is often the only way to get access to independent sources of information, this is why the authorities are blocking them too.

State-loyal media outlets report that in 2025, at the request of Roskomnadzor (RKN), 59% more banned materials were removed than the previous year.<sup>12</sup> If in 2024 access was limited to 810 500 materials, then in 2025 it increased to 1 289 000 materials. In 2025, the number of removed materials related to block VPNs increased the most – by 1235% to more than 93 000 items, and with LGBTQ+ materials – by 269% to 170 300 items. According to the NGO “Roskomsvoboda”, as of August 2025, more than 25 000 sites were blocked by the Russian authorities under the “military censorship”.<sup>13</sup> Among them were websites of human rights defenders and anti-war songs. In addition, Russian authorities have been trotting YouTube<sup>14</sup> and Telegram<sup>15</sup> and completely restricted the possibility of making calls via instant messengers Telegram and WhatsApp.<sup>16</sup>

Russia continues to order private companies to comply with its repressive laws and remove content from their platforms. According to RLS Global, Apple had to remove several apps of more than 90 VPNs from the Apple Store at the request of the Russian government.<sup>17</sup> Back in 2024, YouTube, at the request of Roskomnadzor, blocked videos from Russian channels

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<sup>10</sup> Due to the Supreme Court’s decision of December 2023.

<sup>11</sup> Article 63, part 1 (f) of the Criminal Code.

<sup>12</sup> “Roskomnadzor significantly increased the blocking of prohibited content in 2025”, Vedomosti, 19 January 2026,

<https://www.vedomosti.ru/technology/articles/2026/01/19/1170063-roskomnadzor-znachitelno-uvelichil-blokirovku-zapreschennogo-kontenta>

<sup>13</sup> “25,000 blocks – a new record for military censorship”, 5 August 2025, Roskomsvoboda, <https://roskomsvoboda.org/ru/post/military-censorship-25000-sites-blocked/>.

<sup>14</sup> “Disrupted, Throttled, and Blocked. State Censorship, Control, and Increasing Isolation of Internet Users in Russia”, HRW, 30 July 2025, <https://www.hrw.org/report/2025/07/30/disrupted-throttled-and-blocked/state-censorship-control-and-increasing-isolation>

<sup>15</sup> “The State Duma announced a slowdown in Telegram’s operations in Russia.”, RBK, 16 January 2026, <https://www.rbc.ru/politics/16/01/2026/696a3a429a794766f54601c2>

<sup>16</sup> “What’s important to know about blocking calls in Telegram and WhatsApp”, RBK, 13 August 2025, [https://www.rbc.ru/technology\\_and\\_media/13/08/2025/689cab709a7947a32eb24afb](https://www.rbc.ru/technology_and_media/13/08/2025/689cab709a7947a32eb24afb)

<sup>17</sup> “Apple fulfills censorship demands from Roskomnadzor in less than 4 hours”, 31 October 2024, RKS Global, <https://rks.global/en/apple-supervision>.

dedicated to draft evasion and also intended to block human rights defenders' resources, including the OVD-Info channel, but subsequently abandoned this after a campaign by NGOs.<sup>18</sup> Russian human rights defenders and INGOs urge private companies to refrain from complying with illegal orders of Roskomnadzor.

At the same time, private companies' refusal to comply with Roskomnadzor's orders still entails significant fines. In 2025, Russian courts fined Apple at least twice for a total of 6 500 000 RUB [~71 165 EUR] under Article 13.41 (part 2) of the CAO for the "failure to remove prohibited information".<sup>19</sup> That same year, the court fined the company 3 000 000 RUB [~ 32 845 EUR] for "promoting non-traditional sexual relations". In July 2025, Russian authorities also fined Google 3 800 000 RUB [~ 41 605 EUR] under Article 13.41 (part 2) of the CAO<sup>20</sup> and 7 196 000 RUB [~ 78 786 EUR] under Article 13.49 (part 2) of the CAO for failure to register with Roskomnadzor.<sup>21</sup> The amount of fine imposed by Russian authorities on Google for blocking Tsargrad and pro-government resources is 91 500 000 000 000 000 000 RUB [~ 999 088 500 000 000 000 EUR].<sup>22</sup>

Finally, since 2025, Russian authorities have intensified general Internet shutdowns all over the country under the pretext of security and protection from Ukrainian drones.<sup>23</sup> At the same time, they adopt so-called "white lists" of websites and online services which are not blocked during these shutdowns.<sup>24</sup> Only state-owned and favorable to the regime websites are included in these "white lists", while resources of independent media and human rights defenders remain completely blocked. There is a risk that Russia will use these technologies to completely shut down the internet in the country.

### **III. Recommendations**

We kindly ask the Committee of Ministers to recognize that Russian authorities have failed to implement individual and general measures in these cases and to indicate the following measures of implementation:

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<sup>18</sup> "YouTube is blocking content about evading military service in the Russian Federation", DW, 20 May 2024, <https://www.dw.com/ru/youtube-blokiruet-kontent-pro-uklonenie-ot-sluzby-v-armii-po-trebovaniu-vlastej-rf/a-69133063>

<sup>19</sup> "A Moscow court fined Apple for failing to remove prohibited content.", RBK, 8 September 2025, <https://www.rbc.ru/rbcfreenews/68bee4f99a7947795684762e>

<sup>20</sup> "A Moscow court fined the companies that own Twitch and Google.", RBK, 8 July 2025, <https://www.rbc.ru/rbcfreenews/686d644a9a79473a81c3ded9>

<sup>21</sup> "A Moscow court fined Google for failing to register with Roskomnadzor.", RBK, 26 August 2025, <https://www.rbc.ru/rbcfreenews/68adc32f9a7947aab2afc65e>

<sup>22</sup> On 7 March 2025, the Moscow Arbitration Court limited the accrual of legal penalties in favor of Russian television channels in the proceedings with Google to the moment Google LLC was declared bankrupt on 18 October 2023, [https://www.rbc.ru/technology\\_and\\_media/17/03/2025/67d7e5029a794756f9195f01](https://www.rbc.ru/technology_and_media/17/03/2025/67d7e5029a794756f9195f01)

<sup>23</sup> See the map of shutdowns:

<https://meduza.io/feature/2025/10/16/kak-umiraet-internet-karta-shatdaunov-my-podgotovili-ee-sovmestno-s-proektom-na-svyazi>.

<sup>24</sup> Find more information about the "white lists" here:

<https://digital.gov.ru/news/spisok-dostupnyh-vo-vremya-ogranichenij-raboty-mobilnogo-interneta-sajtov-dopolnen-2>.

- Ensure unlimited access to different sources of information without prejudice of their support for the government and state policy;
- Repeal or substantially amend repressive laws that allow censorship of political speech, criticism of the government, anti-war statements, support for LGBTQ+ rights, and other issues of significant public interest, and end restrictions on such information;
- End the abuse of anti-extremist and anti-terrorist legislation for political persecution and censorship of peaceful content;
- End pressure on private companies to restrict the relevant content and cancel the fines imposed on them under the aforementioned repressive laws;
- Review the powers of Roskomnadzor to ensure they are consistent with Russia's human rights obligations;
- Provide just compensation to the victims of illegal restriction of information under the aforementioned repressive laws;
- Do not, under any circumstances, impose an internet shutdown, even during armed conflicts;
- Abolish legislation criminalising “discrediting the military” and spreading “fake news” about their actions;
- End all criminal and administrative cases in relation to the “discrediting the military” and spreading “fake news” about their actions;
- End the shutdown of media organisations providing critical information about the war in Ukraine;
- Ensure the unlimited access to the historical archives, including the archives concerning the Soviet time and the history of the political repressions in Russia;
- Abolish the Order No. 38 of the Federal Archival Agency (Rosarkhiv) of 20 March 2025 restricting the right to access to the historical information;
- Reconsider the cases where the applicants and other individuals were arbitrarily denied the right to access to the historical archives.